



HUMAN RIGHTS AT LOCAL LEVEL IN GEORGIA

ASSESSMENT REPORT

Congress of Local and Regional Authorities
of the Council of Europe

The Congress

Le Congrès

COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

HUMAN RIGHTS AT LOCAL LEVEL IN GEORGIA

Assessment Report

December 2021

Congress of Local and Regional Authorities
of the Council of Europe

Original:

Assessment Report on Human Rights at Local Level
in Georgia (English version)

The opinions expressed in this work are the
responsibility of the author(s) and do not necessarily
reflect the official policy of the Council of Europe.

The reproduction of extracts (up to 500 words)
is authorised, except for commercial purposes as
long as the integrity of the text is preserved, the
excerpt is not used out of context, does not provide
incomplete information or does not otherwise
mislead the reader as to the nature, scope or
content of the text. The source text must always be
acknowledged as follows “© Council of Europe, year
of the publication”. All other requests concerning
the reproduction/translation of all or part of the
document, should be addressed to the Directorate
of Communications, Council of Europe
(F 67075 Strasbourg Cedex or publishing@coe.int).

All other requests concerning this publication
should be addressed to the Congress of Local and
Regional Authorities of the Council of Europe.

Congress of Local and Regional Authorities of
the Council of Europe
F 67075 Strasbourg Cedex
France
E-mail: congress.adm@coe.int

Cover design and layout: JSC Bechdviti Sitkvis Kombinati

© Council of Europe, December 2021

(2nd edition)

ACKNOWLEDGEMENTS

The Assessment Report on Human Rights at Local Level in Georgia was initially prepared by Tamar Tomashvili and updated by Marieta Akhvlediani, independent consultants on human rights, under the supervision of the Co-operation and External Relations Division of the Secretariat of the Congress of Local and Regional Authorities of the Council of Europe.

The assessment report has undergone a consultative process with the Public Defender's Office of Georgia (PDO) and the National Association of Local Authorities of Georgia (NALAG). In addition, it takes into consideration the discussions and peer exchanges among 40 representatives of Georgian local authorities, civil society organisations, the PDO and NALAG during the workshop "Strengthening human rights at local level in Georgia" held in Tbilisi, Georgia, on 26 November 2019. Furthermore, a consultation meeting on the preliminary findings of the Assessment Report was held with the members of the NALAG via online platform on 1 July 2021. Both events were co-organised by the Congress and NALAG.

The views and recommendations expressed in this document are those of the experts, commit only them, and do not necessarily represent the opinion of the Congress nor the Council of Europe as a whole.

EXECUTIVE SUMMARY

The Assessment Report, commissioned by the Congress of Local and Regional Authorities of the Council of Europe, provides an analysis of the protection and fulfilment of human rights at the local level in Georgia in view of the development of a new co-operation project, namely the project “Strengthening Participatory Democracy and Human Rights at Local Level in Georgia”, implemented within the Council of Europe Action Plan for Georgia for 2020 – 2023”.

It presents the legal and institutional framework on human rights pertinent to local government in Georgia in line with its international commitments. In this regard, it illustrates the current state of co-operation of local and national authorities, as well as with the Public Defender (Ombudsperson) of Georgia and civil society organisations (CSOs). It also addresses co-operation and co-ordination among municipalities.

The Assessment Report positively notes the efforts undertaken by local authorities and the National Association of Local Authorities of Georgia (NALAG) aimed at enhancing human rights standards at the local level. The Assessment Report puts particular emphasis on those overarching principles and human rights that are directly linked with the responsibilities of local authorities. Namely, it addresses the principle of equality, prohibition of discrimination, as well as the commitments related to vulnerable and underrepresented groups such as minorities, victims of violence, persons with disabilities, the elderly, youth, children and homeless.

A considerable part of the Assessment Report is devoted to highlighting some of the practical challenges primarily related to a lack of adequate financial and human resources, as well as human rights mainstreaming in programme and budget planning. The Assessment Report heavily relies on findings published by the Public Defender’s Office of Georgia (PDO), human rights treaty bodies’ recommendations, reports prepared by international experts commissioned by the Government of Georgia and local CSOs.

As a result, the Assessment Report advocates various proactive steps to further advance citizen participation and need-based programming, including human rights tailored capacity building, the sharing of success stories and experiences among municipalities, the revitalisation of the existing inter-agency co-ordination and decision-making mechanisms at the central and local level, as well as the adoption of relevant guidelines and methodologies to streamline a human rights-based approach within municipal programmes and budgets.

TABLE OF CONTENTS

INTRODUCTION	9
METHODOLOGY	10
GEORGIA'S LEGAL FRAMEWORK ON HUMAN RIGHTS	12
3.1. INTERNATIONAL HUMAN RIGHTS OBLIGATIONS	12
3.2. NATIONAL HUMAN RIGHTS FRAMEWORK	13
INSTITUTIONAL STRUCTURES AND CO-OPERATION MECHANISMS FOR LOCAL AUTHORITIES IN HUMAN RIGHTS AREAS	19
4.1. VERTICAL RELATIONSHIP: CO-OPERATION BETWEEN CENTRAL AND LOCAL AUTHORITIES	19
4.2. INTER-AGENCY CO-OPERATION MECHANISMS	20
4.3. CO-OPERATION WITH THE PUBLIC DEFENDER OF GEORGIA	22
4.4. HORIZONTAL RELATIONSHIP: CO-OPERATION AND EXPERIENCE SHARING AMONG LOCAL AUTHORITIES	23
4.5. CO-OPERATION MECHANISMS WITH CIVIL SOCIETY ORGANISATIONS	24
HUMAN RIGHTS-BASED APPROACH TO CITIZEN PARTICIPATION IN LOCAL PLANNING AND BUDGETARY PROCESSES	26
RESPECT, PROTECTION AND IMPLEMENTATION OF SPECIFIC HUMAN RIGHTS	29
6.1. PRINCIPLE OF EQUALITY AND NON-DISCRIMINATION	29
6.1.1. NON-DISCRIMINATION	29
6.1.2. HARASSMENT AND SEXUAL HARASSMENT	30
6.1.3. DISCRIMINATORY PHRASEOLOGY, INCITEMENT TO DISCRIMINATION AND HATE SPEECH	31
6.1.4. GENDER EQUALITY	32
6.2. VULNERABLE AND UNDERREPRESENTED GROUPS	35
6.2.1. ETHNIC AND RELIGIOUS MINORITIES	35

6.2.2.	VICTIMS OF VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE	39
6.2.3.	PERSONS WITH DISABILITIES	39
6.2.4.	CHILDREN	42
6.2.5.	YOUTH	43
6.2.6.	HOMELESS	45
6.2.7.	ELDERLY	46
6.2.8.	PERSONS UNDER SUBSISTENCE ALLOWANCE PROGRAMMES	48
6.3.	RIGHT TO HEALTHCARE	48
6.4.	RIGHT TO A HEALTHY ENVIRONMENT	49
LIST OF RECOMMENDATIONS		50

1. INTRODUCTION

Georgia has human rights obligations in the civil, political, social, economic and cultural spheres under national and international human rights instruments, which require due respect and enforcement by the Government institutions. This entails the mobilisation of efforts – financial and material resources, proper planning and execution. Although national authorities bear the primary obligation at the domestic level in the respect, protection, fulfilment and promotion of the state’s human rights commitments, national and local authorities are equal bearers of human rights’ duties.

With this view in mind, the Assessment Report attempts to identify local authorities’ direct duties as well as institutional and policy gaps in the implementation of human rights in Georgia. To meet this purpose, this document highlights obligations and the prevailing practice of the local self-government in Georgia.

In the beginning, the Assessment Report identifies the local authorities’ mandate in the human rights area by linking it with specific laws and safeguards. As a next step, the Assessment Report depicts the existing interrelationship and partnership between central and local authorities, as well as among municipalities. It also examines the co-operation of local authorities with the PDO and CSOs. Observations are made with respect to policy and budget planning and implementation. The second part of the Assessment Report is dedicated to specific human rights issues such as the prohibition of discrimination, with particular emphasis on gender equality. A separate chapter is devoted to the issues pertinent to vulnerable and underrepresented groups that have been identified in consultation with local authorities.

In the end, the Assessment Report contains recommendations on changes to legal instruments (budgets, by-laws, orders, etc.), policies (strategic documents, action plans, concepts, etc.) and good practices (data collection, training, monitoring reports, etc.) that are primarily directed towards central and local authorities.

2. METHODOLOGY

The Assessment Report has been designed primarily to assist the end-users – local authorities¹ and the National Association of Local Authorities of Georgia (NALAG) – with identifying challenges related to human rights mainstreaming in policy planning and implementation as well as with proposing targeted recommendations.

Furthermore, the Congress of Local and Regional Authorities of the Council of Europe (hereinafter “the Congress”) has commissioned the Assessment Report with a view to developing and implementing a new co-operation project. It may also be useful for the donor community and civil society organisations for project planning purposes.

The Assessment Report briefly explores the national legal framework that directly or indirectly refers to the human rights obligations of local authorities. It primarily relies on desk research of national laws as well as municipal programmes and budgets.

On 26 November 2019, the Congress and NALAG co-organised a workshop on “Strengthening human rights at local level in Georgia” (hereinafter “the Human Rights Workshop”) with the participation of representatives from 19 municipalities² and one member of the Supreme Council of the Autonomous Republic of Adjara. PDO and CSO representatives also participated in the workshop and were engaged in the discussions. The Human Rights Workshop provided significant inputs on perceptions, knowledge and practices prevalent in municipalities with respect to human rights commitments, human rights-based approaches and human rights mainstreaming in policy documents and budgets.

1 Local government in Georgia is realised at the level of municipalities, divided into self-governing communities and self-governing cities. The municipalities consist of three organs: the *Sakrebulo* (council) is its representative and by function the legislative organ; the *Meria* (city administration) is the local administrative organ and is headed by the *Meri* (mayor), who is the executive organ in a self-governing community or a self-governing city.

2 In alphabetical order: Akhmeta, Ambrolauri, Batumi, Bolnisi, Borjomi, Gori, Kareli, Khulo, Kvareli, Lanckhuti, Marneuli, Mtskheta, Ninotsminda, Ozurgeti, Rustavi, Senaki, Tbilisi, Telavi and Tkibuli.

The findings on practical challenges are based on the information provided in the reports, studies and recommendations issued by the Public Defender's Office of Georgia, by both United Nations and Council of Europe human rights bodies and mechanisms, and non-governmental organisations. In certain instances, the information has been verified with the relevant stakeholders at the Human Rights Workshop as well as through meetings and interviews with the Secretariat of NALAG and representatives of the PDO (Gender Department, Equality Department/Anti-Discrimination Mechanism, and Units for East and West Regions of Georgia). Therefore, any data used in the Assessment Report is referenced to the primary source or authority.

3. GEORGIA'S LEGAL FRAMEWORK ON HUMAN RIGHTS

3.1. INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

Georgia's human rights obligations stem from the international instruments the country is party to and the Constitution of Georgia:

- Georgia is a member of several United Nations and Council of Europe human rights treaties, such as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5), among others.
- In June 2014, the European Union and Georgia signed an Association Agreement (which entered into force in July 2016) containing various modalities and commitments to respect and uphold human rights obligations.³

International treaties are part of the domestic legislation and have a higher normative value after the Constitution of Georgia vis-à-vis any other legal act.⁴ Thus, ratified international human rights treaties are directly applicable in Georgia.

Although the primary responsibility for the promotion and protection of human rights rests with the national (central) government, it is universally agreed that the respect, promotion and realisation of human rights is also one of the obligations of local authorities as they are public officials exercising government / state functions.⁵

3 Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part, OJL 261, 30 August 2014, pages 4-743, available at [https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:22014A0830\(02\)](https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:22014A0830(02)).

4 Article 4.5 of the Constitution of Georgia; Organic Law of Georgia on Normative Acts.

5 United Nations High Commissioner for Human Rights, Local Government and Human Rights, A/HRC/42/22, 2 July 2019. Congress of Local and Regional Authorities of the Council of Europe, Resolution 365 (2014) on Best practices of implementation of human rights at local and regional level in member states of the Council of Europe and other countries; Resolution 334 (2011) on Developing indicators to raise awareness of human rights at local and regional level; Resolution 280(2010) on Role of local and regional authorities in the implementation of human rights.

3.2. NATIONAL HUMAN RIGHTS FRAMEWORK

The Constitution of Georgia recognises and enshrines universally recognised human rights and freedoms, and the Georgian state acknowledges and protects them as *“eternal and supreme human values”*.⁶ Chapter II of the Constitution is dedicated to Fundamental Human Rights and, therefore, state authorities (including local authorities) are bound to act in line with the Constitution. Local authorities in Georgia have exclusive and delegated powers, which are prescribed in detail in the Local Self-Government Code of Georgia.⁷ Although the Code does not directly refer to human rights and freedoms, the actions or measures undertaken by local authorities within their mandate have direct and indirect effects on the realisation of human rights at the local level. This is also evident from the primary duty of a government (either central or local) to design and implement policies and programmes that take into consideration the needs of the population, with due consideration of the needs of vulnerable groups.

