
Council of Europe Action Plan for Georgia 2016-2019

Progress Review Report (1 January 2016 – 30 June 2018)

Document prepared by the Office of the Directorate General for Programmes

Item to be considered by the GR-DEM at its meeting on 2 October 2018

EXECUTIVE SUMMARY

The Council of Europe Action Plan for Georgia 2016-2019 was approved by the Committee of Ministers in March 2016 and launched by the Deputy Secretary General in May 2016 in Tbilisi.

This progress review report covers the period from 1 January 2016 to 30 June 2018 and presents an overview of cooperation, main results and outstanding issues to date in the context of clearly defined objectives in each of the priority areas: protecting and promoting human rights; ensuring justice, strengthening democratic governance; countering threats to the rule of law, and confidence-building measures in the conflict-affected areas. The report neither aims at providing reflection on the general political, social and economic situation in the country nor detailed information on individual projects.

During the reporting period, the Constitution was revised based on the recommendations of the Venice Commission, completing Georgia's evolution to a parliamentary system. Other major developments include: ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention); enhanced independence of the Constitutional Court based on the introduction of Council of Europe recommendations in relevant legislation; increased efficiency of the training system for legal professionals (judges, prosecutors and lawyers) in line with European standards; increased capacity of the Georgian Bar Association (GBA); enhanced reporting and analytical capacity of the Public Defender Office (PDO); significantly improved human rights and healthcare standards in places of detention; increased transparency of political party and campaign financing; improved efficiency of electoral processes following capacity building on dispute resolution, new voting technologies as well as increased involvement of minorities and youth in elections; strengthened capacity to monitor media ownership by civil society; enhanced compliance of the anti-money laundering/countering of terrorism financing legislation with relevant European standards; further development of international cooperation and public-private partnership to tackle cybercrime; and establishment of the Georgia's National Internet Governance Forum.

Although the European Charter for Regional or Minority Languages (ECRML) has not yet been signed, some progress in the practical application of its provision at national level was reached, encompassed with increased visibility of cultural heritage of national minorities in Tbilisi and regions.

Some progress was also achieved in building confidence among non-state actors in conflict-affected areas (notably Abkhazia), specifically through cooperation among teachers, archive specialists and academics as well as contacts between Ombudsmen institutions.

¹ This document has been classified restricted until examination by the Committee of Ministers.

The Council of Europe Action Plan for Georgia 2016-2019 received a total of €11.9 million (47% of the total budget of €25.4 million). The contributors (in order of volume) are the European Union, Norway, Denmark, Sweden, the Human Rights Trust Fund, Liechtenstein, the United Kingdom, Turkey, Lithuania, Slovak Republic and Bulgaria.

In 2018-2019 the Council of Europe and Georgia will carry on cooperation to ensure the alignment of national legal and institutional frameworks with European standards and practices in such fields as: tackling discrimination and protecting minorities rights, implementation of the judicial reform, strengthening legal profession, rehabilitative approach in penitentiary, combating violence against women and children, integrity and quality of the electoral process, tackling cybercrime and money-laundering, facilitating dialogue between non-state actors in the conflict-affected areas.

TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
LIST OF ACRONYMS AND ABBREVIATIONS	4
1. INTRODUCTION	5
GENERAL OVERVIEW	5
OVERALL ASSESSMENT AND MAIN ACHIEVEMENTS	5
2. SECTOR REVIEW	9
2.1 PROTECTING AND PROMOTING HUMAN RIGHTS AND DIGNITY, ENSURING SOCIAL RIGHTS	9
2.1.1 EFFECTIVE IMPLEMENTATION OF EUROPEAN HUMAN RIGHTS STANDARDS AT NATIONAL LEVEL	9
2.1.2 TOLERANCE AND ANTI-DISCRIMINATION	10
2.1.3 FREEDOM OF EXPRESSION, MEDIA FREEDOM, ASSISTANCE IN IMPLEMENTATION OF INTERNET GOVERNANCE PRINCIPLES, DATA PROTECTION	11
2.1.4 GENDER EQUALITY AND COMBATING VIOLENCE AGAINST WOMEN, CHILDREN AND DOMESTIC VIOLENCE	12
2.1.5 EDUCATION FOR DEMOCRATIC CITIZENSHIP AND HUMAN RIGHTS EDUCATION	13
2.2 ENSURING JUSTICE	13
2.2.1 INDEPENDENCE AND EFFICIENCY OF JUSTICE	13
2.2.2 PRISONS AND POLICE	14
2.3 STRENGTHENING DEMOCRATIC GOVERNANCE	15
2.3.1 ELECTIONS	15
2.3.2 LOCAL DEMOCRACY	16
2.4 COUNTERING THREATS TO THE RULE OF LAW: CORRUPTION, MONEY LAUNDERING AND MANIPULATION OF SPORTS COMPETITIONS	16
2.5 CONFIDENCE-BUILDING MEASURES	18
3. IMPLEMENTATION AND CO-ORDINATION	18
3.1 TRANSVERSAL ISSUES	19
3.2 RISK MANAGEMENT AND SUSTAINABILITY	21
3.3 LESSONS LEARNED	22
4. FUNDING AND PARTNERS	22
5. APPENDICES	25
Appendix I: LIST OF PROJECTS	25
Appendix II: FINANCIAL REPORT	28

LIST OF ACRONYMS AND ABBREVIATIONS

Action Plan	Council of Europe Action Plan for Georgia
AML/CFT	Anti-Money Laundering/Combating the Financing of Terrorism
CBM	Confidence-building measures
CEC	Central Election Commission
CM	Committee of Ministers of the Council of Europe
COMUS	EU/Council of Europe Community Led Urban Strategies in Historic Towns
Congress	Council of Europe Congress of Local and Regional Authorities
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
DPA	Data Protection Authorities
EaP	EU Eastern Partnership
ECHR	European Convention on Human Rights
ECRML	European Charter for Regional or Minority Languages
ECtHR	European Court of Human Rights
EDC/HRE	Education for Democratic Citizenship/Human Rights Education
EU	European Union
FCNM	Framework Convention for the Protection of National Minorities
GRECO	Group of States against Corruption
HCoJ	High Council of Justice
HELP	European Programme for Human Rights Education for Legal Professionals
HRTF	Human Rights Trust Fund
HSoJ	High School of Justice
IDEA	Institute for Democracy and Electoral Assistance
IFES	International Foundation of Electoral Systems
Istanbul Convention	Convention on Preventing and Combating Violence against Women and Domestic Violence
Lanzarote Convention	Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse
NALAG	National Association of Local Authorities of Georgia
NCC	National Communication Commission
NGO	Non-governmental organisation
NIMD	Netherlands Institute for Multiparty Democracy
OB	Ordinary budget
ODIHR	Office for Democratic Institutions and Human Rights
OSCE	Organisation for Security and Cooperation in Europe
PACE	Parliamentary Assembly of the Council of Europe
PDO	Public Defender's Office
PGG	EU/Council of Europe Eastern Partnership for Good Governance ²
SAO	State Audit Office
SOGI	Sexual Orientation and Gender Identity
UN	United Nations
UNDP	United Nations Development Programme
USAID	United States Agency for International Development
Venice Commission	European Commission for Democracy through Law
VC	Voluntary contribution

² Former Programmatic Cooperation Framework (PCF).

1. INTRODUCTION

GENERAL OVERVIEW

The Council of Europe Action Plan for Georgia 2016-2019 (Action Plan) was adopted by the Committee of Ministers (CM) at its 1251st meeting on 16 March 2016 and the Deputy Secretary General launched it in Tbilisi on 9 May 2016.

This report describes the results of the implementation of the Council of Europe Action Plan for Georgia 2016-2019 and covers the period from 1 January 2016 to 30 June 2018. It describes outcomes at the strategic level and therefore does not provide detailed information regarding the individual projects implemented within the Action Plan.

The Action Plan was developed taking in account decisions, resolutions, recommendations, conclusions of reports and opinions provided by the Council of Europe's monitoring bodies, the CM, Parliamentary Assembly (PACE) and the Congress of Local and Regional Authorities (the Congress), the Commissioner for Human Rights, judgments of the European Court of Human Rights (ECtHR) and the Council of Europe's monitoring bodies regarding Georgia. It also draws on Georgia's reform priorities in the areas of expertise of the Council of Europe. In addition, it builds on the [results](#) of the Action Plan for Georgia 2013-2015.

The Action Plan aims to contribute to the overall stability and democracy in Georgia. It assists the country in fulfilling its obligations as a Council of Europe member State by bringing legislation, institutions and practice further in line with Council of Europe standards in the areas of human rights, the rule of law and democracy. The Action Plan includes the following sectors for cooperation:

- protecting and promoting human rights;
- ensuring justice;
- strengthening democratic governance;
- countering threats to the rule of law;
- confidence-building measures in the conflict-affected areas.

On 15 November 2016, a delegation to Strasbourg led by the First Deputy Minister of Foreign Affairs David Zalkaliani provided first-hand updates on the reforms taking place in Georgia as regards judiciary, police, penitentiary and elections. The joint efforts of the Council of Europe and Georgian authorities to build confidence among civil society and professional groups on both sides of the divide were also presented.

Since the adoption of the Action Plan, a group of Ambassadors representing the Rapporteur Group for Democracy (GR-DEM) of the Council of Europe's Committee of Ministers conducted a visit to Georgia on 22-24 March 2018 to gather first-hand information on the state of implementation of the Action Plan.