The close interrelationship between the competences of local authorities and human rights obligations is exemplified in the table below:

LOCAL SELF-GOVERNMENT CODE OF GEORGIA	
Exclusive Competence of the Local Authorities under Article 16	Link with Human Rights Obligations
Drafting and approval of the municipal budget along with the disposal of budgetary funds	Human Rights-Based Approach and Gender Budgeting
Management of local natural resources, including water and forest resources, and land resources owned by the municipality ⁸	People’s right to freely dispose of their natural wealth and resources
Spatial and territorial planning of the municipality	Accessibility and availability of services for vulnerable groups (disabled persons, elderly, etc.)
Cleaning of streets, parks, public gardens and other public areas in the territory of the municipality, municipal waste management	Right to a healthy environment and a healthy lifestyle

6 See preamble and Article 4.2 and 4.4 of the Constitution of Georgia.

7 Article 75 of the Constitution of Georgia; Article 15 of the Local Self-Government Code of Georgia.

8 It is worth noting that the central authorities have not adopted a bill defining natural resources in line with Article 165 of the Local Self-Government Code of Georgia.

Water supply (including technical water supply) and provision of a sewerage system; development of the local melioration system	Adequate standards of living
Establishment of early learning, pre-school and educational institutions under the control of the municipality	Right to pre-school education of a child
Regulation of issues related to assemblies and demonstrations in accordance with the law	Freedom of Assembly and Freedom of Expression
Protection and development of local identity, creative activities and cultural heritage; maintenance, reconstruction and rehabilitation of local cultural monuments; ensuring the functioning of libraries, club-type institutions, cinemas, museums, theatres, exhibition halls and sports and recreation facilities, and the construction of new facilities	Cultural Rights and Cultural Life
Development of appropriate infrastructure in local facilities for disabled persons, children and the elderly, including proper adaptation and equipment of public areas and municipal transport	Access and availability for vulnerable groups; Adequate standard of living
Provision of a shelter for and registration of the homeless	Adequate standard of living

The table above demonstrates that specific human rights fall directly within the competence of the local authorities (a classical example being their mandate with regard to homeless persons). In other instances, the local authorities need to be vigilant in their daily work, which has a considerable effect on the exercise of rights and freedoms by the local population.

In addition, the central government, based on the principle of subsidiarity,⁹ may delegate powers to local authorities if their implementation at the local level is deemed more efficient.¹⁰ Such delegation takes place via law or through agreement.¹¹ For example, as of September 2020, the delegated mandate of local authorities also covers obligations stemming from the new Code on the Rights of

9 Article 7.4 of the Constitution of Georgia.

10 Article 17 of the Local Self-Government Code of Georgia.

11 For example, the Decree No. 3 of the Government of Georgia of 18 January 2019, based on an agreement between the Ministry of Education, Science, Culture and Sport of Georgia and local authorities, delegates competences to municipalities in the maintenance and rehabilitation of public schools and in the provision of public transportation for students. The Decree is available at http://gov.ge/files/524_69636_825664_13.pdf.

the Child. Furthermore, additional obligations are delegated to local authorities following the entry into force of the Law of Georgia on the Rights of Persons with Disabilities in January 2021.

In line with the Local Self-Government Code of Georgia, a municipality “*is authorised*” (or “*is entitled*”) to carry out activities/measures on its own initiative – provided they are not excluded from their competence nor assigned to any other authority – to facilitate:

- Social assistance to specific groups;
- Healthcare issues (in co-ordination with the Ministry);
- Environmental protection;
- Public education (citizen participation);
- Youth Policy;
- Gender Equality;
- Prevention, assistance and protection of women who are victims of violence / domestic violence;
- Promotion of a healthy lifestyle;
- Creation of a safe environment for human health.¹²

The term “*is authorised*” (or “*is entitled*”) features a discretionary nature of these competences that may lead local authorities to perceive it as a non-obligatory commitment. Nevertheless, having due regard to Georgia’s international human rights obligations, which do not differentiate between central and local players, local authorities shall exercise the above-mentioned competences as duty bearers.

Georgia has also adopted a specific Law on Gender Equality in 2010 and a Law on the Elimination of All Forms of Discrimination in 2014 in line with its international commitments. Thus, local authorities have certain human rights obligations beyond the Local Self-Government Code that stem from other laws.

For example, the Law on Gender Equality provides for specific obligations for local authorities to:

- Identify and combat instances of discrimination at the local level;
- Create Gender Equality Councils at the local level;

12 Article 16.4 of the Local Self-Government Code of Georgia.

- Designate a public official as a gender focal point;
- Eliminate gender-based discrimination within budgets, socio-economic development priorities, municipal programmes and action plans.¹³

Similarly, the Law on the Elimination of All Forms of Discrimination applies to all public institutions¹⁴ and defines various forms of discrimination as well as assigns the monitoring role to the PDO as an independent anti-discrimination mechanism. Recent amendments introduce the prohibition of harassment and sexual harassment, which requires adequate implementation in the internal regulations (as well as codes of ethics) of the state institutions, including inter alia local authorities.

New national legal frameworks for the protection of children’s rights and the rights of persons with disabilities prescribed more obligations to the local authorities.

The Code on the Rights of the Child encompasses many aspects concerning the well-being and development of children. It sets out a wide range of duties that the local authorities have in the process of implementation of the Code.¹⁵ Local authorities are now entitled to develop and implement child protection and support measures¹⁶ within the scope of own or delegated powers of the municipality, as well as to establish a designated Municipal Office for Child Protection and Support, equipped with specialised personnel. Furthermore, the elaboration of the subordinate normative acts by the municipalities (namely, municipal draft by-laws which have a direct or indirect effect on children’s rights) shall be annexed with an explanatory note assessing the impact of the draft by-law on the rights of the child.¹⁷ Such assessment shall also be made when elaborating municipal programmes.¹⁸

13 Article 13 of the Law on Gender Equality.

14 Article 3 of the Law on Elimination of All Forms of Discrimination.

15 Code on the Rights of the Child, Article 96, available in Eng at: <https://matsne.gov.ge/en/document/view/4613854?publication=0>.

16 Code on the Rights of the Child, **Article 28 (7)** – Family support programmes; **Article 37(5)** – Inclusive education system support programmes; **Article 41(6)** – Right of the child to high standard healthcare; **Article 46(8)** – Right of the child to social protection; **Article 47** – Right of the child to adequate living standards; **Article 51(4)** – Promoting the social inclusion of the child; **Article 52** – Promoting the volunteering of the child; **Article 63(4)** – Protection of the child from alcoholic, narcotic, psychotropic, toxic and other harmful substances; **Article 65(3)** – Admission of the child to public entertainment dance centres (night clubs); **Article 66 (12)** – Protection of the child from information hazardous to the child; **Article 67 (6)** – Maintaining the child’s safety when participating in a public event; **Article 68(1)** – Guarantees for the protection of the child from harmful influence.

17 Article 17.5(d) of the Organic Law of Georgia on Normative Acts; article 82.3(c) of the Code on the Rights of the Child.

18 Article 82.1 of the Code on the Rights of the Child.

According to the Law on the Rights of Persons with Disabilities, local authorities are obliged to develop and implement programmes for social inclusion and supporting independent living¹⁹, with the participation of persons with disabilities and taking into account their needs.²⁰ One important aspect of the law is the introduction of the Personal Assistant service, which shall be provided by the municipalities. This service aims to improve the quality of independent living for persons with disabilities while obtaining education, at the workplace, using public services, or carrying out daily activities.²¹ Municipal bodies are to develop the Personal Assistant service delivery procedure, determine the scope of such service by 1 January 2025, and provide this service to persons with disabilities as of January 2025.²²

Apart from the normative framework, Georgia has adopted a comprehensive policy document on human rights issues: in 2014, the Parliament of Georgia adopted the National Strategy for the Protection of Human Rights in Georgia for 2014-2020 (hereinafter “the National Human Rights Strategy”). This landmark text envisages “to develop a systematic approach to the realisation of human rights by all Georgian citizens, and the timely rendering of the duties related to these rights by state authorities.”²³

The National Human Rights Strategy identifies 23 priority areas for action on a legislative, institutional and practical level, which include some of the areas that are pertinent and cross-cutting to the local authorities’ powers as described below:²⁴

- Gender equality and empowerment of women;
- Fight against domestic violence and violence against women;
- Environmental rights;
- Rights of the child;
- Rights of national/ethnic minorities and promotion of their integration;

19 As per information provided at the consultation meeting with the members of NALAG held on 1 July 2021, neither local authorities nor NALAG were involved in the consideration of the draft law; and currently they are facing difficulties in defining the scope of “support programmes” as well as lack financial resources related to it.

20 Article 35 of the Law on the Rights of Persons with Disabilities.

21 Article 12 of the Law on the Rights of Persons with Disabilities.

22 Article 37(5) of the Law on the Rights of Persons with Disabilities.

23 Georgia’s National Human Rights Strategy and Action Plan are available at the website of the Human Rights Secretariat at <http://myrights.gov.ge/en/Policy%20Documents/>.

24 The list provided is non-exhaustive.

- Protection of religious freedom and neutrality;
- Rights of persons with disabilities;
- Rights of internally displaced persons.

The Strategy is implemented through the Action Plan (the recent Human Rights Action Plan covers the period 2018-2020) that provides for time-bound activities, responsible and partner agencies as well as defines objectives to be achieved and indicators for measuring progress.²⁵ In several instances, the Action Plan refers to municipalities as the responsible and/or partner state authorities.

Discussions with the participants in the Human Rights Workshop revealed that the knowledge of Georgia's human rights obligations is not sufficient, with the exception of gender equality. Namely, most participants were familiar with the concept, the obligations stemming from major treaties – i.e. the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and the Convention on preventing and combating violence against women and domestic violence (Istanbul Convention, CETS No. 210) – and the Law of Georgia on Gender Equality. It seems that gender equality has been the primary focus of the donor community as well.²⁶

In December 2019, the Government of Georgia approved the Decentralisation Strategy for 2020-2025 and its Action Plan for 2020-2021 in order to strengthen local self-government, build its material and financial capacity, as well as to develop reliable, accountable, transparent and results-oriented local governance.²⁷ Although the aforementioned Strategy does not expressly refer to human rights, it recognises the linkage between the decentralisation of powers and the enjoyment of fundamental rights by citizens at the local level. It also encourages sectoral co-operation at the local level, implementing projects with CSOs, and increasing citizen participation in local decision-making.²⁸

25 Georgia's National Human Rights Strategy and Action Plan, *ibid.*

26 UN Women priorities in Georgia, available at http://www.ungeorgia.ge/eng/UN_in_Georgia/un_agencies?info_id=28

27 Decentralisation Strategy 2020-2025 and its Action Plan 2020-2021 approved by the Resolution 678 of 31 December 2019 of the Government of Georgia, available at <https://mrdi.gov.ge/en/Self-governance>.

28 Objectives 3.2 and 3.3 of the Decentralisation Strategy 2020-2025.

4. INSTITUTIONAL STRUCTURES AND CO-OPERATION MECHANISMS FOR LOCAL AUTHORITIES IN HUMAN RIGHTS AREAS

4.1. VERTICAL RELATIONSHIP: CO-OPERATION BETWEEN CENTRAL AND LOCAL AUTHORITIES

The Constitution of Georgia and the Local Self-Government Code define the complementary nature of central and local authorities. As for the institutionalised formats, the Ministry of Regional Development and Infrastructure of Georgia (MRDI) is a key governmental institution that holds a mandate for communication and consultation with the Georgian local authorities and NALAG. The MRDI is responsible for the preparation of policy proposals and decisions of the Government of Georgia in the fields of regional development, decentralisation, local governance and democracy. The MRDI, in partnership with NALAG, organises regional consultation meetings with Georgian municipalities on issues of decentralisation, good governance and local finances. The MRDI operates two public investment instruments – the Regional Development Fund and the Municipal Development Fund²⁹ – to provide hard investments for the rehabilitation of municipal infrastructure in Georgia. In co-ordination with local authorities and with the support of development partners and international organisation, the MRDI identifies capacity needs in Georgian municipalities and formulates relevant policies for training local authorities, including municipal employees and public servants in Georgian cities and communities.

Additionally, the *General Forum of Central and Local Authorities' Institutional Dialogue* (hereinafter “the General Forum”) was established in 2018 upon the initiative of the Committee on Regional Policy and Local Self-Government of the Parliament of Georgia³⁰ as a platform between central and local authorities on

²⁹ Webpage of the Municipal Development Fund of Georgia: <http://mdf.org.ge/>.

³⁰ Strategy of the Committee on Regional Policy and Local Self-Government of the Parliament of Georgia and Action Plan for 2018-2020, available at <http://www.parliament.ge/ge/saparlamento-saqmianoba/komitetebi/regionuli-politikis-tvitmmartvelobis-da-magalmtiani-regionebis-komiteti-145/komitetis-saqmianoba/komitetis-strategia-da-samoqmedo-gegma>.

issues related to self-development and decentralisation.³¹ The General Forum brings together elected mayors and chairpersons of the 64 municipalities of Georgia, nine regional governors and central government officials.³² The purpose of this initiative has been to create a high-level, permanent and formalised consultation mechanism that would promote and improve co-ordination and co-operation in various sectors between central and local authorities. As the General Forum has a unique nature of gathering representatives from all municipalities, it is recommended to widen its mandate to cover discussions about pertinent human rights issues.

According to the information provided by the NALAG, a new consultative platform regarding the social programmes was created. The consultative platform is comprised of NALAG and representatives of the Ministry of Internally Displaced Persons from the Occupied Territories Labor, Health and Social Affairs, MRDI, Ministry of Finance and two committees of the Parliament of Georgia. More information is not yet available on the intensity of meetings and the main directions of their work.

4.2. INTER-AGENCY CO-OPERATION MECHANISMS

The Inter-agency Human Rights Council of Georgia (hereinafter “the HRC”) was established in 2014 by the Cabinet of Ministers as an interagency task force. The authority of the HRC is defined in the Governmental Decree No. 551 of 13 December 2016. The HRC has a Human Rights Secretariat (hereinafter “the HRS”) that supports the work of the HRC and other inter-agency councils/commissions under the umbrella of the HRC and in light of the National Human Rights Strategy and its Action Plan.³³

31 Its contributors were the United Nations Development Programme (UNDP), the US Agency for International Development (USAID), the National Democratic Institute (NDI), the International Republican Institute (IRI), World Vision, and the governments of Denmark, Austria and Switzerland.

32 Further information is available at <http://www.parliament.ge/en/saparlameto-saqmianoba/komitetebi/regionuli-politikis-tvitmmartvelobis-da-magalmtiani-regionebis-komiteti-145/axali-ambebi-regionuli-saqartvelos-saxelmwifo-da-adgilobrivi-xelisuflebis-instituciuri-dialogis-generaluriforumis-paneli-fiskaluri-decentralizacia.page>.

33 Order of the Prime Minister of Georgia “On approval of Regulation of the Human Rights Secretariat (Service) of the Administration of the Government of Georgia”, 5 December 2018; Prof. Dr. J. Sarkin, “Reinvigorating and Transforming the Role of the Human Rights Council (HRC) in Georgia into a National Mechanism for Reporting and Follow-up (NMRF) in line with Global Practice”, 14 January 2019, available at <http://myrights.gov.ge/uploads/files/docs/5633ENGFULLGeorgiaHumanRightsCouncilReport14January2019.pdf>.

Discussions with local authorities, NALAG and representatives of the PDO revealed that local authorities and NALAG were not involved either in drafting the National Human Rights Strategy and Action Plan nor invited to participate in the HRC, its working groups or other inter-agency councils and commissions.³⁴ In 2017, the Human Rights Secretariat was urged to enhance its co-operation with the local authorities by ensuring their representation in drafting the Action Plans, holding regional consultations and creating local co-ordination committees.³⁵ The lack of *“genuine consultation and participation in decision-making, at national and local level”* has been also highlighted in the 2019 Evaluation Report on the Implementation of the National Human Rights Strategy.³⁶

As the National Human Rights Strategy points out, human rights policies should filter down through all ministries, agencies and institutions so that they *“gradually introduce a human rights-based approach in their working practices, especially in the planning and provision of public services.”* This means that:

- Issues directly linked with the mandate and capacity of local authorities need to be discussed with their active participation;
- Local authorities need to have the opportunity to contribute to the development of the state policy so that they increasingly participate in the fulfilment of Georgia’s human rights aspirations, vision and obligations. In this regard, interagency co-ordination mechanisms (commissions) and working groups, as well as targeted training programmes implemented by the MRDI and the Civil Service Bureau of Georgia, need to further engage Georgian local authorities in order to raise their awareness and increase their capacities.

The update of the National Human Rights Strategy and Action Plan is currently ongoing. It is commendable that NALAG has been invited to participate in this process and represent local authorities. Namely, NALAG will be given the opportunity to become an invited member of the HRC and its working groups,

34 Workshop on “Strengthening human rights at local level in Georgia”, co-organised by the Congress and NALAG and held in Tbilisi, Georgia, on 26 November 2019.

35 D. Johnson, “Recommendations on a proper monitoring system and ongoing activities for the Georgian National Human Rights Action Plan”, September 2017, p. 26, available at <http://myrights.gov.ge/uploads/files/docs/86235040HRNAPRecommendationsReport.Eng.pdf>.

36 “Implementation of the National Strategy for the Protection of Human Rights in Georgia 2014-2020: Progress, Challenges and Recommendations as to Future Approaches”, European Union for Georgia - United Nations, October 2019, p. 11, available at <https://www.ge.undp.org/content/georgia/en/home/publications/Georgia-human-rights-2019.html>.

participate in the drafting of the Action Plan and assist central authorities in the coordination, implementation of the Action Plan activities under the competence of local authorities and monitoring. As of latest information provided by NALAG, they have prepared and submitted comments regarding the strategy several times.

4.3. CO-OPERATION WITH THE PUBLIC DEFENDER OF GEORGIA

The Public Defender's Office of Georgia is an independent national human rights institution with the mandate to monitor the implementation of human rights by the local authorities.³⁷ The PDO also serves as the National Preventive Mechanism (NPM) under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) and as an Independent Anti-Discrimination Mechanism that has its headquarters in Tbilisi and nine regional offices.

In 2014, the PDO was designated as the national institution to ensure the implementation, promotion and protection of the UN Convention on the Rights of Persons with Disabilities. The monitoring mechanism of the Public Defender, together with the PDO Department of the Rights of Persons with Disabilities, includes the Consultative Council for the Promotion, Protection and Implementation of the Convention on the Rights of Persons with Disabilities and a monitoring group.

As part of its mandate, the Public Defender presents annual reports to the Parliament of Georgia on all human rights issues.³⁸ Some Parliamentary Committees have also established the good practice of inviting the Public Defender to present findings/reports on specific topics. In January 2019, the Committee on Regional Policy and Local Self-Government of the Parliament of Georgia invited the Public Defender to report on the situation of human rights in regions and municipalities, where up to 40 representatives of different local authorities were present.³⁹ Such initiatives are a welcome step forward and should retain a repetitive character.

The PDO has a long-standing practice of holding consultations with the

37 Article 3.1 of the Organic Law of Georgia on the Public Defender.

38 All reports of the Public Defender of Georgia on "The Situation in Human Rights and Freedoms in Georgia" are available at <http://ombudsman.ge/eng/saparlamento-angarishebi>.

39 Committee on Regional Policy and Local Self-Government of the Parliament of Georgia, Minutes

representatives of the local authorities in order to present its findings and recommendations. For example, in 2019 and 2020, the representatives of the central and regional offices of the PDO held numerous meetings and conducted trainings with the representatives of local authorities primarily to discuss women's rights, gender equality, sexual harassment and other types of gender discrimination, women's involvement and participation in decision-making, children's rights, needs of persons with disabilities, etc.⁴⁰

Such consultations are vital not only to raise awareness of the findings of the PDO but also to discuss modalities of the recommendations: what needs to be done, in which sequence, how, etc.⁴¹ Therefore, Georgian local authorities should become proactive in seeking meetings and discussions with the PDO with respect to new findings, also to increase their knowledge of specific human rights issues.

4.4. HORIZONTAL RELATIONSHIP: CO-OPERATION AND EXPERIENCE SHARING AMONG LOCAL AUTHORITIES

The functioning of the modern self-government system is ineffective without inter-municipal co-operation: sharing experiences and best practices is paramount to reduce financial costs and improve efficiency and quality.

Notably, the European Charter of Local Self-Government (ETS No. 122) envisages the local authorities' right to associate, that is, to co-operate and to form consortia with other local authorities in order to carry out tasks of common interest and to belong to an association for the protection and promotion of their common interests.⁴² This can be achieved by implementing joint projects or achieving goals beyond the capacity of one local authority. The Local Self-Government Code grants

of the Meeting N71 of 16 January 2019, available at <http://www.parliament.ge/ge/saparlamnto-saqmianoba/komitetebi/regionuli-politikis-tvitmmartvelobis-da-magalmtiani-regionebis-komiteti-145/komitetis-saqmianoba/komitetis-sxdomebi1214/sxdomis-oqmi-n7112.page>.

40 In 2020, the Regional Offices of the PDO held 618 meetings with the local population and local organisations; In 2019, the PDO organised 286 trainings and 711 informational meetings, as stated in the Public Defender of Georgia "2020 Report on the Situation of Human Rights and Freedoms in Georgia", p. 9 and "2019 Report on the Situation of Human Rights and Freedoms in Georgia", pp. 311, 364 and 406 (Georgian version).

41 For example, see Public Defender of Georgia, "Special Report of the Public Defender of Georgia on Combating and Preventing Discrimination and the State of Equality", 2019, p.35, available at <http://ombudsman.ge/eng/spetsialuri-angarishebi/spetsialuri-angarishi-diskriminatsiis-tsinaaghmdgbrdzolis-misi-tavidan-atsilebisa-da-tanastsorobis-mdgomareobis-sheesakheb-2019>.

42 Article 10 of the European Charter of Local Self-Government.

similar venues for co-operation among municipalities by establishing a legal entity under private law, or becoming partners, shareholders and/or founders of a commercial legal entity or members of non-commercial legal entity, and setting up joint services. They can even merge budgetary funds and undertake joint projects.⁴³

Although there is no permanent human rights platform for municipalities, NALAG itself represents a unique institution for sharing experiences among local authorities. Another successful practice stems from the first National Conference of Local Authorities on Gender Equality organised by NALAG in May 2018,⁴⁴ as well as NALAG's initiative to create an E-portal for Local Authorities for sharing best practices and case-studies on programmes undertaken. A similar Conference did not take place in 2019. As regards the E-portal, it is operational; however, the information is outdated and refers to the best practice programme 2017-2018.⁴⁵

The creation of a permanent platform for the exchange of information and best practices on human rights issues among local authorities through the introduction of an annual conference and the finalisation, update and use of the E-portal for Local Authorities would raise awareness among local authorities, as well as promote capacity building and networking.

4.5. CO-OPERATION MECHANISMS WITH CIVIL SOCIETY ORGANISATIONS

Georgia has diverse, vibrant and skilled human rights NGOs in the regions which monitor governmental activities and/or provide specific types of services.⁴⁶ In general terms, local CSOs focus on social issues and retain a link with citizens – often lobbying for human rights issues on their behalf.

As of 2015, the Local Self-Government Code provides for the establishment of the Council of Civil Advisors within a municipality, which will function as a deliberative

43 Article 21 of the Local Self-Government Code of Georgia.

44 Further information about the Conference is available at <http://www.nala.ge/post/203183--atea-s-genderuli-platforma-tvitmmartvelobebsi-qalta-da-mamakacta-tanasworobis-sakitxebis-koordinacias-ganaxorcielebs>.

45 Further information about the E-portal is available at <http://nala.ge/public/site/nala/n4ed/index.html>.

46 G. Piñol Puig, "Situation Analysis of Civil Society in Georgia", Europe Foundation, 2016, pp. 41-42, available at <http://www.epfound.ge/wp-content/uploads/2016/12/Situation-Analysis-of-CSOs-in-Georgia.pdf>.

body of the Meri (mayor).⁴⁷ It can be comprised of at least 10 representatives of entrepreneurial legal entities, NGOs and the local population. The Council of Civil Advisors shall meet at least once every three (3) months. The Meri is required to submit for review to the Board of Civil Advisors a draft municipal budget, spatial planning documents, as well as other significant draft administrative-legal acts, and infrastructural and social projects; in this regard, the Council of Civil Advisors could be an effective tool for the involvement of civil society in the budgeting process. In addition, other powers could be defined within its statute (which is approved by the Meri). Therefore, this mechanism could be a valuable tool for local authorities with a proper mandate and use.

In some instances, local authorities and CSOs have developed co-operation modalities through memorandums of understanding (MoU) that guarantee the exchange of information and opinion on policy issues.⁴⁸ It is advised to draft a model of MoU for municipalities based on existing practices; in parallel, the local authorities could map out service-providing NGOs and invite them to co-operate either through the Council of Civil Advisors or in a bilateral agreement (i.e. MoU) for the implementation of human rights commitments.

It is worth noting that the Action Plan 2020-2021 for the implementation of the Decentralisation Strategy 2020-2025 provides for the improvement of the legislative framework and mechanisms in order to ensure a sound engagement of local stakeholders in the decision-making and the implementation process by identifying challenges and improving civic engagement mechanisms.⁴⁹

47 Article 86¹ of the Local Self-Government Code of Georgia.

48 "Situation Analysis of Civil Society in Georgia", *ibid*.

49 Activity 3.3.1 of the Action Plan for 2020-2021 of the Decentralisation Strategy.

5. HUMAN RIGHTS-BASED APPROACH TO CITIZEN PARTICIPATION IN LOCAL PLANNING AND BUDGETARY PROCESSES

A human rights-based approach is about empowering people to know and claim their rights and increasing the capacities and accountability of individuals and institutions to respect, protect and fulfil human rights. For human rights commitments to be effectively realised at the local level, they must be taken into account in policy planning and the allocation of funds in line with the established budgetary processes.⁵⁰

In 2015, the Local Self-Government Code was amended to introduce formats and modalities of citizen participation:⁵¹

- *General Assembly of a settlement:* (i.e. village, small town or city) to discuss socio-economic issues important to the settlement, as well as to draft and submit proposals to municipal bodies, including on the local budget. The General Assembly also can discuss ongoing and implemented projects of the municipality and draft proposals on new ones;
- *Petition:* it may be filed to the attention of the chairperson of the Sakrebulo (local council) and include (i) a draft normative administrative-legal act; (ii) the basic principles or specific proposals of a draft normative administrative-legal act that is to be prepared; (iii) a request for the examination, discussion and solution of issues of general importance to the municipality at a session of the Sakrebulo;
- *Council of Civil Advisors* (see sub-section 4.5 above);
- *Participation in the sessions of the Sakrebulo:* the sessions of a Sakrebulo and its commissions shall be public. Anyone can, without any prior

50 Local participatory budgeting can be understood as a process where citizens, service providers, local administrations, and officials jointly identify, discuss, and prioritise projects funded by public funds. Most importantly, the process empowers civil society to participate in the planning and distribution of local public finances.

51 Articles 85 to 88 of the Local Self-Government Code of Georgia.

notification and/or prior permission, attend them. With the consent of the chairperson of the session, attendees can put questions, make clarifications, statements and provide relevant information;

- *Hearing reports on the work performed by the Meri and by a member of the Sakrebulo:* the Meri and members of the Sakrebulo are obliged to hold public meetings with the constituents of the municipality at least once a year, deliver a report to them on the work done, and answer questions put by the constituents on the discussion of the report.