A Steering Committee meeting took place in Tbilisi on 28 May 2018 to assess the implementation of the Action Plan. The Council of Europe and the Georgian authorities evaluated positively the results of the Action Plan.

OVERALL ASSESSMENT AND MAIN ACHIEVEMENTS

Council of Europe technical assistance programmes form an integral part of the unique strategic triangle of standard-setting, monitoring and cooperation: the development of legally binding standards is linked with their monitoring by independent mechanisms and supplemented by technical cooperation to facilitate their implementation. The Council of Europe actions are developed and implemented in areas where the Organisation has strong expertise and added value.

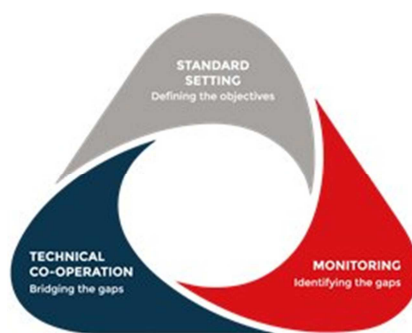


Figure 1: Council of Europe strategic triangle

This report was prepared using project reports, including from the Joint European Union-Council of Europe Partnership for Good Governance (PGG), and available evaluation reports.

During the reporting period, progress in the overall implementation of the Action Plan was good specifically in bringing legislation in line with the European standards and in building capacity of the national institutions, notably in such fields as protection of human rights, judiciary, fight against money laundering, penitentiary reform and elections.

The Council of Europe's Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) was ratified in May 2017, hence strengthening the legislative and institutional framework to enhance gender equality and counter violence against women. Since 2017, the Council of Europe has also been supporting the Georgian authorities in fighting sexual exploitation and abuse of children.

The Government of Georgia has made notable progress in the past few years and has invested efforts in protecting the rights of national minorities and in combating discrimination with the support of international partners. The Council of Europe contributed to the promotion of linguistic, educational and cultural rights of national minorities.

Since the adoption of the legislative amendments on the third wave of judiciary reform in 2016, positive steps regarding to the efficiency of the judiciary system were made, although leeway for improvement remains. The comprehensive strategy adopted in 2017 aims to further enhance its independence and accountability. Likewise, penitentiary healthcare and conditions of detention improved significantly.

Georgia receives high scores in [international ratings](#) for anti-corruption and the authorities continue to enhance the legislative and institutional frameworks to counter money laundering and financing of terrorism.

During the reporting period, Georgia entered a new election cycle with the 2016 parliamentary, the 2017 municipal and 2018 presidential elections. The elections conducted in 2016 and 2017 received an overall positive [assessment by the international community](#) although some irregularities were reported in a number of polling stations. The Council of Europe worked to enhance the transparency of the electoral process, provided advice with respect to the electoral system used for presidential and parliamentary elections, and helped to improve media coverage and civil society monitoring. It also contributed to the revision of political party financing regulations and to enhanced participation of minorities and youth in the electoral process.

The national authorities actively pursue the implementation of regional development programmes to which the Council of Europe contributes by supporting the efficiency of public management.

The Council of Europe works closely with the Georgian authorities and non-state actors in the conflict areas to enhance the participation of people notably including contacts between ombudspersons, teachers and academics, as well as the scope of confidence building activities.

The implementation of the Action Plan brought concrete results, including:

Protection and promoting human rights and dignity, ensuring social rights

- ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) on 19 May 2017;
- Ombudsman institution better equipped to monitor the state of human rights and to act as *Amicus Curiae*;
- enhanced parliamentary supervision mechanisms over the execution of judgments of the European Court of Human Rights (ECtHR) and the resolutions of the Parliamentary Assembly of the Council of Europe (PACE);
- improved capacity of over 2 200 judges, prosecutors and lawyers to implement the European Convention on Human Rights (ECHR) requirements related to fair trial, effective investigation, freedom of expression, anti-discrimination, judicial control on plea bargaining, the right to private life, protection of right to property, prohibition of ill-treatment and reasoning of court decisions;
- 95% judges responsible for reopening proceedings are aware of the procedure of 're-opening of cases' following a judgment of the ECtHR;
- introduction of an Assessment Tool on Pre-trial Detention;
- improved capacity to monitor media ownership by civil society, contributing to media transparency and ownership;
- establishment of Georgia's National Internet Governance Forum enhancing internet governance multi-stakeholder dialogue;
- enhanced capacity of lawyers to deal with cases related to personal data protection;
- increased visibility of cultural heritage of national minorities in Tbilisi and regions.

Ensuring justice

- improved general and mental health care in the prison system and in closed medical facilities evidenced by reduced mortality (90% from 2011 to 2015), tuberculosis (92% from 2012 to 2015) and suicide rates (65% from 2013 to 2016);
- amendments to the Organic Law on the Constitutional Court and to the Law on Constitutional Legal Proceedings largely incorporating recommendations of the Venice Commission Opinion (CDL-AD(2016)017);
- enhanced independence of the Constitutional Court based on introduction of Council of Europe recommendations in relevant legislation;
- improved information exchange on cybercrime among national and international law enforcement agencies and Internet service providers;
- enhanced jury trial system as a result of Bench and Bar consultations;
- Judicial Strategy 2017-2021 and the Action Plan 2017-2018, prepared in cooperation with national and international partners;
- enhanced capacity of Independent Inspector to handle disciplinary complaints against judges;
- increased efficiency of the High School of Justice (HSJ) to train legal professionals (judges, court staff, prosecutors and lawyers) following adoption of new training modules and creation of a pool of trainers;
- improved internal regulatory framework of the Chief Prosecutor's Office in line with European standards;
- developed Georgian interface of a database of the case-law of the ECtHR (HUDOC);
- increased number of Georgian translations of the ECtHR judgments and summaries contributing to improved knowledge of judges and court staff on European human rights standards;
- revised Code on Ethics and Statute of the Georgian Bar Association.

Strengthening democratic governance

- improved electoral processes during the 2016 parliamentary elections and the 2017 municipal elections following capacity building on dispute resolution, new voting technologies;
- increased involvement of minorities and youth in elections;
- enhanced administrative, operational and management capacity of the Election Management Bodies and of the political party finance monitoring body;
- increased awareness on public administration standards at local level; improved human and financial resources management in a number of municipalities.

Countering threats to the rule of law: corruption, money laundering and manipulation of sports competitions

- enhanced compliance of the AML/CFT legislation with relevant European and other international standards;
- improved identification of money laundering/terrorist financing risks at the national and sectorial level and development of risk mitigating measures by relevant authorities;
- stronger capacity of criminal justice authorities to investigate, prosecute and adjudicate money laundering and terrorism financing cases;
- enhanced capacity of AML/CFT reporting entities and their supervisory institutions to implement AML/CFT obligations.

Confidence-building measures

- people-to-people contacts in post-conflict areas on a number of themes were maintained.
- enhanced cooperation between Ombudsperson institutions, archive specialists, academics and teachers;

No results can be reported regarding priority areas that did not receive funding during the reporting period, notably those aimed to fight ill-treatment and enhance the data protection frameworks. Likewise, lack of sufficient funding prevented to extend the work related to the implementation of confidence-building measures. Attention is also drawn to the risk of a limited intervention regarding the protection of women and children against violence, due to the limited funding available to date.

In the framework of the [European Union-Council of Europe Programme for Good Governance](#) (PGG)³ Georgia participated in regional activities, with the following main results:

- development of model laws in the area of anti-corruption and anti-money laundering to be incorporated into national standards;
- revision of standards in the area of cybercrime on the basis of Council of Europe recommendations with a view to the harmonisation of the legislative framework with the Budapest Convention;
- increasing knowledge sharing and networking on access of women to justice through discussions of [the national studies on barriers, remedies and good practices](#);
- peer-to-peer exchange on improving human rights education/education for democratic citizenship (HRE/EDC) at schools;
- strengthened regional cooperation among four Eastern Partnership countries⁴ focused on drug-dependent prisoners;
- increased contacts between constitutional courts, where Georgia's constitutional court was particularly active;
- new online resource and request template for international cooperation on cybercrime and electronic evidence;

³ This joint European Union-Council of Europe programme, amounting to €33.8 million, funds actions in Eastern Partnership (EaP) beneficiary countries (Armenia, Azerbaijan, Republic of Moldova, Georgia, Belarus and Ukraine). The programme is focused to support the modernisation efforts through legal reforms and to speed up their political association and economic integration in order to bring them closer to European standards.

⁴ Armenia, Georgia, Republic of Moldova and Ukraine

- networking of mayors within the platform for exchange on local democracy and ethical standards.

2. SECTOR REVIEW

2.1 PROTECTING AND PROMOTING HUMAN RIGHTS AND DIGNITY, ENSURING SOCIAL RIGHTS

2.1.1 EFFECTIVE IMPLEMENTATION OF EUROPEAN HUMAN RIGHTS STANDARDS AT NATIONAL LEVEL

The Government adopted two consecutive Action Plans for the Protection of Human Rights in 2016 and in 2018, which are based on the 2014-2020 Government Strategy for the Protection of Human Rights. The Action Plan 2017-2018 on Fighting Torture, Inhuman and Degrading Treatment or Punishment was also adopted.