Within the above modalities, citizens can participate in making the local (municipal) budget, which is composed of the ratio of the revenues received, the payments to be made, and the balance to be paid by the Sakrebulo to fulfil the functions and responsibilities of the local government. The budget process includes the preparation, submission, review, approval, adjustment, execution, reporting and control of the budget.

The table below shows key stages of the budgetary process, their explanation and potential venues for participation (for the local population, CSOs, the PDO or international organisations).⁵²

BUDGETARY PROCESS	DEFINITION	CONSULTATION WITH THE POPULATION AND THE COUNCIL OF CIVIL ADVISORS
Preparation of a document containing the key priorities of the municipality through consultations with the public	The budget process begins with the preparation of a document with key municipal priorities, to be implemented as of 1 March and for the next three years.	Prior to the preparation of the key priorities, the local authorities should hold general meetings with settlements as well as public discussions and sessions of the Council of Civil Advisors in order to identify the needs and gather relevant data on human rights at local level.
Drafting of the municipal budget through a participatory process	The Ministry of Finance of Georgia will notify the local authorities by 15 July about the main budgetary parameters for the planned budget year, after which an elaborated budgeting procedure will begin. No later than 5 October, the Ministry of Finance shall also notify the local authorities of the state budget projections for financial assistance (chiefly, equalisation and targeted transfers) and tax receipts to the local budget.	The municipality should prioritise the needs of the most vulnerable groups through a participatory discussion. Decisions should be substantiated and explained. Such discussions and/or presentations could occur either at the Sakrebulo or the Council of Civil Advisors.

52 Articles 89 to 103 of the Local Self-Government Code of Georgia.

<p>Presentation of the draft municipal budget to the Sakrebulo for public discussion and consultation with the interested groups</p>	<p>No later than 15 November of each year, the Meri (mayor) will submit the document containing the key priorities of the municipality and a budget proposal for the next year to the Sakrebulo for discussion. The Sakrebulo will publicly discuss the draft budget. During the consideration, changes to the draft budget may be made only with the agreement of the Meri.</p>	<p>The draft budget must be published for public consideration within five days after its submission to the Sakrebulo. Thus, the discussion within the Sakrebulo is an opportunity to review the human rights priorities with relevant stakeholders one more time.</p>
<p>Approval of the Budget</p>		
<p>Implementation of the Budget</p>		
<p>Reporting to the public, accountability and audit of the budget.</p>	<p>The local Financial and Budget Office will prepare a report within 10 days of the end of each month, showing local budget receipts, payments, balance changes and total balances. The Sakrebulo will hear a quarterly review of the budget execution, including the comparison of receipts, payments, balance changes, and actual total balances with planned payables for the relevant period.</p>	<p>Apart from accountability, this procedure is particularly important to measure targeted results and identify good practices and challenges in order to take them into consideration in future planning. The Council of Civil Advisors and local CSOs should perform a monitoring role through the process.</p>

The above-mentioned budgetary planning exercise shows how important it is to carry out proper assessments and planning in order to (i) adequately respond to needs and address key priorities, (ii) allow for a participatory process to take place and (iii) achieve desired results.

In June 2021, the Committee of Regional Policy and Self-Government of the Parliament of Georgia has established a thematic research group to study the current situation of citizen engagement in local self-government, as guaranteed under the Local Self-Government Code, and to identify the problems and shortcomings that prevent citizens from actively and effectively engaging in the activities of municipalities. As a result, the thematic group will elaborate relevant recommendations as well as necessary legislative amendments to ensure citizen-oriented governance and participatory democracy.⁵³

⁵³ See, Parliament of Georgia, News Article “The Parliament is launching a thematic study on the issue of citizen involvement in the activities of municipalities”, available at <https://parliament.ge/media/news/parlamenti-munitsipalitetebis-sakmianobashi-mokalaketa-chartulobis-sakitkhze-tematur-mokvlevas-itsqebis>.

6. RESPECT, PROTECTION AND IMPLEMENTATION OF SPECIFIC HUMAN RIGHTS

6.1. PRINCIPLE OF EQUALITY AND NON-DISCRIMINATION

6.1.1. NON-DISCRIMINATION

Public officials are obliged not to commit direct and indirect discrimination while exercising their functions.⁵⁴ This obligation primarily relates to the treatment of persons equally: local elected representatives, staff members and the local population. The Human Rights Workshop showed that local authorities do not possess sufficient knowledge of forms and grounds of discrimination as well as of the scope of their obligations to prevent discrimination.

Namely, one of the challenges faced by local authorities is to plan and implement programmes without any discrimination, and whenever necessary substantiate any different treatment (objective justification).⁵⁵ The examples below illustrate this trend:

- Programme Planning: discrimination of single fathers (male) vis-à-vis single mothers (female) who receive allowance/assistance through social programmes (i.e. the programme should be gender-neutral and apply to all single parents);⁵⁶

54 Articles 20 and 24 of the International Covenant on Civil and Political Rights; Article 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms; Article 1 of Protocol 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5); Article 11 of the Constitution of Georgia; Article 2 of the Law on Elimination of All Forms of Discrimination.

55 A justified difference in treatment means that there are some circumstances in which different treatment may be justified: (i) when such treatment and/or approach serves a legitimate purpose and (ii) the mean chosen is proportionate to and necessary for achieving this purpose.

56 Public Statement of the Public Defender of Georgia of 7 March 2017, available at: <http://www.ombudsman.ge/geo/akhali-ambebi/zestafonis-municipalitetis-sakrebulo-savaraudo-diskriminacia-agmofxvra>.

- Programme Planning: discrimination of persons with various types of disabilities while distributing benefits (e.g. exception to pay communal service fees) only for persons with visual impairment (i.e. without having a similar offer for persons with other severe disabilities or having a reasonable justification for the selection of a concrete group);⁵⁷
- Equal Treatment in Labour Relations: discrimination of staff members with perceived different political views by not providing them with firewood to warm their office space in winter.⁵⁸

The social and healthcare programmes developed by municipalities in 2020 had a number of shortcomings in terms of compliance with the Law of Georgia on the Elimination of All Forms of Discrimination. Some of the identified problematic issues were the practice of using discriminatory criteria and terminology and unequal regulation regarding age as well as marital status and residence registration requirements.⁵⁹

On a positive side, it is noteworthy that few municipalities have targeted assistance programmes for victims of violence, the youth of 18-24 years of age who are out of state care (i.e. foster families, orphanages), persons out of penitentiary establishments who are left without family support, as well as a programme to enhance gender equality and access to equal opportunities.⁶⁰ Such programmes demonstrate that local authorities can detect and acknowledge the needs and particular vulnerabilities of specific groups.

6.1.2. HARASSMENT AND SEXUAL HARASSMENT

Harassment and sexual harassment are forms of discrimination under international law as well as according to the Law of Georgia on the Elimination of All Forms of

57 Recommendation of the Public Defender of Georgia of 25 September 2017 to the Sakrebulo of Tchiatura Municipality, available at: <http://www.ombudsman.ge/geo/191127024126shezghudulishezadzlebloba/saqartvelos-saxalxo-damcvelma-chiaturis-gamgeobas-mouwoda-shshm-pirtatvis-socialuri-programebis-shemushavebis-tanasworobis-principi-daicvas>.

58 Public Defender of Georgia, "2018 Report on the Situation of Human Rights and Freedoms in Georgia", p. 103.

59 Public Defender of Georgia, "Compliance of social and health programs of self-governing bodies with the principle of equality", Special report 2021, p. 27 (Georgian version), available at <https://www.ombudsman.ge/res/docs/2021050515544549350.pdf>.

60 For example, municipalities of Tetrtskaro, Sagarejo and Tkibuli, see: Public Defender of Georgia, "Compliance of social and health programs of self-governing bodies with the principle of equality", Special report 2021, Ibid, p. 7.

Discrimination, to which the definition of “sexual harassment” was introduced for the first time in the Georgian legislation in February 2019.⁶¹ The Administrative Offences Code of Georgia prohibits sexual harassment in public spaces;⁶² similar conduct within state institutions shall be regulated through codes of conduct and ethics.⁶³

Discussions and practical exercises at the Human Rights Workshop exposed difficulties in recognising and identifying instances of sexual harassment. The representatives of the municipalities and Gender Equality Councils have little knowledge of the definition, forms and regulations pertinent to sexual harassment in Georgia.⁶⁴ There are no written procedural standards relevant for handling cases related to harassment at the local level. Unfortunately, neither public officials nor the local populations perceive the facts of harassment as a problem.⁶⁵

6.1.3. DISCRIMINATORY PHRASEOLOGY, INCITEMENT TO DISCRIMINATION AND HATE SPEECH

Even though public officials enjoy freedom of expression with respect to opinions and views expressed,⁶⁶ Georgia has an obligation to prohibit any expression that spreads racial, religious and national hate if such expression constitutes incitement to discrimination, hostility or violence.⁶⁷ Incitement to discrimination can be even

61 Article 2 of the Law on Elimination of All Forms of Discrimination.

62 Article 166¹ of the Administrative Offences Code of Georgia.

63 For example, see the Government Decree No. 200 on Defining the Rules of Conduct and Ethics in a Public Institution of 20 April 2017, available at <https://matsne.gov.ge/ka/document/view/3645402>

64 Public Defender of Georgia, “Assessment of Gender Policy of Local Self-Government Bodies – with special emphasis on women’s economic empowerment”, 2020, p. 23, available at <http://ombudsman.ge/eng/spetsialuri-angarishebi/adgilobrivi-tvitmmartvelobis-organoebis-genderuli-politikis-shefaseba-spetsialuri-aktsentit-kalta-ekonomikur-gadzlierebaze>

65 “Assessment of Gender Policy of Local Self-Government Bodies – with special emphasis on women’s economic empowerment”, *ibid*.

66 Article 17 of the Constitution of Georgia; Political Union of Citizens “Movement for Unified Georgia”, Political Union of Citizens “Conservative Party of Georgia”, Citizens of Georgia – Zviad Dzidziguri and Kakha Kukava, Georgian Young Lawyers’ Association, Citizens – Datchi Tsaguria and Jaba Jishkariani, Public Defender of Georgia v. Parliament of Georgia, Judgment of the Constitutional Court of Georgia of 18 April 2011, No. 2/482, 483, 487, 502, available at <https://www.constcourt.ge/en/judicial-acts?legal=401>

67 Article 20 of the International Covenant on Civil and Political Rights; Office of the United Nations High Commissioner for Human Rights, Human Rights Committee General Comment No. 11; Article 4.a and 4.g of the International Convention on the Elimination of All Forms of Racial Discrimination; Council of Europe, European Commission against Racism and Intolerance (ECRI), General Policy Recommendation No. 15; Article 2.5 of the Law of Georgia on the Elimination of All Forms of Discrimination.

more nefarious for the public than an isolated incident of discrimination as it goes beyond a particular incident and is closely related to corrosive stereotypes rooted in society.⁶⁸ Therefore, an effective fight against discrimination should not only address incidents of discrimination but also identify and prevent incidents that are conducive to and incite discrimination.

There have been numerous instances where local public officials used discriminatory phraseology such as sexist comments,⁶⁹ hate speech and negative stereotypes towards specific groups.⁷⁰ One recent study conducted by the NGO Georgian Democracy Initiative revealed that (i) there is a lack of knowledge in the public sector regarding appropriate disciplinary proceedings to be undertaken in case of complaint referral, (ii) the disciplinary sanctions imposed in case of disciplinary misconduct are not adequate (the authorities used the mildest form of sanction, i.e. warning) and (iii) no follow-up preventive and awareness-raising measures were applied.⁷¹

6.1.4. GENDER EQUALITY

In Georgia, women's participation in decision-making processes remains low with approximately 23.74% of women in Sakrebulo. Only one woman mayor has been elected in the self-governing city of Rustavi (out of five self-governing cities), and there are only two women mayors in 64 municipalities (in Ninotsminda and Dusheti, respectively).⁷² In parallel, women are very rarely involved in community decision-making processes (i.e. meetings and discussions organised in settlements and municipalities) due to lack of interest and/or the feeling that their involvement will not have any influence.⁷³ These factors also contribute to

68 Public Defender of Georgia, "Special report on the Fight against Discrimination, its Prevention, and the Situation of Equality", 2018, p. 17, available at <http://www.ombudsman.ge/res/docs/2019042317142950340.pdf>

69 Incidents with a Former Mayor of Marneuli (T.A.), a Member of Tbilisi Municipality (V.Sh.) and a Member of the Gender Equality Council of Batumi Municipality (A.M.), *ibid.*, pp. 17-18.

70 For example, see the incident with a public official from the Office of the Meri of Kutaisi (N.Kh.) in "Hate Speech in Public Service: Analysis of the response mechanism to violations of ethical norms", Georgian Democracy Initiative, June 2019, pp. 15-16, available at <https://www.gdi.ge/uploads/other/1/1055.pdf>.

71 "Hate Speech in Public Service: Analysis of the response mechanism to violations of ethical norms", *ibid.*, pp. 26.

72 Central Election Commission of Georgia, "Gender Statistics of the Local Elections of 2021", https://genderstatistics.cec.gov.ge/ge/gender?tour_id=21&election_subject_category_ids%5B%5D=2.

73 UN Women, "Gender Assessment of Agriculture and Local Development Systems in Georgia", 2018, p. 17, available at <https://georgia.unwomen.org/en/digital-library/publications/2018/12/gender-assessment-of-agriculture-and-local-development-systems-in-georgia>

low sensitivity within local policies, programmes and budgets with regard to social issues and the needs of vulnerable groups.⁷⁴

Following the 2020 electoral reform, compulsory gender quotas⁷⁵ for national and local elections were introduced. Political party lists for General Municipal Elections to be held before 2028 shall be determined by the political party itself in such a manner that one in every two candidates in the submitted list is of the opposite sex.⁷⁶ This means that half of the candidates for the proportional component of the local election shall be women. Furthermore, in case of premature termination of the mandate of the member of Sakrebulo⁷⁷, who was elected by the proportional electoral system, she/he shall be replaced by the same sex candidate from the party list, if the candidate gives his/her consent to become a member of Sakrebulo.⁷⁸ On 28 July 2021 the Parliament of Georgia voted for the amendments in the rule of gender quotas; therefore, the number of elected women at local level will be decreased as the political parties will have every third candidate of the opposite sex instead of every second in their lists.

As discussed further above, the Law on Gender Equality provides for the creation of a Gender Equality Council at the local level and gender focal points. Although such Gender Equality Councils had been created in all municipalities by 2021 and focal points appointed in some municipalities, concerns remain regarding their capacity, sensitivity and genuine involvement in decision-making processes.⁷⁹

74 "Assessment of Gender Policy of Local Self-Government Bodies – with special emphasis on women's economic empowerment", *ibid.*, pp. 16-17.

75 Introduction of gender quotas, as a temporary measure, was ruled as constitutional by the Constitutional Court of Georgia, see: Decision No 3/3/1525 of the Constitutional Court of Georgia, 25 September 2020, available at <https://matsne.gov.ge/ka/document/view/5003418?publication=0>.

76 Articles 203 (8) of the Election Code of Georgia.

77 The grounds of premature termination of the mandate of the member of Sakrebulo are prescribed under article 6 of the Georgian Law on the Status of the Member of the Representative Body Sakrebulo.

78 Article 203(10) of the Election Code of Georgia.

79 Public Defender of Georgia, "Review of Georgia's Gender Mainstreaming Obligations and their Fulfillment Status", 2021, pp. 33-35, available at <https://www.ombudsman.ge/res/docs/2021031012092173973.pdf>; see also, "Implementation of the National Strategy for the Protection of Human Rights in Georgia 2014 -2020", *ibid.*, p. 46; Public Defender of Georgia, "Monitoring Report on the Implementation of the Action Plan for Gender Equality in Georgia 2014-2016", 2017, p. 17, available at <http://ombudsman.ge/geo/190306081201spetsialuri-angarishebi/saqartveloshi-genderuli-tanasworobis-politikis-ganxorcielebis-gonisdziebata-20142016-wlebis-samoqmedo-gegmis-monitoringis-angarishi>; Public Defender of Georgia, "2017 Report on the Situation of Human Rights and Freedoms in Georgia", pp. 87-88; Parliament of Georgia, "Implementation of Gender Equality Policy in Georgia", 2017, p.34, available at http://www.parliament.ge/en/ajax/downloadFile/72000/Gender_Equality_NAP_report_2016_ENG_Edited_Final_July_2017.

The awareness of gender issues among members of the Gender Equality Councils is very low; hence, their assessment of the local needs and situation is often superficial and fragmented.⁸⁰ Furthermore, members of Gender Equality Councils lack information about legislative changes and existing institutional mechanisms for gender equality in Georgia. Therefore, it is important to ensure co-operation between the Interagency Commission on Gender Equality, Women and Domestic Violence and local authorities, to build capacities and create strong and sustainable mechanisms for enhancing gender equality at local level.⁸¹

Similarly, the Law on Gender Equality provides for gender equality and mainstreaming in government policies. In this regard, gender-responsive budgeting (GRB) entails planning, programming and budgeting in order to promote gender equality and the fulfilment of women's rights.⁸² It entails identifying gender gaps and addressing them by taking the different needs of women and men into account. The PDO reported in 2017 that GRB was being implemented in 37 municipalities.⁸³ However, these GRBs are not structured and systematic as they provide certain budgetary lines for vulnerable groups without a holistic approach.⁸⁴ In addition, it is difficult to measure their success and impact due to the lack of appropriate data and indicators.⁸⁵ Local authorities are required by law to conduct gender impact assessments for local policies and programmes but they do not possess either a methodological tool or a unified guide to carry out such initiatives. Within the Action Plan 2020-2021 of the Decentralisation Strategy, it is foreseen to conduct gender needs assessments at the local level in at least 23 municipalities.⁸⁶

The limited access to basic services and social infrastructure in rural areas disproportionately affects women in Georgia, who dedicate significantly

80 Public Defender of Georgia, "Review of Georgia's Gender Mainstreaming Obligations and their Fulfilment Status", 2021, *ibid.*, p. 35; see also, "Assessment of Gender Policy of Local Self-Government Bodies – with special emphasis on women's economic empowerment", 2020, pp. 14-15.

81 Public Defender of Georgia, "Review of Georgia's Gender Mainstreaming Obligations and their Fulfilment Status", 2021, *ibid.*, p. 35, (Georgian version), <https://www.ombudsman.ge/res/docs/2021031012092173973.pdf>.

82 Article 13 of the Law on Gender Equality; Sustainable Development Goal 5 of the 2030 Agenda for Sustainable Development, available at <https://sustainabledevelopment.un.org/sdg5>

83 "Monitoring Report on the Implementation of the Action Plan for Gender Equality in Georgia 2014-2016", *ibid.*, p. 18.

84 "Gender Assessment of Agriculture and Local Development Systems in Georgia", *ibid.*, p. 19.

85 "Assessment of Gender Policy of Local Self-Government Bodies – with special emphasis on women's economic empowerment", *ibid.*, p. 16.

86 Activity 3.3.3 of the Action Plan for 2020-2021 of the Decentralisation Strategy.

more time to childcare and household duties.⁸⁷ These factors negatively affect women's economic empowerment, an issue which Gender Equality Councils are addressing in their local action plans. A few successful instances include training for women on project writing skills and agriculture; however, in the majority of cases appropriate measures are either lacking or simply not implemented.⁸⁸

It is commendable that, in December 2020, NALAG adopted its first-ever Gender Equality Strategy and Action Plan 2021-2025, which aims to support municipalities and strengthen local gender equality policies and institutional frameworks.⁸⁹ Currently, 18 Georgian municipalities are parties to the European Charter for Equality between Women and Men in Local Life.⁹⁰

6.2. VULNERABLE AND UNDERREPRESENTED GROUPS

6.2.1. ETHNIC AND RELIGIOUS MINORITIES

6.2.1. a. Ethnic Minorities

According to the most recent census (2014),⁹¹ the ethnic minorities of Georgia are the following:

- Azerbaijanis: 233,000 (6.3%);
- Armenians: 168,100 (4.55%);
- Russians: 26,500 (0.7%);

87 Parliament of Georgia and UN Joint Programme for Gender Equality, "Gender Equality in Georgia: Barriers and Recommendations", Vol. 2, 2018, pp. 23-40, available at https://www.ge.undp.org/content/georgia/en/home/library/democratic_governance/gender-equality-in-georgia.html

88 "Assessment of Gender Policy of Local Self-Government Bodies – with special emphasis on women's economic empowerment", *ibid.*, p. 17-18.

89 UN Women, News story "National Association of Local Authorities in Georgia Adopts Gender Equality Strategy and Action Plan", available at <https://georgia.unwomen.org/en/news/stories/2021/01/national-association-of-local-authorities-in-georgia-adopts-gender-equality-strategy-and-action-plan>.

90 Municipalities of Ambrolauri, Aspindze, Akhmeta, Bolnisi, Gardabani, Gori, Kutaisi, Kvareli, Lagodekhi, Mtskheta, Ninotsminda, Ozurgeti, Poti, Rustavi, Senaki, Tianeti, Tsageri and Tskaltubo, see: social network page: <https://www.facebook.com/TheNationalAssociationofLocalAuthoritiesofGeorgia/photos/pcb.3577894452265942/3577889845599736/>; also, <http://nala.ge/post/256296-saqartvelos-otxi-municipaliteti-adgilobriv-cxovrebas-i-qalta-da-mamakacta-tanasworobis-sesaxeb-evropulqartias-seuertda->.

91 National Statistics Office of Georgia, "2014 General Population Census in Georgia", available at <https://georgia.unfpa.org/sites/default/files/pub-pdf/full%20calendar.pdf>.

- Ossetians: 14,400 (0.4%);
- Yezidis: 12,200 (0.3%);
- Ukrainians: 6,000 (0.2%);
- Kists: 5,700 (0.2 %);
- Greeks: 5,500 (0.1%);
- Assyrians: 2,400 (0.1%).

Azerbaijanis and Armenians are concentrated in the regions of Kvemo Kartli and Samtskhe-Javakheti, where they constitute numerical majorities:

- **Azerbaijani community:** there are 104,300 inhabitants in Marneuli municipality (Kvemo Kartli), among whom 83.77% are ethnic Azerbaijanis, 8.58% Georgians and 6.99% Armenians. Against this background, it is noteworthy that out of eight local offices of the Marneuli City Administration, only the manager of one office is a representative of a national minority group,⁹² and none of the managers of the five commissions of the Sakrebulo belongs to a national minority group.⁹³ In some of the municipalities that are densely populated by national minorities (e.g. Gardabani, Dmanisi, Bolnisi, Akhaltsikhe and Tsalka), national minorities are represented in managerial positions to some extent.
- **Armenian community:** as for Samtskhe-Javakheti region, 50.52% of the population is Armenian and 48.28% Georgian. There are representatives of national minorities in managerial positions in the Sakrebulo of Akhalkalaki and the Sakrebulo and City Administration of Ninotsminda.

In 2019, the Open Society Georgia Foundation and the Institute of Social Studies and Analysis conducted the “Study of the Participation of Ethnic Minority Representatives in Political Life” through gathering quantitative (interview with 1,314 minority representatives) and qualitative (nine focus groups) data.⁹⁴ The Study concluded that:

92 Official website of Marneuli Municipality, Offices of the Meria: <https://marneuli.gov.ge/meria/meriis-samsaxurebi>

93 Official website of Marneuli Municipality, Commissions of the Sakrebulo: <https://marneuli.gov.ge/sakrebulo/sakrebulos-komisiebi>.

94 Open Society Georgia Foundation and Institute of Social Studies and Analysis, “Study of the Participation of Ethnic Minority Representatives in Political Life”, 2019, pp. 76-82, available at <https://osgf.ge/en/publication/study-of-the-participation-of-ethnic-minority-representatives-in-political-life/>.

- In the eight municipalities most populated by ethnic minorities,⁹⁵ on average, there is one representative in the Sakrebulo for every 779 ethnically Georgians, whereas there is one for every 1,116 ethnically Armenian and 2,945 ethnically Azerbaijani inhabitants;
- During 2018 and 2019, only 14.4% of the respondents had addressed the local government to solve a problem. 70% of the respondents had never addressed this body for personal and/or family needs, and 76.5% had never addressed this body for public needs. The large majority of the respondents (more than 80%) had neither taken part in any of the activities organised by the local self-government nor been informed about the ways of co-operation with local authorities.

One of the main factors contributing to this trend is the low level of knowledge of the Georgian language among ethnic minorities – it is particularly problematic for the Azerbaijani community and could further decelerate their engagement due to cultural, religious, historical or other specific factors.⁹⁶

A particular low level of political participation is observed among minority women due to cultural factors, gender prejudices and stereotypes, which are further exacerbated in women without higher education.⁹⁷ Minority women are additionally disadvantaged by breakdowns in local infrastructure (e.g. access to water and limited public transport)⁹⁸ and lacking access to healthcare in rural areas.⁹⁹

Regarding the **Kist community**, the local authorities have been implementing a number of programmes in Pankisi Gorge (Akhmeta municipality, Kakheti region), including inter alia the establishment of adequate infrastructure, kindergartens, preschool programmes, sports clubs, cultural activities, etc.¹⁰⁰ These programmes should be tailored to the needs of the local population and aimed at their integration and reconciliation into Georgian society.¹⁰¹

95 Akhalkalaki, Akhaltsikhe, Bolnisi, Dmanisi, Gardabani, Marneuli, Ninotsminda and Tsalka.

96 "Study of the Participation of Ethnic Minority Representatives in Political Life", *ibid.*, p. 86.

97 L. Kakhishvili, "Political Participation of National Minority Women in Georgia", in *Integration of National Minorities in Georgia*, Netherlands Institute for Multiparty Democracy, 2017, available at http://eecmd.org/wp-content/uploads/2017/07/Policy_Papers_ENG.pdf.

98 Coalition for Equality, "The Right to Non-Discrimination in Practice for Various Groups in Georgia – 2017 Report", 2018, p. 58, available at <https://emc.org.ge/en/products/diskriminatsiisgan-datsvis-uflebis-gankhortsieleba-skhvadaskhva-jgufistvis-sakartveloshi>.

99 "Gender Equality in Georgia: Barriers and Recommendations", Vol. 2, *ibid.*, p. 49.

100 "2018 Report on the Situation of Human Rights and Freedoms in Georgia", *ibid.*, pp. 249-250.

101 "2019 Report on the Situation of Human Rights and Freedoms in Georgia", *ibid.*, p. 379.