The Council of Europe helped to enhance the capacity of the Georgian Parliament to supervise the executions of the ECtHR judgements following the adoption of a mechanism⁵ developed with the assistance of the Council of Europe Parliamentary Assembly (PACE). Under this new mechanism, the Georgian Government will be held accountable to the Parliament on the state of execution of ECtHR judgments. The reports on the implementation of the judgments of the ECtHR were presented to the Parliament in 2017 and 2018 and relevant recommendations have been submitted to the responsible authorities. In addition, members of the Parliament and its staff took part in seminars and workshops which helped to enhance their knowledge on parliamentary supervision mechanisms over the execution of judgments of the ECtHR and the resolutions of the PACE.

The enhanced capacity of the PDO to submit *amicus curiae* to the Constitutional Court and common courts following a comprehensive needs assessment and capacity building illustrates another result. The number of *amicus curiae* sent by the PDO has increased by five-times⁶. A new curriculum and educational methods with trained pool of trainers were introduced in the Human Rights Academy of the PDO which contributes to raising public awareness on human rights and freedoms, tolerance and equality as well as development of literacy aspects for participatory democratic citizenship.

Likewise, some progress was achieved in bringing legislation on jury trials in line with European standards. Following a meeting of more than 60 judges and lawyers, the Council of Europe recommended improvements (e.g. concerning the majority of verdicts, jury selection process and media coverage and jury impartiality) and issued instructions to guide jurors through the judicial process. Additionally, awareness and skill training received by the prosecutors and judges on jury trials secured better use of ECHR standards in this area and contributed to better human rights protection in Georgia. 150 judges and judge assistants have completed in-depth courses on jury trials and ill-treatment and are better capable to apply those standards in their daily operations.

Results of the pre-trial detention reform are monitored using the Assessment Tool on Pre-trial Detention developed with the Council of Europe, a methodology on the use of statistical and thematic analysis to assess the application of pre-trial detention.

The capacity of judges, prosecutors and lawyers to apply the European Convention on Human Rights (ECHR) at national level was strengthened. In 2016-2017, over 2 200 legal professionals were trained on the ECHR provisions related to a fair trial, effective investigation, freedom of expression, anti-discrimination, judicial control on plea bargaining, the right to private life, protection of right to property and reasoning of court decisions.

⁵ Based on Article 238 of the Parliamentary rules

⁶ <http://www.ombudsman.ge/en/recommendations-Proposal/amicus-curiae2>.

The common courts have significantly improved their skills and extent of adequate application of the ECHR. The research carried out by the Council of Europe on “Standards of Application of the ECHR by the Common Courts of Georgia” in 2017 clearly showed the higher capacities of common courts to effectively apply the case law of the ECtHR in their practice, and ensure appropriate protection of human rights in line with the ECtHR’ case-law.

The above training at such scale was possible due to the good progress in enhancing capacity of the High School of Justice (HSoJ) in 2017 (see details in Chapter 2.2.1 Independence and Efficiency of Justice). In addition, access to the ECtHR judgments was increased by preparing and translating into Georgian 45 excerpts of ECtHR judgments and their summaries. A Georgian language interface was developed to provide access to the HUDOC database of the case-law of the ECtHR. The European Programme for Human Rights Education for Legal Professionals (HELP) guidebook on Human Rights Training for Legal Professionals was made available in Georgian as well.

Training of the trainers and development of the course on personal data protection for the Georgian Bar Association is expected to contribute to reducing the number of cases lodged in courts on this matter. In 2017, 68 lawyers took part in this course.

Tbilisi City Court’s and the Supreme Court’s Analytical Departments benefited from the exchanges and assistance in improving the application of ECHR standards and the ECtHR case-law in criminal cases in national rulings, strongly contributing to coherence of decisions of the lower courts. In addition, as a result of numerous activities, the staff of the analytical units of Georgian courts and prosecutor’s office are better able to carry out legal research.

In addition, 20 prosecutors completed the distance-learning courses on anti-discrimination issues under HELP, 67 prosecutors took part in the workshops to review prosecutorial guidelines on the rights of victims of crime in criminal proceedings as well as the prosecutorial internal guidelines on investigation of hate crimes, ill-treatment, crimes committed on religious intolerance grounds and criminal cases involving persons with disabilities. Although this is too earlier to assess their impact, these activities are expected to further enhance criminal proceedings in line with the European standards.

2.1.2 TOLERANCE AND ANTI-DISCRIMINATION

Following the adoption of comprehensive anti-discrimination legislation in 2014, it is important to ensure its effective implementation. In his [observations](#) on human rights in Georgia published in January 2016, the Council of Europe Commissioner for Human Rights (the Commissioner) insisted on the need to raise the public’s understanding and awareness of anti-discrimination legislation. The Council of Europe worked with Georgian partners to address these issues notably in relation to national minorities.

Georgia is the most ethnically diverse country in the South Caucasus. It has ratified major international human rights documents, including the Council of Europe’s Framework Convention for the Protection of National Minorities (FCNM), although accession to the European Charter for Regional and Minority Languages (ECRML) is still pending. The Council of Europe helped to successfully promote linguistic, educational and cultural rights of national minorities in 2016-2017. The Council of Europe, in cooperation with the State Agency for National Heritage Protection and the Tbilisi Development Fund, developed the Cultural Route of National Minorities. Buildings related to cultural heritage of national minorities have been signposted in Georgian, English and the respective minority language in Tbilisi and in the regions.

In addition, cooperation with the Ministry of Education and Science in this area progressed well: a series of awareness-raising and promotional activities were organised to promote the enrolment of children in schools that teach minority languages; a policy document on “The Education System for Social Integration” was developed; kindergarten textbooks in minority languages were produced and widely disseminated as well as awareness-raising material about the history and cultural contributions of national minorities; minority newspapers carried out journalism training for students of secondary schools teaching minority languages and 6 300 copies of four newspapers in minority languages were distributed.

Discrimination on the grounds of Sexual Orientation and Gender Identity (SOGI) remains one of the most persistent forms of discrimination throughout the region and Georgia is no exception. In Georgia, efforts have been made both by civil society actors to increase visibility of LGBTI people and raise awareness on their human rights, as well as by the government, including the revision of the labour code (2006), and the anti-discrimination law (2014) to include discrimination on the grounds of SOGI. ECRI's [fifth report](#) on Georgia provided further recommendations regarding the role of law enforcement officials, including the investigation of hate crimes.

In 2018-2019, the Council of Europe plans to extend significantly its cooperation with the Georgian authorities - notably with the Public Defender's Office (PDO), Ministry of Justice, judiciary, prosecution and law enforcement - on bringing legislation and practice on anti-discrimination, hate crime and hate speech further in line with the European standards. Civil society organisations, specifically those representing minorities, will remain key partners in this area.

2.1.3 FREEDOM OF EXPRESSION, MEDIA FREEDOM, ASSISTANCE IN IMPLEMENTATION OF INTERNET GOVERNANCE PRINCIPLES, DATA PROTECTION

In the field of media, the Council of Europe helped to develop the capacities to ensure professional media coverage of sensitive issues, including the topics of ethnic minorities and religious groups, and to address hate speech. Advice on the practice of election coverage was provided to the top management and editorial staff of the Georgian Public Service Broadcaster and other media outlets during the parliamentary election campaign. The Organisation for Security and Cooperation in Europe/Office for Democratic Institutions and Human Rights (OSCE/ODHIR) International Election Observation Mission stated that journalists were better prepared to cover the 2016 parliamentary elections than previous elections⁷. In its final report on the 2017 local elections, the OSCE/ODHIR noted that increasingly free and active media fostered greater political debate⁸. Nevertheless, it was highlighted that media outlets are still perceived as polarised along political lines. In this respect, the Council of Europe efforts to increase the capacity of civil society in monitoring the transparency of ownership and funding of the media outlets proved relevant. The legal framework and practice were reviewed and suggestions made with a view to decrease the possibility of influencing editorial policy. The impact of these recommendations on practice and legislation is yet to be assessed. The Georgian Charter of Journalistic Ethics, an independent union of journalists, was a participant of the regional network of the self-regulatory bodies in the PGG. An annual meeting of the bodies was held in Georgia in 2016, and a cross-border advisory body was established including the Eastern Partnership (EaP) countries and the Russian Federation.

The capacity of the National Communication Commission (NCC) – an independent regulatory authority – was enhanced. A study related to ensuring access to audio-visual media services for persons with visual and hearing disabilities was prepared for the NCC and several training seminars were organised: on duties and responsibilities of media during pre-election campaigns; on working with internet community and increasing transparency of media ownership; on supervision of media coverage against the criteria of balanced, pluralistic and impartial reporting. In addition, the NCC improved its knowledge on how to address gender stereotypes and on how to protect children rights.

The multi-stakeholders approach to internet governance continued to be strengthened. The first general meeting of the members of the association of small and medium Internet service providers as well as the second (2016) and third (2017) annual National Internet Governance Forum contributed to developing public-private partnerships in the field, tackling challenges of broadband access as well as protecting personal data. The Council of Europe also helped to build capacity of judges to review cybercrime cases.

Georgia has one of the most active Data Protection Authorities (DPA) in the region. Under the PGG, a number of support activities were carried out in Georgia, such as legal expertise completed in 2016 and support to the DPA in answering media professionals' questions on how best to strike a balance between the right to privacy and the right to freedom of expression. Additionally, Guidelines on

⁷ <http://www.osce.org/odihr/elections/georgia/273221?download=true>

⁸ <https://www.osce.org/odihr/elections/georgia/373600?download=true>

Safeguarding Privacy in the Media were developed, translated into Georgian, and used as a basis for training Georgian media professionals in 2017.

At regional level, the Georgian DPA was also involved in a series of activities (conferences and seminars) as well as in sharing best practice and experience with other DPAs.

Regional cooperation on cybercrime and personal data protection continued with the help of the PGG. A memorandum of understanding, signed between the Regional Internet Registries' Network Co-ordination Centre and the NCC, helps to foster ties between the Georgian and regional Internet communities and focuses inter alia on Internet providers' development and training. The Regional Cybercrime Co-ordination and Partnership Exercise involving also 12 countries of the South-East Europe and Turkey strengthened co-ordination of this network enhancing the exchange of information among different professional communities (law enforcement, cyber security experts and Internet service providers). Besides, it demonstrated the need for public-private partnerships in cybercrime, cyber-security and financial investigations. International cooperation templates for preservation requests and production orders related to electronic evidence were developed and implemented through regional training programme on international cooperation on cybercrime. Another result of the regional cooperation is the development of the web-site for the network of self-regulatory bodies of the EaP region, including Georgia.

2.1.4 GENDER EQUALITY AND COMBATING VIOLENCE AGAINST WOMEN, CHILDREN AND DOMESTIC VIOLENCE

Gender inequality and violence against women remain high in Georgia⁹. Following the ratification of the Istanbul Convention in May 2017, an Inter-agency Commission on Gender Equality, Violence against Women and Domestic Violence was established in June 2017. At the end of 2017, the Council of Europe launched activities to support the Georgian authorities in aligning the relevant legal frameworks and national policies with the Istanbul Convention. The Organisation aims to enhance judicial procedures and build capacities of the relevant institutions (notably, prosecutors and the PDO) and civil society organisations. For this purpose, an awareness raising workshop was organised among members of the Gender Equality Council of the Parliament of Georgia and members of the Interagency Council Implementing Measures to Combat Domestic Violence which led to enhanced knowledge on the background, purpose, key principles and requirements of the Istanbul Convention for the 30 senior level participants. Georgian translations of the Istanbul Convention, related promotional material and several publications on the Articles of the Convention have been made available for and disseminated among relevant stakeholders. In addition, contacts between Ombudspersons of Georgia and Armenia were facilitated to share experience on cases of violence against women as well as on challenges in preparation for the ratification of the Istanbul Convention. Also, the Council of Europe closely co-ordinates its activities in this field with the EU, UN Women and other international organisations in Georgia.

Georgia signed the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) in 2009 and ratified it in 2014. In 2017, the Council of Europe launched activities to support an effective follow-up to recommendations of the Lanzarote Committee following its first monitoring cycle. In addition to bringing relevant legislative and policy framework in line with Council of Europe standards, the Organisation will build capacities of legal professionals on child-friendly justice.

In addition, in the framework of the regional PGG activities, good working relations were established among institutions which counter violence against women in the EaP region. This has contributed to improving women's access to justice in the Eastern Partnership countries. Georgia took an active part in sharing its experience in organising support services for women and children victims of violence, as well as in peer-to-peer discussions of challenges in preparation for the ratification of the Istanbul Convention. Notably, the contacts between the offices of the PDO of Georgia and the Human Rights Defender of Armenia were enhanced in this area. The training manual on Ensuring Access to Justice for Women will be introduced in the training system of legal professionals in the regions.

⁹ <http://hdr.undp.org/en/composite/GII>

2.1.5 EDUCATION FOR DEMOCRATIC CITIZENSHIP AND HUMAN RIGHTS EDUCATION

Within the PGG framework, the Council of Europe helped in developing standards for secondary education for democratic citizenship and human rights (EDC/HRE), through the introduction of relevant materials in initial and post-diploma teacher training within piloting institutions. A group of trainers prepared to disseminate the standards at schools started its work which will have a multiplier effect.

2.2 ENSURING JUSTICE

2.2.1 INDEPENDENCE AND EFFICIENCY OF JUSTICE

Further reforming the justice sector, in particular to ensure the independence, efficiency, impartiality and professionalism of the judiciary are among the priorities of the Association Agenda between the EU and Georgia. Moreover, Georgian civil society continuously demands an independent and transparent judiciary, as testified by the “Coalition for an Independent and Transparent Judiciary” –an entity that unites 40 non-governmental organisations (NGOs) - set up towards this objective. Also, the Commissioner noted that “continued vigilance was needed to safeguard and reinforce judicial independence”.

In September 2017, in its Opinion ([CDL-PI\(2017\)006](#)), the Venice Commission positively assessed the constitutional reform process. In February 2017, the amendments to the Organic Law on the Constitutional Court and to the Law on Constitutional Legal Proceedings entered into force incorporating recommendations of the Venice Commission Opinion ([CDL-AD\(2016\)017](#)). These amendments contributed to enhancing the independence of the Georgian Constitutional Court. Georgia has also benefited from the regional PGG activities on raising awareness about the role of Constitutional Courts in upholding and applying constitutional principles.

The Council of Europe helped to bring the judiciary legislative framework closer to European standards. The third wave of the judicial reform package of laws was adopted in December 2016. The amendments to the judicial appointment process, case distribution system and disciplinary proceedings entered into force in March 2017. The Council of Europe, together with the EU and the United States Agency for International Development (USAID), contributed to the development of the first comprehensive Judiciary Strategy 2017-2022 and Action Plan 2017-2019. Both documents were adopted by the High Council of Justice (HCoJ) in May 2017. The Council of Europe helps to build capacity to monitor the judiciary reform by the Working Group on Judicial Strategy Reporting, and is a member of the working group on the fourth wave of the judiciary reform which gathers under the auspices of the Parliament of Georgia. The Organisation also works closely with the HCoJ to harmonise the Rule on Performance Evaluation of Judges with Council of Europe recommendations and to introduce rules on selection and appointment of the Supreme Court judges to comply with the recent Constitutional amendments adopted by the Parliament in November 2017. The Council of Europe developed legal reasoning skills of the newly established Independent Inspector’s staff and established its website with electronic claim forms and statistical data also accessible for the persons with disabilities to further enhance the institution’s transparency and accountability. The HSoJ capacity to deliver modern and demand driven courses for the legal professionals was enhanced. New training modules were introduced in the curriculum of the HSoJ contributing to increase the professionalism of the judiciary in dealing with cases related to cybercrime, corruption, hate-crimes, international humanitarian law, trafficking in human beings, violence against women and domestic violence. In addition, training courses on court management, leadership and communication were introduced. In addition, the Council of Europe developed the capacity of HSoJ staff in training cycle management, training needs assessment and training impact assessment, court practice analysis and adult training methodology, hence supporting its preparation for the ISO 9001 certificate. Moreover, the Council of Europe assisted the HSoJ to take on board methodology of developing and delivering e-learning courses on human rights for legal professionals.

The support provided to the Georgian Bar Association resulted in the updated Law on Advocates as adopted by the Parliament in May 2018 and the revised Statute of the GBA aimed to ensure a more flexible, inclusive and efficient functioning of the Bar. The Council of Europe’s work on introducing a mandatory traineeship programme for lawyers entering into the profession has led to the inclusion of

such a programme in the Law and work continues to establish a framework to evaluate both the GBA mentor and intern lawyers. The Council of Europe is supporting the GBA in the drafting of its 2018-2021 Strategy, in cooperation with the EU-funded UN programme.

2.2.2 PRISONS AND POLICE

Imprisonment rate remains high and the legislative changes introduced in 2017 aim to move towards a rehabilitative approach by introducing alternatives to imprisonment and social rehabilitation programmes for inmates.

The Council of Europe has been active in the penitentiary reform since 2013, an area in which achieving tangible progress has been achieved notably in improving prison healthcare. The Council of Europe and the Training Centre for Penitentiary and Probation Staff of the Ministry of Justice has developed and implemented a number of training programmes on healthcare for medical and non-medical staff of the penitentiary system. The importance of this capacity building was underlined in the CPT report and in the Assessment report on the implementation of Penitentiary Healthcare Reform. Moreover, the creation of a pool of national trainers in different fields was an important contribution to the sustainability of the different capacity building activities.

The awareness raising activities on health prevention and other health-related issues among different target groups (staff members, prison staff and inmates) served to reduce the prevalence of transmissible diseases and create a healthier environment in prisons and in detention, thus in achieving the results of the project. The medical equipment purchased for the primary healthcare units of the penitentiary establishments and central prison hospital improved significantly the level of the health care available to inmates.

The Council of Europe contributed to the implementation of the Penitentiary Healthcare Development Strategy and its Action Plan. With respect to the issue of prison overcrowding, a roadmap on how to improve national policies on prison overcrowding and on alternatives to imprisonment in line with European standards was also drafted. Georgia experience in dealing with overcrowding served as an example for the penitentiary systems in the EaP region. However, it is early to assess the impact of this regional networking.

The standards for the provision of mental health care in prisons, police detention facilities and psychiatric institutions were improved thanks to the development of the Strategy and Action Plan on Mental Health, which contributed to a better protection of human rights of those with mental disorders deprived of their liberty. Moreover, the institutional and operational policy framework was improved through the drafting of the Action Plan for the fight against ill-treatment and impunity and by enabling effective investigation and strong external and internal monitoring systems to combat this scourge.