According to the 2014 census, there are 604 inhabitants in Georgia belonging to the **Roma community**,¹⁰² although some sources argue that their actual number may reach 3,000.¹⁰³ They do not have permanent residence and have a high unemployment rate. Education and literacy are major challenges for this community: very few children go to kindergartens/preschool centres. A majority of Roma are computer illiterate and are unable to register their children (first graders) for schools electronically through the universal registration system.¹⁰⁴ As of 2019, municipalities have not made any step towards attracting Roma children to kindergartens and preschool establishments and their enrolment in these institutions.¹⁰⁵

6.2.1. b. Religious Minorities

The majority of the Georgian population identifies with the Georgian Orthodox Church (around 83.4%), followed by Islam (10.7%) and Armenian Apostolic Christians (2.9 %). Other faiths include Judaism, Yazidism, other Christian denominations (Catholics, Greek Orthodox, etc.), and non-traditional religious groups (Baptists, Jehovah's Witnesses, Pentecostals, the International Society of Krishna Consciousness) constitute the remaining 3%.¹⁰⁶

At the local level, a primary challenge faced by religious organisations (with the exception of the Georgian Orthodox Church) is the difficulty in obtaining construction permits for houses of worship – resulting in discrimination on religious grounds.¹⁰⁷ This practice violates the constitutional principle of equality and the obligation of state authorities to respect religious neutrality.¹⁰⁸

102 Mostly in Gardabani, Kakheti, Kobuleti, Kutaisi, Ozurgeti, Poti and Tbilisi.

103 Tolerance and Diversity Institute, "Georgian Roma": <https://tdi.ge/en/page/georgian-roma>.

104 "2018 Report on the Situation of Human Rights and Freedoms in Georgia", *ibid.*, pp. 250-251.

105 "2019 Report on the Situation of Human Rights and Freedoms in Georgia", (English version), p. 32.

106 National Statistics Office of Georgia, "2014 General Population Census in Georgia", available at <https://georgia.unfpa.org/sites/default/files/pub-pdf/full%20calendar.pdf>.

107 Especially in Akhaltsikhe, Batumi and the region of Kvemo Kartli. See Council of Europe, "ECRI Report on Georgia (Fifth Monitoring Cycle), CRI(2016)2, 2016, pp. 19 and 27, available at <https://rm.coe.int/fourth-report-on-georgia/16808b5773>; United States Department of State, "International Religious Freedom Report 2018 – Georgia" available at <https://www.state.gov/wp-content/uploads/2019/05/GEORGIA-2018-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>.

108 "2019 Report on the Situation of Human Rights and Freedoms in Georgia", *ibid.*, p. 223.

6.2.2. VICTIMS OF VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE

Although the central government has the primary responsibility to prevent and combat violence against women and domestic violence, the Local Self-Government Code prescribes authority with respect to women who have suffered violence or domestic violence.¹⁰⁹

The Government of Georgia has founded four shelters and five crisis centres throughout Georgia.¹¹⁰ There is no adequate number of crisis centres for potential victims where they could refer to before the determination of their status as a victim (notably, out of five crisis centres, only the Tbilisi Crisis Centre provides a 24-hour service).¹¹¹

There are no long-term integration solutions for victims at the local level – only a few municipalities offer allowances for victims of violence, such as one-time monetary allowance and rent.¹¹²

Victims of violence find it difficult to access social, medical and legal aid services they need after leaving the shelter.¹¹³ Such services should be tailored to the individual needs and offered at the local level.¹¹⁴

6.2.3. PERSONS WITH DISABILITIES

Georgia ratified the UN Convention on the Rights of Persons with Disabilities (CRPD) in December 2013, and it entered into force in April 2014. The Co-ordination Council on the Rights of Persons with Disabilities was established in 2009, but

109 Article 16 of the Local Self-Government Code of Georgia; Article 13 of the Law on Gender Equality.

110 Further information is available at the website of the Agency for State Care and Protection and Assistance of (Statutory) Victims of Human Trafficking (ATIP-Fund Georgia): <http://atipfund.gov.ge/eng>.

111 Parliament of Georgia and UN Joint Programme for Gender Equality, “Gender Equality in Georgia: Barriers and Recommendations”, Vol. 1, p. 67, available at https://www.ge.undp.org/content/georgia/en/home/library/democratic_governance/gender-equality-in-georgia.html.

112 “2018 Report on the Situation of Human Rights and Freedoms in Georgia”, *ibid.*, p. 116.

113 Public Defender of Georgia, “Monitoring Report on Service Centres (Shelters) for Victims of Violence against Women, Domestic Violence and Trafficking”, 2018, p. 28, available at <http://www.ombudsman.ge/eng/spetsialuri-angarishebi/ojakhshi-dzaladobisa-da-trefikingis-mskhverplta-momsakhurebis-datsesebulebebis-tavshesafris-monitoringis-angarishi-2018>.

114 “Assessment of Gender Policy of Local Self-Government Bodies – with special emphasis on women’s economic empowerment”, *ibid.*, p.22.

it does not function properly.¹¹⁵ A lack of information about programmes and services available continues to be particularly acute in the regions.

6.2.3. a. Local Councils on Issues Pertaining to Persons with Disabilities

The National Human Rights Action Plan for 2018-2020 provides for the establishment of operational councils working at regional and local levels on issues concerning persons with disabilities and facilitating their effective functioning. As of 2020, councils had been set up in 57 municipalities.¹¹⁶ However, these councils are neither effective nor provide genuine participation of persons with disabilities or organisations representing them in the decision-making process (i.e. they are largely formalistic).¹¹⁷ Participation of women with disabilities in the local councils is also problematic.¹¹⁸

Due to the Covid-19 pandemic and the subsequent state of emergency declared in Georgia, the members of the local councils could not gather; however, municipalities did not make use of other tools (i.e. online sessions) to ensure unhindered operation of the local councils.¹¹⁹

6.2.3. b. Local Social and Healthcare Programmes for Persons with Disabilities

Frequently, the beneficiaries of municipal social and healthcare programmes are only those who have severe disabilities,¹²⁰ persons with specific types

115 The Co-ordination Council was initially established as a co-ordination body for the implementation of the Concept on Integration of Persons with Disabilities and was not reviewed, reorganised or reformed after the ratification of CRPD; therefore, the appropriateness of the Co-ordination Council as the “focal point” responsible for implementation and co-ordination mechanism for the purposes of Article 33.1 of the CRPD needs to be reconsidered. See J. Wadham, “Recommendations for the reorganisation of the Co-ordination Council on the Rights of Persons with Disabilities”, 2016, p. 4, available at <http://myrights.gov.ge/uploads/files/docs/8873ImplementationandMonitoringoftheNationalHRSandAP.Eng.pdf>

116 Only the municipalities of Dusheti, Tianeti, Kaspi, Kazbegi, Tsalka, Tchiatura and Khashuri have not created the councils, see: “2020 Report on the Situation of Human Rights and Freedoms in Georgia”, *ibid.*, p. 391.

117 “2019 Report on the Situation of Human Rights and Freedoms in Georgia”, *ibid.*, p. 365.

118 “2018 Report on the Situation of Human Rights and Freedoms in Georgia”, *ibid.*, pp. 234-235.

119 “2020 Report on the Situation of Human Rights and Freedoms in Georgia”, p. 391.

120 For example, Municipalities of Akhalkalaki, Batumi, Chiatura, Telavi, Terjola, Lagodekhi; see: “Compliance of social and health programs of self-governing bodies with the principle of equality”, Special report 2021, (Georgian version), pp. 11-12.

of disability,¹²¹ or persons born with disabilities,¹²² while excluding financial assistance for persons who acquired it.¹²³ Except for those having severe disabilities or disabilities due to visual impairment, no benefits are offered to other persons with disabilities or persons with disabilities over 18 years of age.¹²⁴ There are cases when the municipal programmes do not use inclusive language, which as a result leads to discriminatory terminology disrespecting persons with disabilities.¹²⁵ Targeting a specific group as a recipient of the allowance/assistance cannot be itself deemed discriminatory under the objective circumstances; however, differential treatment within a group of persons who are equal and have similar or identical needs cannot have a reasonable justification.¹²⁶

Since the municipalities generally lack information on the needs of persons with disabilities residing within their jurisdiction, such a formalistic approach could lead to unintended discrimination and omit those most vulnerable within the community.

During the Covid-19 pandemic, municipalities did not implement specific needs-based measures for persons with disabilities. Apart from some municipalities¹²⁷ that introduced several measures targeted to persons with disabilities, the majority of municipalities carried out only those activities which were already envisaged in the local budget, as well as distributed baskets of food.¹²⁸

121 For example, in municipalities of Gori, Samtredia, Akhaltsikhe, Khoni, Poti, Zugdidi, “Compliance of social and health programs of self-governing bodies with the principle of equality”, Special report 2021, (Georgian version), pp.13-14.

122 For example, in municipalities of Rustavi and Lentekhi, see: “Compliance of social and health programs of self-governing bodies with the principle of equality”, Special report 2021, (Georgian version), p. 16.

123 “Compliance of social and health programs of self-governing bodies with the principle of equality”, Special report 2021, (Georgian version), pp.16-17.

124 “Assessment of Gender Policy of Local Self-Government Bodies – with special emphasis on women’s economic empowerment”, *ibid.*, p. 24; Recommendation of the Public Defender of Georgia of 25 September 2017 to Sakrebulo of Tchiatura Municipality, available at: <http://www.ombudsman.ge/uploads/other/4/4762.pdf>.

125 For example, programs of municipalities of Akhalkalaki, Tetrtskaro, Samtredia, Gardabani, Tianeti, Kareli, Poti, Lentekhi, Gori, Kaspi and Terjola, see: “Compliance of social and health programs of self-governing bodies with the principle of equality”, Special report 2021, (Georgian version), pp. 7-8.

126 “Compliance of social and health programs of self-governing bodies with the principle of equality”, Special report 2021, p. 27 (Georgian version), pp. 14-15.

127 Municipalities of Baghdati, Dmanisi, Gurjaani, Khelvachauri, Khulo, Mestia, Oni, Poti, Rustavi, Tetrtskaro and Tkibuli, see “2020 Report on the Situation of Human Rights and Freedoms in Georgia”, *ibid.*, p. 393.

128 “2020 Report on the Situation of Human Rights and Freedoms in Georgia”, *ibid.*, p. 393.

6.2.3. c. Construction Standards

On 20 June 2018, the Parliament of Georgia adopted the Code of Georgia on Spatial Planning, Architectural and Construction Activities. According to Article 16, the municipality has the following powers: development of appropriate infrastructures for persons with disabilities, spatial planning of the municipality and establishing norms and rules in the relevant field. On a practical level, the majority of the public institutions (Meria, hospital, school, etc.) are not physically accessible for persons with disabilities.¹²⁹ Some of the municipalities also fail to properly monitor compliance with the construction standards at the local level.¹³⁰

6.2.3. d. Preschool Education

The lack of information regarding children with disabilities at preschool level is one of the primary challenges (e.g. number, forms of disabilities, etc.). Hence, their needs are not adequately reflected in the municipal programmes and financial plans.¹³¹

Generally, there is a very low involvement of children with disabilities in preschool education: data from the 59 municipalities show that there were approximately 805 children with disabilities registered in preschool.¹³² The staff/human resources capacities are yet another significant concern due to the lack of adequate involvement of inclusive education specialists.

6.2.4. CHILDREN

Relevant municipal services fail to undertake proper financial and administrative measures to ensure adequate infrastructure, proper educational environment and smooth operation of preschool institutions in the regions:

- Facilities are often falling short of minimum safety standards due to the

129 "Assessment of Gender Policy of Local Self-Government Bodies – with special emphasis on women's economic empowerment", *ibid.*, p. 25.

130 Public Defender of Georgia, "Deficiencies in Access to the Physical Environment for People with Disabilities. Special Report 2018", May 2018, p. 15 (Georgian version), available at <http://ombudsman.ge/geo/spetsialuri-angarishebi/shezghuduli-shesadzleblobis-mkone-pirtatvis-fizikuri-garemos-misatsvdomobis-kharvezebi-spetsialuri-angarishi-2018>

131 "2019 Report on the Situation of Human Rights and Freedoms in Georgia", *ibid.*, pp. 353-354.

132 As of March 2019, 59 out of 64 municipalities supplied data to the PDO as regards the involvement of children with disabilities in preschool education. For further information, see "2019 Report on the Situation of Human Rights and Freedoms in Georgia", *ibid.*, p. 224.

use of old and dilapidated buildings as well as the unavailability of water supply and sanitary/hygienic conditions;¹³³

- Public schools continue to face the problem of water shortage and improperly functioning toilets and bathrooms.¹³⁴

Municipalities should develop tailored programmes for street children and children displaying a high risk of antisocial behaviour.¹³⁵

Child poverty due to unemployment and poor social environment, including adequate food, clothing, educational items, and housing is particularly acute in rural and mountainous families with children, where municipal targeted assistance services are scarce.¹³⁶

6.2.5. YOUTH

Youth in Georgia face a number of challenges in a wide range of areas, such as education, employment, access to resources and opportunities, physical and mental health, participation in public life and decision-making.¹³⁷

Young people underline the scarcity of non-formal educational facilities and activities, low quality and not diversified activities, as well as the lack of common spaces for youth to use for gathering, communication and fun at the regional and municipal level. This is especially aggravated for youth living in rural areas who encounter geographic and transportation-related obstacles. Youth with disabilities lack physical accessibility to sports and other infrastructure (hobby centers and student youth homes).¹³⁸ Insufficient economic opportunities and long-term perspectives, as well as limited entertainment, are the main reasons for youth migration from municipalities to the capital (Tbilisi).¹³⁹

As for youth participation at the local level, the majority of young Georgian people are aware of their right to participate in decision-making processes; however, at the municipal level, youth participation is almost non-existent¹⁴⁰ and young

133 "2018 Report on the Situation of Human Rights and Freedoms in Georgia", *ibid.*, p.251.