In addition, mental health services were strengthened by both identifying the deficiencies of the regulatory framework and consolidating the suicide prevention programme through training and coaching multidisciplinary prison teams and training. In the reporting period, with the aim of improving suicide prevention, debriefing protocols were developed as well as an action plan on crisis intervention in penitentiary system aimed at handling prisoners with mental disorders. Training programmes for psychiatric nurses and psycho-social rehabilitation were launched. As a result, the suicide prevention programme is now implemented systematically in all 15 Georgian prisons, governed by clear policy and operational guides and administered by a network of co-ordinators and qualified multidisciplinary teams.

As part of the regional PGG framework, Georgia benefited from a peer exchange on modern rehabilitative approaches to drug dependent prisoners. The Action Plan on Healthcare Quality Control in Prisons for 2018-2020 was developed, and 95 per cent of the heads of the medical institutions are being trained for healthcare management in prisons and they already enjoy modern vision and knowledge in this regard according to the Special Penitentiary Service. Achievements in this field have been positively assessed by the PDO as well.

Proper detection, prevention and treatment of mental disorders, together with the promotion of good mental health in detention will remain in the focus of the Council of Europe support to the penitentiary system of Georgia in 2018-2019.

2.3 STRENGTHENING DEMOCRATIC GOVERNANCE

2.3.1 ELECTIONS

At their 1251st meeting (15-16 March 2016) the Ministers' Deputies approved "The Council of Europe Programme to support Georgia in view of the 2016 (parliamentary), 2017 (local) and 2018 (presidential) elections". The programme started in March 2016 to assist Georgia in a full cycle of elections by addressing several legislative and procedural shortcomings of the electoral framework, as recommended by relevant OSCE Office for Democratic Institutions and Human Rights (ODIHR) and Venice Commission reports and taking into account the election observation reports of the PACE and the Congress.

In the wake of October 2016 parliamentary elections and in view of the October 2017 municipal elections, the Council of Europe contributed to enhancing the efficiency of the electoral process in Georgia. This work has translated in increased transparency of political party and campaign finance monitoring. The Financial Monitoring Service of Political Parties of the State Audit Office (SAO) is now using an electronic reporting system for the submission of reports on campaign expenditure by political parties. This is the first such system used by the political and campaign finance monitoring body in the region and is facilitating considerably the work of the SAO in terms of ensuring political party and campaign finance monitoring. Another major achievement is the setting-up of a new electronic database for donations to political parties. According to the feedback from SAO, the database is being used and transparency of political party and campaign financing in Georgia has already considerably improved.

In the run up to the October 2017 municipal elections, the Council of Europe supported the Central Election Commission (CEC) to develop electronic registration system allowing electoral subjects to register their representatives at all levels of election administration via internet, using electronic registration software. Ahead of October 2018 presidential election, the Council of Europe is supporting the CEC to enhance online registration system so that other stakeholders (e.g. electoral subjects, political parties, candidates, electoral blocs, etc.) may complete registration process via internet. For the first time, registered observer organisations for presidential elections 2018 will be provided with a simplified registration option to appoint their observers online.

In the framework of the constitutional reform, the Venice Commission provided advice in relation to the new electoral systems that will be introduced for the presidential and parliamentary elections. Moreover, the Venice Commission supported capacity building of 90 judges to deal with complaints in cooperation with the International Foundation for Electoral Systems (IFES). Also in cooperation with the IFES the Council of Europe organised a conference on lessons learned from the 2016 parliamentary elections for around 80 members of the CEC, representatives of State Audit Office, and representatives of political parties, international community, media and civil society.

In addition, the Council of Europe contributed to enhancing the capacities of over 100 stakeholders (members of electoral commissions, judges, journalists, candidates) to effectively apply new technologies (biometrics, e-voting and electronic result management). Awareness raising activities among national minorities- a 10-day course bringing together more than 500 youth representatives from 23 municipalities across the country- resulted in their increased involvement in elections. The representatives of national minorities took part in this programme as well. However, since the overall percentage of national minority candidates remained below their relative population size during municipal elections, further work in enhancing minorities' participation in politics is needed.

Within the PGG framework, the Organisation helped to reinforce the regional mechanisms for cooperation and information exchange (including through VOTA database on electoral legislation) among CECs and members of parliaments from all EaP countries to prevent their misuse of administrative resources during electoral processes. The Regional Money in Politics Conferences, organised jointly with SAO, IFES, OSCE/ODIHR, the Institute for Democracy and Electoral Assistance (IDEA) and Netherlands Institute for Multiparty Democracy (NIMD), provided a platform for cooperation in this area. The annual regional conference Money in Politics, organised jointly with SAO and main international partners in the area of electoral assistance was held for the third time since 2016 and is

gradually taking shape as a long-lasting initiative and is gaining recognition among the electoral stakeholders in Georgia and region-wide.

In view of the 2018 presidential elections, the Council of Europe is continuing to assist in increasing the quality of electoral processes through strengthening administrative, operational and management capacity of election management bodies and domestic election monitoring civil society organisations.

2.3.2 LOCAL DEMOCRACY

Following the invitation by the Minister of Foreign Affairs of Georgia, the Congress deployed a high-level Electoral Assessment Mission for the municipal elections of October 2017. The information report approved at its Session by the Congress in March 2018 provided positive overall conclusions about well-administered elections and a competitive campaign where democratic values were by and large respected. At the same time it included some recommendations aimed to enhance the legal framework, voters' registration, the prevention of misuse of administrative resources and relating to the need to improve the capacities of local authorities in line with European and international standards.

In the field of local democracy, Georgia has benefited from regional cooperation within the PGG, especially through peer exchanges, while the National Association of Local Authorities of Georgia (NALAG) strengthened ties with national associations from the Republic of Moldova and Ukraine. As a result of the national and regional activities, some progress is noticeable in raising awareness about standards for efficient, transparent and ethical governance at local level. The amendments to the Organic Law on Local Self-government Code for institutionalised citizen participation were developed by the NALAG with the support of the Council of Europe. Local authorities took active part in consultations on national Decentralisation and Good Governance Strategy with assistance of the Congress. In mid-July 2018, the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority was ratified by the Parliament of Georgia.

Numerous analyses and practical tools to support more transparent, open and inclusive local government were developed and disseminated, such as the Handbook on transparency and citizen participation in Georgia and the tool guide for local authorities on change management, that was made available in Georgian and used by local authorities implementing local initiatives on transparency and citizen participation. To support the improvement of human and financial resources management, a national conference was organised in Tbilisi which brought together about 60 high-level participants from ministries, local authorities and NGOs.

In close partnership with the Ministry of Regional Development and Infrastructure, solid waste management was identified as one of the priority for local self-government. Policy and technical recommendations on this matter were presented to the authorities and local inter-municipal cooperation in this field was supported by the Council of Europe. A final cycle of piloting of the Local Finance Benchmarking ended in December 2017, bringing up a number of participating municipalities to about 30, from initially envisaged seven. The recommendation on finance benchmarking was presented to the local and national authorities along with the web-based software. A representative of the Ministry of Regional Development and Infrastructure actively participates in the Public Ethics Working Group of the European Committee on Democracy and Governance to contribute the country's experience for the guidelines and handbook on public ethics which are currently being prepared.

Within the framework of the joint EU/Council of Europe programme on Community Led Urban Strategies in Historic Towns (COMUS) authorities in two regions of Georgia enhanced their capacity for self-evaluation, technical assessment and feasibility studies. The Council of Europe also provided examples of how cultural heritage policies can be fostered through actions involving municipalities and civil society.

2.4 COUNTERING THREATS TO THE RULE OF LAW: CORRUPTION, MONEY LAUNDERING AND MANIPULATION OF SPORTS COMPETITIONS

The Group of States Against Corruption (GRECO) published its report ([GrecoEval4Rep\(2016\)3](#)) on corruption prevention in respect of members of parliament, judges and prosecutors in January 2017. The report highlights the need to further enhance transparency of the legislative process and adopt an enforceable code of ethics for parliamentarians, the need to improve recruitment disciplinary

procedures for judges and prosecutors and the importance of updating their codes of ethics¹⁰. Ensuring an effective monitoring of asset declarations by members of parliament, judges and prosecutors, is another important element identified by GRECO.

Georgia adopted the National Anti-Corruption Strategy and a new Anti-Corruption Action Plan for 2017-2018 in September 2017. A monitoring system for asset declarations submitted by public official was introduced in January 2017. In the 2017 Transparency International corruption perception [index](#) Georgia appeared at 46th position among 180 countries, consistently showing high scores in this international rating.

In the reporting period, the Council of Europe supported the implementation of Recommended Action Plan of MONEYVAL Evaluation Report (2012) and the National AML/CFT Strategy and Action Plan 2014-2017. Concrete results of the support include legal expertise and advise on the compliance of national AML/CFT legal framework with relevant European and international standards for non-profit organizations (NGOs), leasing, casinos and gambling institutions; sector risk assessment conducted for dealers of precious metals and stones.

As a result of the legal analysis of the Draft Law on Facilitating the Prevention of Money Laundering and Terrorist Financing it has been amended taking into account the Council of Europe's recommendations. Georgia intends to start implementing this new law in early 2019 and to develop/amend the relevant legislative framework in support to the introduced requirements.

Through tailored training courses and guidance documents, the Council of Europe contributed to strengthening the capacities of the AML/CFT supervisory bodies to control money laundering and terrorist financing, assisted the reporting entities in implementing their compliance and regulatory obligations, including relevant provisions on ensuring transparency of beneficial ownership. Capacity building activities paid special attention to institutions that became AML/CFT reporting entities only recently (e.g. lawyers, accountants/auditors).

Council of Europe has also actively worked on enhancing capacities of Georgian law enforcement agencies, prosecutors and judges to investigate prosecute and adjudicate money laundering and terrorist financing cases. Joint trainings appeared particularly useful and relevant for sharing experience and finding possible steps for further improvements in cooperation and coordination between competent authorities. Georgian law enforcement agencies have been also supported to enhance their capacity to implement efficiently legal framework on liability of legal persons, including relevant training and development of practical Guidance on Liability of Legal Persons in Georgia. Practical guidance has been also developed on investigation and prosecution of money laundering and financing of terrorism cases in Georgia.

In addition to country-specific interventions, Georgia benefited from activities delivered under the regional component of the PGG on anti-corruption:

- legislative and policy advice;
- capacity building and exchange of practices in the areas of corruption proofing of legislation, illicit enrichment, corporate liability;
- whistle-blower protection;
- corruption risks in the health and public procurement sectors;
- economic crime investigations, risk management in the public service.

The Ministry of Culture and Sport conducts preparatory work for the ratification of the Convention on the Manipulation of Sports Competitions with a special focus on institution-building and capacity development of national stakeholders. The action plan on fighting corruption in sport is drafted in the framework National Anti-corruption Strategy.

¹⁰ The Ministry of Justice has adopted the Code of Ethics on 25 May 2017.

2.5 CONFIDENCE-BUILDING MEASURES

The latest consolidated report on the conflict in Georgia by the SG (SG/Inf (2018)15) highlights that the Council of Europe had no opportunity to assess the human rights situation on the ground in Abkhazia or South Ossetia in 2016-2017. At the same time, the Council of Europe has enjoyed access to Sukhumi for the purpose of implementation of confidence-building measures (CBMs) in the reporting period.

Since 2010, CBMs have been implemented in Georgia with a view to promoting dialogue and human rights standards in conflict-affected regions among non-state actors, such as human rights defenders, teachers, doctors, architects, museum managers, archives specialists, academics, psychologists, prison staff, and journalists. Such activities are closely co-ordinated with the Georgian authorities, participants in Abkhazia and South Ossetia as well as the UN and other international actors on the ground.

The implementation of CBMs in 2016-2017 maintained diversity in themes and participants, notably with Abkhazia. Follow-up has been ensured for number of previous initiatives with as a main objective to maintain the mutual trust already established between participants:

- the dialogue on the role of Ombudsperson institution in post-conflict situations;
- psychologists and psychiatrists maintained contacts on the prevention of domestic violence;
- training on drug use prevention and treatment was organised for professionals from Tbilisi and Sukhumi;
- a three-volume publication was prepared in 2017 as a result of joint 18-month cooperation between the Georgian Ministry of Internal Affairs and a group of Abkhaz academics. It contains the list of over 2 000 victims of Soviet-time repression in 1937-1938 in Abkhazia and its extension is planned in the nearest future;
- activities targeting language teachers, with a specific focus in 2017 on bi-lingual education through peer exchanges with European bilingual education systems, such as in Wales, Italy and Luxembourg;
- training on simultaneous interpretation for Abkhazian language interpreters;
- contacts between Sukhumi and Tbilisi professionals in the architectural heritage field.

Regrettably, targeted initiatives and a meaningful involvement of participants from Tskhinvali in the CBMs programme could not progress due to the limitations to effective international engagement in South Ossetia. Nevertheless, the Council of Europe pursued efforts to ensure access for a limited number of participants from South Ossetia to the existing CBMs, hence facilitating the participation of three experts from Tskhinvali on museum management and conservation techniques event held in Rome (Italy) in June 2017.

The Council of Europe will continue to involve civil society and professional groups from both sides of the divide in the CBMs activities. Future interventions are currently under discussion with the Georgian authorities and stakeholders in Sukhumi (via the Liaison Mechanism¹¹). New initiatives could focus on the protection of the rights of people with disabilities and on education as a follow-up to the completed trainings on an interactive, multicultural approach to language teaching.

It should be also noted that the Government of Georgia adopted the initiative “A Step to a Better Future” with the aim of promoting reconciliation and engagement between conflict-affected communities. Legislative amendments are envisaged to create new opportunities for trade, quality education and access to services.

3. IMPLEMENTATION AND CO-ORDINATION

The CM assesses overall Action Plan implementation through its Group of Rapporteurs on Democracy (GR-DEM). In addition, reports are prepared for donors having contributed at the Action Plan level.

¹¹ http://www.ge.undp.org/content/georgia/en/home/operations/projects/crisis_prevention_and_recovery/confidence-building-early-response-mechanism--coberm-.html

The Action Plan Steering Committee, comprising representatives of the Ministry of Foreign Affairs, other national stakeholders and Council of Europe representatives, also assesses the progress of Action Plan implementation. This committee considers implementation of approved projects, discusses challenges and relevant proposals for future cooperation, and recommends measures to improve effectiveness. The Steering Committee met in Tbilisi on 28 May 2018.

The overall co-ordination of technical cooperation implemented by the Council of Europe falls within the remit of the Office of the Directorate General of Programmes (ODGP), which steers the programming of and fund-raising for cooperation actions, and ensures the efficiency of Council of Europe Offices in the field. Projects are implemented by the Council of Europe's Major Administrative Entity responsible for the relevant area of expertise (PACE, the Congress, the Directorate General of Human Rights and Rule of Law and the Directorate General of Democracy). The Council of Europe Tbilisi Office plays a key role in co-ordinating and supporting project implementation in accordance with the cooperation decentralisation policy. As of 30 June 2018, 16 staff members in total (including five core staff and 11 project staff) worked at the Tbilisi Office.

Action Plan implementation can involve, as necessary, needs assessments, legislative expertise, capacity-building, awareness-raising and peer-to-peer reviews. The methodology aims to reinforce the ownership of national stakeholders and to ensure the sustainability of the outcomes.

The Council of Europe implements projects in close cooperation with the authorities in Georgia, targeting governmental stakeholders, the Parliament, civil society and independent governance institutions, such as the PDO and local and regional authorities. This creates a unique leverage for comprehensive, inclusive, successful and sustainable reforms.

Co-ordination to ensure an efficient use of resources and relevance of the Council of Europe actions is performed at different levels and in different bodies, including the CM.

The Council of Europe closely co-ordinates with relevant international partners, notably the EU (in particular the EU Delegation in Georgia). Co-ordination is also ensured with the OSCE/ODIHR and the United Nations (UN). The Council of Europe Tbilisi Office is instrumental in co-ordinating this Action Plan implementation with international partners present in Georgia.

To ensure efficiency and avoid overlapping of activities, the Council of Europe also co-ordinates with member State development agencies. Sector-by-sector co-ordination nevertheless continued to improve largely due to increased involvement of the Georgian authorities in the process.

With a large-scale programme running across multiple sectors which receives substantial international assistance, co-ordination can sometimes be challenging in an evolving environment where programming decisions of other stakeholders may change (as it was the case in the field of penitentiary reform where the Council of Europe had to re-orient its funding in order to continue healthcare programmes discontinued by the EU or in the field of police reforms and probation where the Organisation had to postpone implementation of the programmes until finalisation of the EU activities in those fields).

3.1 TRANSVERSAL ISSUES

The Council of Europe prioritises a human rights approach at all levels and stages of its activities. Its *acquis*, including Council of Europe legal instruments and institutions, combined with the principles of equality, non-discrimination, balanced participation (both gender-based and with regard to civil society) brings further added value to Council of Europe activities.

As a component of this human rights approach, the Council of Europe emphasises gender mainstreaming throughout its project activities. For more information, see the Council of Europe [web page on gender mainstreaming](#). The Council of Europe also promotes civil society participation, as outlined in the [Guidelines on civil society organisations' participation in Council of Europe's cooperation activities](#).

Apart from applying the principle of equality in the selection of experts aiming at ensuring at least 40% women among experts and participants of the Council of Europe activities, there were some results relating to gender mainstreaming in the reporting period:

- a booklet on gender statistics developed by the Council of Europe supported the CEC campaign aimed at raising awareness of voters and other stakeholders about the level of women's participation in elections. The booklet, available in Georgian and English languages, makes use of charts to show the gender in election-related data. The booklet also displays gender quantitative data from past parliamentary and local self-government elections in Georgia and is widely used by the stakeholders for statistics on gender participation in elections;
- two regional surveys were published with specific recommendations at national level: [National studies on barriers, remedies and good practices for women's access to justice in five Eastern Partnership countries](#) and [studies on women's access to justice](#);
- in activities related to the capacity building of the HSoJ, there were 54% of women participants and 45% of women took part in the project to support judicial sector reform. It should be noted that, due to the voluntary character of registration for the online courses developed by the Organisation, neither the Council of Europe nor the Georgian partners had an influence on the gender balance of the legal professionals who were using the courses;
- the only Georgian female mayor took an active part in the activities targeting local elected representatives;
- during the planning of the projects on anti-discrimination and on countering violence against women and children, attention was paid to gender inequality patterns in society affecting girls more than boys and recognising that boys have an active role in breaking those stereotypes.