134 "2018 Report on the Situation of Human Rights and Freedoms in Georgia", *ibid.*, p.254.

135 "2019 Report on the Situation of Human Rights and Freedoms in Georgia", *ibid.*, p. 346.

136 "2020 Report on the Situation of Human Rights and Freedoms in Georgia", p. 357.

137 Youth Policy Concept of Georgia for 2020 – 2030, I. Introduction, available in Georgian at <https://matsne.gov.ge/ka/document/view/4936402?publication=0>.

138 Youth Policy Concept of Georgia for 2020 – 2030, *ibid.*, expected result 3.6.

139 Youth Policy Concept of Georgia for 2020 – 2030, *ibid.*, expected result 4.5.

140 Youth Policy Concept of Georgia for 2020 – 2030, III. Strategic Priorities, expected result 5.3.

people do not have a genuine impact on the process.¹⁴¹ Lack of information among youth on the modalities of engagement in youth-related affairs at the local level is also present. A recent survey to young people¹⁴² revealed that the majority of respondents had not participated in the decision-making process on youth-related issues in the municipality in the past 12 months, either due to lack of information about the youth decision-making process in the municipality or due to not being invited to be engaged.¹⁴³ The co-operation between local authorities and young people is sporadic.¹⁴⁴ 76 per cent of surveyed young people have not approached the municipality to propose projects and/or initiatives,¹⁴⁵ and the co-funding of youth initiatives by the municipalities is not systematic.¹⁴⁶

The Youth Policy Concept of Georgia 2020 – 2030 (hereinafter “Youth Concept”) covers a wide range of areas relevant to youth in Georgia. It gives a significant priority to the active participation of young people in public life and decision-making and envisages, among others, youth engagement in the development, implementation, monitoring and evaluation of youth policies. The Youth Concept recognises an important role of central and local authorities in raising awareness among youth of participation modalities, as well as in creating sustainable, consistent mechanisms to ensure genuine youth participation.¹⁴⁷ The Action Plan for the implementation of the Youth Concept has not been adopted yet.

In 2020, the Government of Georgia created the Youth Agency, which among other things, aims to support youth policy and youth work at the local level.¹⁴⁸ It should be noted that the Youth Agency has developed a Municipal Youth Policy Development Programme that aims to facilitate the development, implementation and evaluation of locally-based human rights-based approaches and evidence-based youth policies through standardisation, monitoring and

141 For example, in 2014 participation was 10.9 per cent, while in 2016 it decreased to 6 per cent, see: Youth Policy Concept of Georgia for 2020 – 2030, III. Strategic Priorities, expected result 1.1.

142 4652 young people aged 14-30 were surveyed throughout Georgia.

143 Youth Agency, Survey on Youth, Joint Survey Results, 2020, p. 2, available in Georgian https://youthagency.gov.ge/eedradse/2021/02/%E1%83%92%E1%83%90%E1%83%94%E1%83%A0%E1%83%97%E1%83%98%E1%83%90%E1%83%9C%E1%83%94%E1%83%91%E1%83%A3%E1%83%9A%E1%83%98-%E1%83%99%E1%83%95%E1%83%9A%E1%83%94%E1%83%95%E1%83%98%E1%83%A1-%E1%83%A8%E1%83%94%E1%83%93%E1%83%94%E1%83%92%E1%83%94%E1%83%91%E1%83%98_2020.pdf

144 Youth Policy Concept of Georgia for 2020 – 2030, III. Strategic Priorities, expected result 1.3.

145 Friedrich Ebert Stiftung, “Implementation of Youth Policy at Local Level: Imereti and Tbilisi”, p. 3.

146 Youth Policy Concept of Georgia for 2020 – 2030, III. Strategic Priorities, expected result 1.3.

147 Youth strategy, III. Strategic Priorities, expected result 1.3.

148 Resolution No. 411 of the Government of Georgia on the Establishment of the Youth Agency and Approval of its Statute, available in Georgian: https://matsne.gov.ge/ka/document/view/4642829?publication=0&fbclid=IwAR35rWjvUk_IVJq6tHQudLy1xM40IoU8oqist6Qt0PDtXBsXNWfaj_4Ing

institutional strengthening of policy actors. The consultative group created under the programme comprises various organisations, namely: NALAG, World Vision, Save the Children, Red Cross, the National Council of Youth Organisations and the Development Academy.¹⁴⁹ Currently, the Youth Agency is in the process of developing the Youth Strategy 2025.

Additionally, within an Accredited Programme for Youth Workers, launched by the Youth Agency in co-operation with the Youth Association of Georgia and the Ministry of Science and Education of Georgia, 27 youth workers from nine regions were trained in May 2021.¹⁵⁰ The Youth Agency aims to employ 20 youth workers in ten target municipalities in four regions of Georgia. These youth workers will identify the needs of young people, work with them through formal and non-formal education methods, as well as develop youth services at the municipal level.¹⁵¹

6.2.6. HOMELESS

There is a lack of uniform registration and needs assessment methodologies for homeless persons in Georgian municipalities, resulting in (i) discrepancies and data gaps vital for their identification and needs-based planning, and (ii) inadequacy and flaws in the implementation of programmes and budgets (deficiency of shelters, housing funds, assistance programmes, etc.).¹⁵² It is noteworthy that 16 municipalities¹⁵³ have approved instructions on registration of homeless persons and provision of shelters; however, the implementation of these instructions is hindered due to the above-mentioned discrepancies.¹⁵⁴ Furthermore, the financial resources of municipalities directed to homeless persons are extremely scarce.¹⁵⁵

Most of the sub-programmes within the municipalities cover assistance through shelters and allocation of money for rent. Consequently, sub-programmes do

149 See the web-page of the Youth Agency: <https://youthagency.gov.ge/portfolio/%E1%83%9B%E1%83%A3%E1%83%9C%E1%83%98%E1%83%AA%E1%83%98%E1%83%9E%E1%83%90%E1%83%9A%E1%83%A3%E1%83%A0%E1%83%98/>.

150 Information available at social network page of the Youth Agency, <https://www.facebook.com/YouthAgencyGeorgia/posts/333828411422987>.

151 Information available at social network page of the Youth Agency, <https://www.facebook.com/YouthAgencyGeorgia/posts/334774371328391>.

152 “2019 Report on the Situation of Human Rights and Freedoms in Georgia”, *ibid.*, p. 295.

153 Municipalities of Ambrolauri, Gori, Kharagauli, Khoni, Kutaisi, Martvili, Mestia, Ozurgeti, Rustavi, Sagarejo, Samtredia, Senaki, Tbilisi, Tetritskaro, Vani, Zugdidi. See: “2020 Report on the Situation of Human Rights and Freedoms in Georgia”, p. 310.

154 “2020 Report on the Situation of Human Rights and Freedoms in Georgia”, p. 310.

155 “2020 Report on the Situation of Human Rights and Freedoms in Georgia”, p. 311.

not provide independent life support for beneficiaries.¹⁵⁶ Due to inadequate management and prioritisation among potential beneficiaries, homeless persons who are unable to take care of themselves (and could not benefit from the municipal shelter) are left without any care.¹⁵⁷

In the Open Government Partnership (OGP) Georgia Action Plan 2018-2019, the Government of Georgia has acknowledged that existing legislative regulations, including the exact methodology for determining the status of homelessness and the separation of powers and functions of state and local self-government bodies are vague. Also, it stressed the necessity to develop a unified vision and strategy for tackling homelessness and committed to develop housing strategy document for the realisation of a right to housing, which will help solve the problem step by step.¹⁵⁸ In addition, the Committee on Regional Policy and Local Self-Government of the Parliament of Georgia has studied the situation related to adequate housing in Georgia and in 2020 called upon the Government to develop a housing strategy.¹⁵⁹ The Housing Policy Document and Action Plan still have not been adopted.¹⁶⁰

6.2.7. ELDERLY

Georgia adopted the State Policy Concept on Ageing Issues and its Action Plan 2017-2018, which defined policy directions and activities.¹⁶¹ According to the implementation report of the Action Plan, more than half of the obligations were not fulfilled, and a new action plan has not been yet developed.¹⁶² The work on standards and concept of the long-term care of the elderly has started and the term “long-term care” has been defined under the Law on Healthcare.¹⁶³

Priorities in this area include (i) the development of models of integrated care based on the biopsychosocial approach and the provision of appropriate social

156 “2018 Report on the Situation of Human Rights and Freedoms in Georgia”, *ibid.*, p. 177.

157 “2018 Report on the Situation of Human Rights and Freedoms in Georgia”, *ibid.*, p. 177.

158 Self-Assessment Report On the Implementation of Open Government Georgia Action Plan 2018-2019, p. 47, available at <https://ogpgeorgia.gov.ge/upload/pages/26/Final%20Self-Assessment%20Report%20On%20the%20Implementation%20of%20Open%20Government%20Georgia%20Action%20Plan%202018-2019.pdf>.

159 Conclusion of the Parliamentary Thematic Research Group on “Studying the Situation of Proper Housing for People in Georgia”, available at <https://info.parliament.ge/file/1/BillReviewContent/257933>.

160 Information available at <https://osgf.ge/sackhovrisis-politikis-dokumentisa-da-samoqmedo-gegmis-shemushavebis-valdebuleba-ar-shebulda/>.

161 Decree No. 490 of the Government of Georgia of 2 November 2017 on the Adoption of the National Action Plan on Aging for 2017-2018.

162 “2020 Report on the Situation of Human Rights and Freedoms in Georgia”, p. 398

163 “2020 Report on the Situation of Human Rights and Freedoms in Georgia”, p. 398

assistance; and (ii) the advancement of a home-based care programme.¹⁶⁴

According to the PDO, approximately 70% of municipalities across the country do not have programmes for the elderly based on needs assessments and, as such, local programmes are limited to financing utility fees and one-off monetary assistances, mostly for veterans of World War II and for elderly who reach the age of 80+, 95+, 100 or older.¹⁶⁵ Few municipalities are implementing service - “Clubs for Elderly” designed for 60+ elderly persons and aims to create spaces to socialise, share experiences and acquire education.¹⁶⁶

Although municipalities offer to the elderly coverage of treatment and rehabilitation costs, as well as assistance in purchasing medications, the amount is not sufficient for the whole year.¹⁶⁷ Municipalities should be equipped financially and technically with expertise as well as with human resources to be able to ensure that services are available to older persons and their families.

Home-based care of the elderly is not considered as a target programme within the municipal budget. In rare cases,¹⁶⁸ such services are offered within the framework of municipal co-financed projects implemented by various organisations: out of 64 municipalities, residential care homes operate only in 11 municipalities.¹⁶⁹ There is also an insufficient number of day-care centres.¹⁷⁰ Non-profit organisations, such as Caritas Georgia and Georgia Red Cross Society, provide the largest share of home-care services in Georgia, with a focus on those living below the poverty line (as established by the Social Service Agency).

164 For example, According to PDO, in 2020 home-care programme was only implemented in some big cities of Georgia, see: “2020 Report on the Situation of Human Rights and Freedoms in Georgia”, p. 398; see also: “2018 Report on the Situation of Human Rights and Freedoms in Georgia”, *ibid.*, p. 240.

165 Public Defender of Georgia, “Special Report of the Rights of Elderly in Georgia”, 2020, pp.27-28, available at <https://www.ombudsman.ge/res/docs/2021012113240828575.pdf>; “2019 Report on the Situation of Human Rights and Freedoms in Georgia”, *ibid.*, p.376.

166 For example in the municipalities of Kutaisi and Rustavi, as per information provided at the Consultation meeting with the members of the NALAG on 1 July 2021.

167 “2019 Report on the Situation of Human Rights and Freedoms in Georgia”, *ibid.*, p. 241.

168 For example, in Batumi, Bolnisi, Dusheti, Kutaisi, Tbilisi and Zugdidi.

169 “2018 Report on the Situation of Human Rights and Freedoms in Georgia”, *ibid.*, p. 240.

170 UN General Assembly, “Report of the Independent Expert on the enjoyment of all human rights by older persons on her mission to Georgia”, A/HRC/39/50/Add.1, 17 July 2018, para. 80, available at <https://digitallibrary.un.org/record/1638448>

6.2.8. PERSONS UNDER SUBSISTENCE ALLOWANCE PROGRAMMES

Ensuring the right to adequate food is still one of the major challenges in Georgia: no unified rules related to the right to an adequate standard of living (including the right to adequate food) have been developed.¹⁷¹

Most local authorities have not assessed the needs related to access to food by individuals and families residing in their municipalities. Therefore, the budget does not provide funds for proper nutrition, which leaves a large part of the population without services.¹⁷² People in poverty lack proper access to “free canteens”, particularly in rural regions, and in a number of municipalities, programmes that offer free canteens do not function at all.¹⁷³ In other instances, the services provided do not cover all beneficiaries.¹⁷⁴

During the first wave of COVID-19 pandemic “free canteens” were closed, and some municipalities¹⁷⁵ introduced home delivery or take-away services, which posed certain problems in the smooth and timely operation of the “free canteens” for delivery service, as well as due to geographic inaccessibility in some occasions.¹⁷⁶

6.3. RIGHT TO HEALTHCARE

Georgia has a human rights obligation to establish a healthcare system, which is accessible to all individuals and provides full healthcare support.¹⁷⁷ The Village Doctor state programme under the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia aims to enhance accessibility and affordability of primary healthcare to the population.

171 Public Defender of Georgia, “2016 Report on the Situation of Human Rights and Freedoms in Georgia”, pp. 724-728 (Georgian version).