The Organisation pays considerable attention to fostering dialogue between authorities and civil society, thus contributing to the transparency of the reforms and supporting independent monitoring, as illustrated by the following examples:

- in the field of elections, the Council of Europe closely worked with partner international organisations to foster interaction and networking among civil society organisations and between NGOs and the authorities. As an example, two representatives of civil society from International Society for Fair Elections and Democracy and Transparency International Georgia were appointed as members of the Steering Committee of the Council of Europe project;
- in addition, three Georgian non-governmental organisations (Centre for Development and Democracy, Public Movement- Multinational Georgia and Human Rights Monitoring and Education Centre) are direct recipients of Council of Europe funding and implement projects aimed at increasing youth, ethnic minority, and women participation in elections;
- in the area of media and internet freedom, leading national NGOs including the Charter of Journalistic Ethics, Transparency International Georgia, Media Development Foundation, and Institute for Development of Media Freedom, Georgian Young Lawyers Association and Association of Small and Medium Internet Service Providers are regarded as the main beneficiaries and partners of the Council of Europe's activities in Georgia;
- a platform for exchange between NGOs, national authorities and service providers on media and internet freedom was created to discuss main challenges in the telecommunication sector;
- national NGOs are encouraged to participate in international and regional forums dedicated to the freedom of expression, data protection and ECtHR case law;
- in the field of local government, national and local NGOs provided valuable input to the Assessment of the mechanisms of citizen participation and contributed to the national and regional events devoted to local democracy. The local initiatives on transparency and citizen participation supported within the PGG provided an additional opportunity for local authorities to include citizens and civil society in decision-making.

3.2 RISK MANAGEMENT AND SUSTAINABILITY

Due to the nature of its mandate, the Council of Europe sometimes operates in complex and unstable environments that expose it to risks. The risk analysis of the Action Plan and possible mitigation strategies are carried out on the basis of the Council of Europe [risk management guidelines](#).

The following main risks were considered during implementation of the Action Plan in 2016-2017:

- progress of the Action Plan depends on political stability and consensus among political forces to complete reforms. In this context, the judiciary reform is a positive example, showing how this risk can be mitigated through permanent dialogue with the authorities and by strengthened co-ordination with other international organisations, notably the EU, the UN and its relevant agencies, and the OSCE/ODIHR;
- the risk of potential overlap with other international programmes has been considered at the stages of design and implementation of Action Plan projects. Project implementation in close co-ordination with the EU on development of the e-learning courses for the HSoJ is a good example of effective cooperation to counter this risk. The Council of Europe helped the HSoJ to develop the course content and the EU programme will take care of the technical development of the relevant e-learning components. In order to further ensure the relevance of the training modules developed, the Council of Europe Tbilisi Office signed a Copyright Assignment Agreement with the HSoJ in December 2017 handing over intellectual property rights on seven modules to the HSoJ of Georgia. This ownership on modules will enable the HSoJ to modify the content in the future and adapt it to the emerging needs, updated standards and best practices, as well as to ensure sustainability;
- the potential overlap of the Council of Europe activities in the judicial field with other donors and projects was closely monitored. The proactive role of the HSoJ in this regard has to be mentioned as well. In order to avoid potential overlap with the EU programmes targeting law enforcement which were launched in late 2016–early 2017, the Council of Europe postponed interventions in this area pending further negotiations with the EU in 2018;
- lack of funding in some areas since 2016 (like cooperation with police and probation) entails the risk of planned projects becoming out-dated due to pace of the reforms or involvement of other international partners in the same fields. The risks associated with insufficient funding for the implementation of the Action Plan were also mitigated by broadening the donor base (which allowed unearmarked contributions of various amounts from different donors to be pooled together to fund individual projects). In addition, constant dialogue with both the national authorities and the donor community allowed for a clear sequencing in the funding of projects, thus ensuring that urgent needs were funded first and leading to increased predictability in the work to be carried out. The Tbilisi Office plays an important role in mitigating these risks through maintaining contacts with national and international partners;
- the increased scope of the Council of Europe activities in Georgia¹² also meant that there was a higher potential for overlap with programmes of international partners, notably the EU. Transparency, improved on-the-spot co-ordination (both bilaterally and through sectorial co-ordination groups) and timely communication of the Council of Europe plans contributed to addressing this risk (even if, as noted above, there is still room to improve the efficiency of this co-ordination);
- in a context marked by several electoral processes, the participation of career civil servants and professionals in activities in the field of elections was given priority by the Council of Europe at the expense of temporary office-holders to ensure results and mitigate risks to sustainability of the outcomes. In addition, the full and continuous support of the Georgian Government and of other stakeholders (notably the Parliament) in implementing the Action Plan helped ensure sustainability of the Council of Europe interventions;
- Lack of Georgian central government's control over Abkhazia and South Ossetia remains a challenge both for Georgia and the Council of Europe. The monitoring bodies of the Council of Europe are currently unable to access these areas and it has been so far impossible to extend

¹² The secured funding for the Action Plan 2016-2019 is around €12.4 million in comparison with €10 million secured for the Action Plan 2013-2015.

- there the implementation of the Action Plan. In this respect, the Programme of CBMs has proven a valuable tool in promoting the Organisation and its standards, in addition to contributing to the reconciliation process between conflict-affected communities.

3.3 LESSONS LEARNED

The Council of Europe results-based management methodology involves looking at lessons learned.

Like for other Council of Europe Action Plans, the following general lessons can be drawn from implementation of this Action Plan with Georgia during the reporting period:

- a human rights approach to cooperation – using Council of Europe standards as both means and goals of technical assistance – can significantly contribute to securing those rights;
- Action Plan-level funding, in particular, allows flexibility for allocating funds where they are most needed, as attested by allocation of funds to support implementation of the Istanbul Convention following its ratification in May 2017;
- the involvement of national experts significantly contributes to the ownership of reforms and thus increases sustainability of the actions;
- some international partners start implementation of the programmes in the areas which are covered by the Action Plan but where the Council of Europe did not receive adequate funding to date. In such instances, the Tbilisi Office plays an important role in co-ordinating with international partners present in Georgia;

Moreover, the following specific lessons can be highlighted:

- technical assistance towards comprehensive reforms also requires long-term funding and effective co-ordination mechanisms among national and international partners. The advantages of such an approach are specifically visible in the penitentiary programme, which since its start in 2013 shows a solid record of results;
- Action Plan-level funding is also key to ensure timely intervention, as demonstrated by the Council of Europe ability to launch the elections project in 2016 ahead of a three-year electoral cycle (parliamentary, local, and presidential);
- co-ordination with international partners is more effective when the national partners play active and constructive role in the process, as example of the Council of Europe cooperation in the justice sector shows;
- Council of Europe helps to facilitates contacts among national partners that normally might not engage with each other easily. Specifically, in 2016-2017 in Georgia it concerns civil society monitoring of the electoral process and Bench and Bar cooperation.

4. FUNDING AND PARTNERS

Continued financial support of this Action Plan allows the Council of Europe to build on and create activities that support European standards and the principles of the ECHR and other legal instruments. The Council of Europe increasingly seeks to deliver on agreed priorities rather than on individual projects and activities.

Country action plans and cooperation documents describe strategic priorities of cooperation and the resources needed to achieve them. This valuable tool serves to pool voluntary contributions that are not earmarked or that are broadly earmarked.

As at 30 June 2018, the Council of Europe Action Plan for Georgia 2016-2019 received a total of €12.4 million (almost 49% of the total budget of €25.4 million). The EU provided €5.5 million, representing 44% of total extra-budgetary funding secured for Georgia. Voluntary contributions provided the bulk of financing. Council of Europe member and observer States and the Human Rights Trust Fund contributed €5.9 million, representing 48% of total extra-budgetary funding. The Council of Europe contribution from the ordinary budget represented 8% of the total. The contributors under this category (in order of volume) are the European Union, Norway, Denmark, Sweden, Human Rights Trust Fund (HRTF), Liechtenstein, United Kingdom, Turkey, Lithuania, Slovak Republic, and Bulgaria.

The figures below provide an illustration of the funding situation. Significant underfunding in such areas as ensuring justice (related to police and probation programmes) and countering threats to the rule of law (related to corruption in sports) could be partially explained by the focus of the joint programmes with the EU on supporting the penitentiary reform and measures to counter money laundering/terrorism financing. Such programmes as support for the police reform and probation were postponed pending finalisation of the EU programmes in these areas. The programmes to strengthen democratic governance at the local level were implemented within the framework of the regional PGG component and country-specific programmes in this area are under discussion. The level of the donors' interest in the confidence-building measures did not allow allocation of significant funding to increase their scope in 2016-2017.

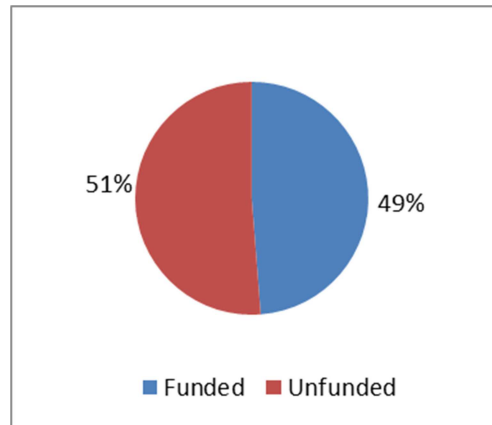


Figure 2: Funding situation of the Council of Europe Action Plan for Georgia 2016-2019, as of 30 June 2018

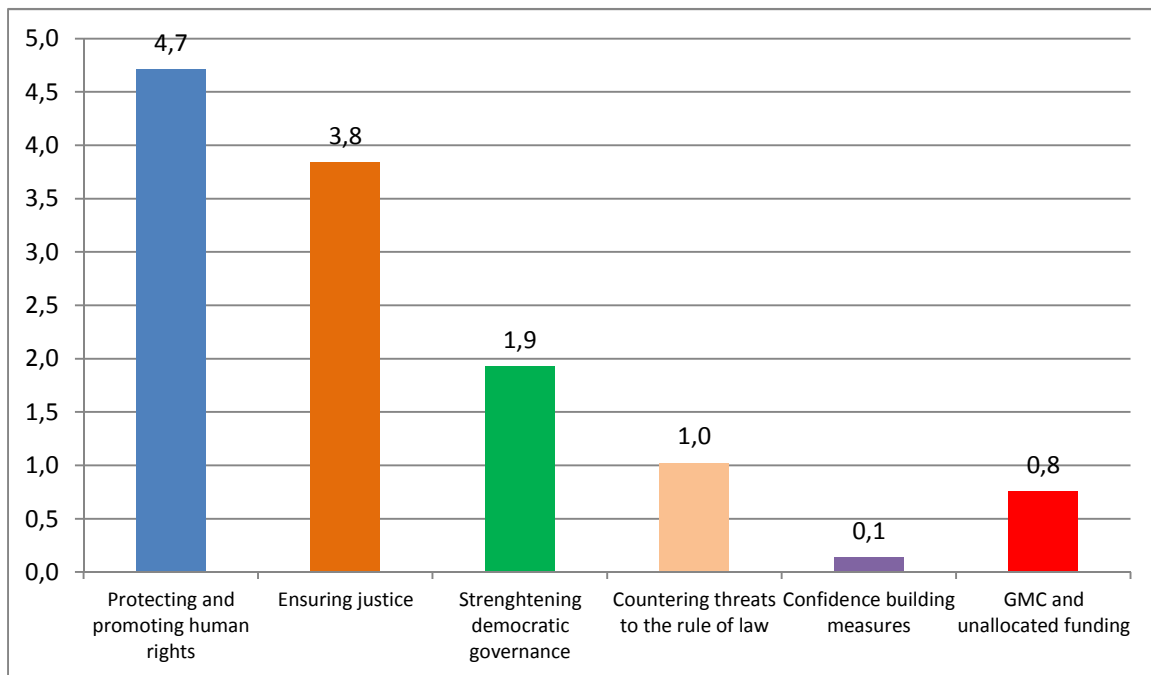


Figure 3: Funding situation per sector of the Council of Europe Action Plan for Georgia 2016-2019 in millions of euros, as of 30 June 2018

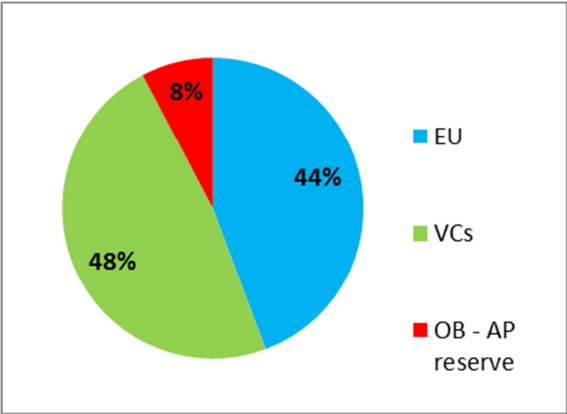


Figure 4: Funding sources for the Council of Europe Action Plan for Georgia 2016-2019, as of 30 June 2018

5. APPENDICES

APPENDIX I: LIST OF PROJECTS

LIST OF COUNTRY SPECIFIC PROJECTS:

Title	Duration
Strengthening the capacity of the High School of Justice of Georgia	01/08/2016 - 31/01/2018 (18 months)
Support to the Georgian Bar Association	01/01/2015 - 30/06/2016 (18 months)
Confidence Building Measures (CBMs) for the regions affected by the 2008 conflict	01/01/2016 - 31/12/2020 (60 months)
Combating violence against children in Georgia	01/01/2017 - 31/10/2018 (22 months)
Combating violence against women in Georgia	01/01/2017 - 31/10/2018 (22 months)
Support to the implementation of the judicial reform in Georgia	01/03/2017 - 31/12/2019 (34 months)
Application of the European Convention on Human Rights and harmonisation of national legislation and judicial practice in line with European Standards in Georgia (New title 2018: Strengthening the application of the European Convention on Human Rights in Georgia)	01/07/2015 - 31/12/2018 (42 months)
Civic Integration of National Minorities in Georgia and the European Charter for Regional or Minority Languages (ECRML)	01/01/2015 - 30/06/2017 (30 months)
Human rights and healthcare in prisons and other closed institutions in Georgia 2	01/03/2016 - 31/12/2017 (22 months)
Combating money laundering and terrorist financing in Georgia	01/01/2015 - 31/12/2018 (48 months)
Promoting freedom, professionalism and pluralism of the media	01/01/2015 - 31/12/2017 (36 months)
Reform of the electoral practice in Georgia	01/01/2016 - 31/12/2018 (36 months)
Electoral assistance to the election stakeholders in Georgia	01/01/2015 - 31/12/2017 (36 months)

LIST OF REGIONAL PROJECTS:

Title	Duration
Community-led Urban Strategies in Historic Towns (COMUS) : ARM; BLR; GEO; MDA; UKR	01/01/2015 - 30/06/2017 (30 months)
Protecting internet freedom through legislation and arrangements for multi-stakeholder dialogue	01/07/2015 - 31/12/2017 (30 months)
Civil participation in decision-making in the Eastern Partnership countries	01/09/2015 - 30/06/2017 (28 months)
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	01/01/2015 - 31/12/2017 (36 months)
Improving women's access to justice in five EaP countries	01/02/2015 - 30/11/2018 (51 months)
Promoting Education for Democratic Citizenship and Human Rights Education in the Eastern Partnership Countries	01/01/2015 - 31/12/2017 (36 months)
Strengthening constitutional justice	01/01/2015 - 31/12/2018 (48 months)
Promoting penitentiary reforms (from a punitive to a rehabilitative approach)	01/08/2015 - 31/12/2017 (29 months)
Criminal Justice Responses to Drug Dependent Prisoners	01/01/2015 - 31/12/2017 (36 months)
Strengthen capacities to prevent corruption in Parliament	01/01/2015 - 31/12/2017 (36 months)
Fight against corruption and fostering good governance; Fight against money-laundering	01/01/2015 - 31/12/2018 (48 months)
Criminal Justice action on Cybercrime/Project Cybercrime@EAP II (international cooperation)	01/01/2015 - 31/12/2017 (32 months)
Criminal Justice action on Cybercrime/Project Cybercrime@EAP III (public-private cooperation)	01/12/2015 - 31/12/2017 (25 months)
Criminal Justice action on Cybercrime/Project PGG Cybercrime@EAP 2018 (international and public-private cooperation)	01/01/2017 - 31/12/2018 (12 months)
Promote professional and responsible journalism by supporting regional network of self-regulatory bodies	01/01/2015 - 31/12/2017 (36 months)
The role of national parliaments in protecting media freedom	01/01/2015 - 31/12/2017 (36 months)
Enhancing respect for the protection of human rights online through capacity building, regional cooperation and participation to global Internet governance policies shaping	01/07/2016 - 31/12/2017 (18 months)
To develop and strengthen national data protection systems	01/01/2015 - 31/12/2017 (36 months)
Electoral assistance: reforming electoral legislation and practice	01/01/2015 - 31/12/2017 (36 months)

Electoral assistance: reforming electoral legislation and practice - Venice Commission	01/01/2015 - 31/12/2017 (36 months)
Develop regional cooperation in electoral matters, including its Parliamentary dimension	01/01/2015 - 31/12/2017 (36 months)
Strengthening institutional frameworks for local governance, DGII	01/01/2015 - 31/12/2017 (36 months)
Strengthening institutional frameworks for local governance, the Congress	01/01/2015 - 31/12/2017 (36 months)
PGG transversal	01/01/2015 - 31/12/2018 (48 months)

APPENDIX II: FINANCIAL REPORT, AS OF 30 JUNE 2018, ALL AMOUNTS IN EUROS

Sectors		Total budget in Action Plan	Funded OB	Funded EU	Funded VC	Total funds secured	Unfunded
1.	Protecting and promoting human rights and dignity, ensuring social rights	6 209 075	343 492	1 993 286	2 370 833	4 707 611	1 501 464
2.	Ensuring justice	10 137 384	232 544	1 192 953	2 412 013	3 837 510	6 299 875
3.	Strengthening democratic governance	4 799 308	202 858	1 379 323	343 963	1 926 143	2 873 165
4.	Countering threats to the rule of law: corruption, money-laundering, cybercrime, manipulations of sports competitions	3 429 001	101 939	917 455		1 019 394	2 409 607
5.	Confidence-building measures	749 000	75 000		58 348	133 348	615 652
	CoE's Action Plan and Project Management Capacity Development for National Stakeholders	53 500					53 500
	Unallocated unearmarked funding				533 746	533 746	-533 746
	General Management Costs				220 000	220 000	-220 000
	TOTAL	25 377 269	955 834	5 483 016	5 938 902	12 377 752	12 999 518