172 “2020 Report on the Situation of Human Rights and Freedoms in Georgia”, *ibid.*, p. 303

173 “2016 Report on the Situation of Human Rights and Freedoms in Georgia”, *ibid.*, pp. 724-728.

174 For example, Zestaponi Municipality has only one free canteen serving 250 beneficiaries, whereas 2,559 individuals were registered for the social subsistence allowance in 2018. For further information, see “2018 Report on the Situation of Human Rights and Freedoms in Georgia”, *ibid.*, p. 175.

175 The PDO requested information from the municipalities of Batumi, Gori, Kutaisi, Poti, Rustavi, Tbilisi, Telavi, Zugdidi, see: “2020 Report on the Situation of Human Rights and Freedoms in Georgia”, *ibid.*, p. 303

176 For example, some canteens provided service only to those who were living in the city, excluding other parts of municipality, see: “2020 Report on the Situation of Human Rights and Freedoms in Georgia”, *ibid.*, p.303

177 For further information, see Office of the UN High Commissioner for Human Rights and World Health Organisation, “The Right to Health”, Factsheet No. 31, 2008, pp. 22-30, available at <https://www.who.int/gender-equity-rights/knowledge/right-to-health-factsheet/>; Declaration of Alma-Ata, International Conference on Primary Health Care, Alma-Ata, 6-12 September 1978, available at https://www.who.int/publications/almaata_declaration_en.pdf

However, there are shortcomings in the optimal geographical distribution of medical personnel, requiring closer co-operation between central and local authorities.¹⁷⁸

Through municipal commissions on health issues, municipalities provide one-time assistance by payment of medical bills and/or purchase of medicines. The PDO monitoring revealed that decisions taken by the pertinent municipal commissions often lacked substantiation, i.e. references to legal and factual circumstances that served as the commission's grounds for each concrete decision.¹⁷⁹ Consequently, it is uncertain and not proven that the assistance was prioritised to benefit the most vulnerable within the municipality.

6.4. RIGHT TO A HEALTHY ENVIRONMENT

The obligation to ensure a healthy environment includes the improvement of all aspects of environmental and industrial hygiene.¹⁸⁰

Municipal transport is a major cause of ambient air pollution, as public transportation vehicles (buses and mini-buses) do not have proper exhaust systems.¹⁸¹ With the recent acquisition of several large, eco-friendly buses, the situation has improved in the capital (Tbilisi), whereas the situation remains relatively dire in other cities due to outdated public transport fleets.¹⁸²

Another challenge relates to the preservation and development of recreational territories. Namely, spatial planning and urban development shall cease when it contradicts public interest.¹⁸³ In this regard, concerns arise regarding the legality of decisions taken by local authorities to remove the status of recreational areas from a piece of land for the purpose of urban planning and construction.¹⁸⁴

178 "2018 Report on the Situation of Human Rights and Freedoms in Georgia", *ibid.*, p. 169.

179 "2018 Report on the Situation of Human Rights and Freedoms in Georgia", *ibid.*, p. 167; Resolution No. 15-49 of the Sakrebulo of Tbilisi of 6 March 2018 on the approval of the rule of implementation of the sub-programme on assistance measures for medical and other social needs, envisaged by the Tbilisi municipal budget.

180 Article 12.2 of the International Covenant on Social, Economic and Cultural Rights.

181 "2018 Report on the Situation of Human Rights and Freedoms in Georgia", *ibid.*, p.147.

182 For example, in Ambrolauri, Rustavi and Zugdidi. For further information, see Public Defender of Georgia, "The Right to Clean Air (Ambient Air Quality in Georgia) – Special Report", 2019, pp. 29-30, available at <http://ombudsman.ge/geo/spetsialuri-angarishebi/190627034307spetsialuri-angarishebi-ufleba-sufta-haerze-atmosferuli-haeris-khariskhi-sakartveloshi>

183 Article 4, Article 5.1 (a), Article 6.1 and 6.2, and Article 38.2 of the Code of Georgia on Spatial Planning, Architectural and Construction Activities.

184 "2018 Report on the Situation of Human Rights and Freedoms in Georgia", *ibid.*, p. 155.

7. LIST OF RECOMMENDATIONS

AREA	RECOMMENDATION	RESPONSIBLE AUTHORITY / TARGET GROUP
Co-operation between Central and Local Authorities	<p>Increase the mandate of the General Forum of Central and Local Authorities' Institutional Dialogue to include discussions on human rights and enhance the co-operation/consultation between central and local authorities and with the PDO. Organise the General Forum on an annual basis.</p>	<p>MRDI Parliament Local Authorities NALAG</p>
	<p>Include NALAG as invited member in Inter-Agency Co-ordination Councils/Commissions, such as the Interagency Human Rights Council of Georgia (HRC), as well as Inter-agency Coordination Committee responsible for the implementation of the Convention on the Rights of Persons with Disabilities . Ensure participation of local authorities in drafting human rights related strategies and action plans.</p>	<p>Administration of the Government of Georgia (HRC Secretariat) Ministries in charge of the Inter-Agency Councils/Commissions</p>
	<p>Secure the participation of local authorities in working groups of the Inter-Agency Councils / Commissions.</p>	<p>Administration of the Government of Georgia (HRC Secretariat) NALAG</p>
	<p>Develop mechanisms for co-ordination, co-operation and monitoring purposes between the HRC Secretariat & the Adviser to the Prime Minister on Human Rights and Local Authorities on the latter's human rights obligations as per the Strategies and Action Plans.</p>	<p>Administration of the Government of Georgia (HRC Secretariat) NALAG</p>

Co-operation with the Public Defender of Georgia	Organise the presentation of the PDO Annual Report at the Parliament of Georgia with the participation of local authorities on an annual basis.	<p>PDO</p> <p>Committee on Human Rights and Civil Integration of the Parliament of Georgia</p> <p>Committee on Regional Policy and Self-Government of the Parliament of Georgia</p>
	Increase the co-operation between the PDO and local authorities through thematic workshops.	<p>Municipalities</p> <p>NALAG</p> <p>PDO</p> <p>MRDI</p>
	Increase the consultation with the PDO on specific topics on human rights in view of new findings.	<p>Municipalities</p> <p>NALAG</p> <p>PDO</p>
Co-operation among Municipalities	Organise a National Conference of Local Authorities on an annual basis. Secure the discussion and exchange of knowledge and experience on human rights issues.	<p>MRDI</p> <p>NALAG</p>
	Finalise the development of an E-portal for Local Authorities and secure its proper functioning.	<p>NALAG</p>
Co-operation with CSOs	Increase the capacity and engagement of the Council of Civil Advisors in policy and budget planning and implementation.	<p>Municipalities</p>
	Mapping service-delivery CSOs within each municipality for further co-operation and inclusion in the Councils of Civil Advisors, especially in policy and budget planning.	<p>Municipalities</p> <p>NALAG</p>
	Draft a model MoU for co-operation between CSOs and municipalities.	<p>Municipalities</p> <p>NALAG</p>
	Upload good co-operation examples (between CSOs and municipalities) on NALAG's E-portal for Local Authorities.	<p>Municipalities</p> <p>NALAG</p>

Policy and Budget Planning	Develop a guide/methodology on human rights mainstreaming in local programmes and budgets.	Municipalities NALAG MRDI
	Training for municipalities in the implementation of the guide/methodology.	NALAG MRDI
	Assist pilot municipalities to implement/draft programs and policies based on the guide/methodology.	Selected Municipalities NALAG
Non-Discrimination	Assist local authorities in updating/drafting the Code of Ethics, providing for the prohibition of discrimination, harassment, sexual harassment and hate speech. Develop appropriate recommendatory guidelines.	Municipalities NALAG
	Training local representatives in types and grounds of discrimination, including harassment and sexual harassment as well as hate speech.	NALAG MRDI
Gender Equality	Incorporate GRB in the guide/methodology on human rights mainstreaming.	Municipalities NALAG MRDI
	Build the capacities of local authorities in the collection and processing of gender-disaggregated data and the development of indicators.	NALAG MRDI
	Increase the capacity and engagement of Gender Equality Councils in policy and budget planning and implementation.	NALAG Inter-Agency Commission on Gender Equality, VAW – DV
Ethnic Minorities	Develop pilot projects to increase citizen participation at the local level in regions densely populated with ethnic and religious minorities.	Municipalities NALAG
	Encourage minorities to participate in the Councils of Civil Advisors in regions densely populated with minorities.	Municipalities NALAG
	Secure targeted Georgian language sub-programmes at local level for representatives of minorities who are over the age of 18 and are not public officials.	Municipalities

Religious Minorities	Provide trainings on freedom of religion and state's positive obligation in targeted regions (where issues pertinent to property registration are challenging for religious minorities).	NALAG
Violence against Women and Domestic Violence	Secure crisis centres and capacity development workshops/vocational training for WAV and DV through sub-programmes tailored to the needs of the target group.	Municipalities
Persons with Disabilities	Increase the capacity and engagement of Local Councils on Issues Pertaining to Persons with Disabilities in decision-making processes.	Municipalities NALAG
	Incorporate issues relating to persons with disabilities in the guide/methodology on human rights mainstreaming.	Municipalities NALAG
	Draft model standards regulating the arrangement of space for persons with disabilities.	Municipalities NALAG
	Build the capacities of local authorities on the rights of persons with disabilities and raise awareness of the obligations stemming from the Law on the Rights of Persons with Disabilities.	NALAG
	Ensure inclusive and needs-based planning of local social and healthcare programmes.	Municipalities
	Develop the procedure of the Personal Assistant service delivery and determine the scope of this service.	Municipalities NALAG Ministry of Internally Displaced Persons from Occupied Territories, Labour, Health and Social Affairs of Georgia

Children	Secure adequate infrastructure and proper educational environment at pre-school facilities.	Municipalities
	Develop evidence-based municipal programmes as per the Code on the Rights of the Child.	Municipalities NALAG
	Ensure the active engagement and co-operation with central authorities for the effective implementation of the Code on the Rights of the Child.	Municipalities NALAG Relevant ministries
	Build a network and create a formal co-ordination platform/mechanism with grassroots organisations working on the rights of the child at the local level.	Municipalities
	Share experiences and good practices related to the obligations of local authorities in the area of children's rights between the municipalities.	NALAG
	Introduce meaningful participation mechanisms for children and youth in decision-making.	Municipalities
	Build the capacities of relevant municipal staff working on issues concerning children's rights.	NALAG Ministry of Internally Displaced Persons from Occupied Territories, Labour, Health and Social Affairs of Georgia
	Carry out informational activities with children, families and academic establishments at the municipality on the functions and existing programmes in the field of child protection.	Municipalities
Youth	Carry out awareness-raising campaigns among youth residing in the municipality about the importance and ways of youth participation in local affairs.	Municipalities NALAG
	Introduce sustainable and consistent mechanisms to enable the dialogue and exchanges between local authorities and youth.	Municipalities
	Develop diversified, innovative and creative non-formal education activities tailored to the needs and interests of young people.	Municipalities
	Secure active co-operation with the Youth Agency.	Municipalities NALAG

Homeless	Develop a uniform registration and needs assessment methodology for homeless persons.	Municipalities NALAG
	Train local representatives in the implementation of the new methodology.	NALAG
Elderly	Develop a model of integrated care approach in sub-programmes related to the elderly.	Municipalities NALAG
	Gather comprehensive statistical data of elderly residing in the municipalities.	Municipalities
	Develop a needs assessment methodology for the elderly.	Municipalities NALAG
Persons under Subsistence Allowance Programmes	Ensure access to free canteen services for all persons under subsistence allowance programmes, in particular in rural regions.	Municipalities NALAG
	Develop a common methodology for assessment to measure the needs related to access to food in order to collect reliable data necessary for appropriate budgetary planning in this direction.	Municipalities NALAG
Healthcare	Increase the co-operation among central and local authorities regarding the Village Doctor programme in order to increase accessibility and provide needs-based support.	Ministry of IDPs, Labour, Healthcare and Social Assistance Municipalities
	Support municipalities in the development of a proper methodology to prioritise beneficiaries of the healthcare and the social assistance sub-programmes in an objective manner.	Ministry of IDPs, Labour, Healthcare and Social Assistance Municipalities NALAG

Healthy Environment

Training/capacity building of local municipalities on the right to healthy environment (international standards and instruments).

Municipalities
NALAG

Transition to environmentally friendly municipal transport and encourage the use of sustainable modes of transportation for municipal staff and citizens.

Municipalities
NALAG

Support the preservation and development of recreational territories against spatial planning and urban development which are contrary to the public interest.

Municipalities
NALAG

Local authorities, as the level closest to the citizens, play a front-line role in the protection and promotion of human rights. Through their own and delegated powers, local authorities have the responsibility to integrate a human rights dimension in all local policies and strategies – be it civil, political, economic, social or cultural rights.

Developed by the Congress of Local and Regional Authorities through a consultative process with the National Association of Local Authorities of Georgia and the Public Defender's Office of Georgia, the assessment report provides an analysis of the current state of protection and fulfilment of human rights at local level, the related responsibilities of local authorities, and the practical challenges they meet, particularly in the context of the public health crisis.

The findings of the report address a large scope of human rights, including principles of equality and non-discrimination, gender equality, children's rights, and rights of persons with disabilities, and provide relevant insights on how to strengthen multilevel co-operation for sustainable human rights protection.

ENG

www.coe.int/congress

The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. The Congress of Local and Regional Authorities is the institution of the Council of Europe, responsible for strengthening local and regional democracy in its member states. Composed of two chambers – the Chamber of Local Authorities and the Chamber of Regions – and three committees it brings together 612 elected officials, representing more than 130,000 local and regional authorities.