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## 1359<sup>th</sup> meeting, 5 November 2019

2 Current political questions

### Council of Europe Action Plan for Georgia 2020-2023

Document prepared by the Office of the Directorate General of Programmes

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#### EXECUTIVE SUMMARY

The Council of Europe Action Plan for Georgia 2020-2023 is a strategic programming instrument that aims to bring Georgia's legislation, institutions and practice further into line with European standards in the areas of human rights, the rule of law and democracy. The Action Plan is intended to support the country's efforts to honour its obligations as a Council of Europe member State.

The Action Plan priorities take into account decisions, resolutions, recommendations, conclusions of reports and opinions, notably of: the Committee of Ministers (CM), the Parliamentary Assembly (PACE), the Congress of Local and Regional Authorities (the Congress), the Commissioner for Human Rights of the Council of Europe (the Commissioner), the European Commission for Democracy through Law (Venice Commission), the European Commission against Racism and Intolerance (ECRI), the European Committee for the Prevention of Torture (CPT), the Group of States Against Corruption (GRECO), the Committee of Experts on the Evaluation of Anti-Money Laundering Measures (MONEYVAL), the European Committee of Social Rights (ECSR), the Framework Convention for the Protection of National Minorities (FCNM), the Council of Europe's Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), the Committee of the Parties to the Convention on the Protection of children against sexual exploitation and sexual abuse (Lanzarote Committee) as well as the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA). It also takes into account the national reform agenda of Georgia, as defined by the authorities in relevant national strategic documents and commitments, including within the process of the European integration, notably: the National Strategy for the Protection of Human Rights in Georgia 2014-2020, the Anti-Corruption Strategy, Judicial Reform Strategy 2017-2021, 2019-2020 Strategy and Action Plan on the Development of Penitentiary and Crime Prevention Systems.

Under this Action Plan, the Council of Europe and the Georgian authorities have agreed to carry forward jointly, through co-operation programmes, reforms aiming to enhance the implementation of the European Convention on Human Rights (ECHR) and the European Court of Human Rights (ECtHR) case-law at national level, align national legislation and practice of anti-discrimination with European standards, promote gender equality, enhance the independence and accountability of the judicial system, improve the electoral legislation and practice, reform the penitentiary system, enhance information security, advance the compliance of national practices with European standards in the field of media and internet, improve the quality of local democracy, enhance the protection of economic and social rights, develop capacity of law enforcement and other agencies to respond to juvenile crimes, further develop youth policies, effectively prevent and counter trafficking in human beings, facilitate transition of young legal professions to work, facilitate civil society participation in decision making at all levels, increase dialogue and confidence building between divided communities.

In recent years Georgia has changed its Constitution and completed evolution to a parliamentary system in 2018. The country continues its reform efforts to develop further its legislation and practice in line with European standards of human rights, rule of law and democracy. Georgia significantly improved its legislature to promote gender equality and combat violence against women. All these achievements create conducive environment for the implementation of the present Action Plan. The Action Plan also builds on the outcomes of the previous Action Plan 2016-2019 which resulted in ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) in 2017; enhanced independence of the judiciary system; increased efficiency of the training system for legal professionals; significantly improved human rights and healthcare standards in places of detention; improved efficiency of electoral processes; enhanced compliance of the anti-money laundering/countering of terrorism financing legislation with relevant European standards. Nevertheless, challenges remain concerning consolidation of the progress achieved, including concerns raised by civil society on potential political interference in the justice sector and media. Further improvements in implementation of the human rights and anti-discrimination legislation could be achieved. Even though Georgian authorities made an effort to close the gender equality gap, there are still challenges left for legislators and policymakers and women's participation in decision-making remains quite low.

The overall budget for this Action Plan totals €17.5 million. Funding amounting to €5 million has been secured. Further funding is essential to address the priorities identified in this Action Plan for 2020-2023.

The Council of Europe and Georgia will continue their co-operation to improve existing legislative frameworks, to ensure their effective implementation and to enhance the capacities of national institutions to bring the country's legislation and practice closer to European standards in order to promote human rights, strengthen rule of law and ensure democratic principles of governance.

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**LIST OF ACRONYMS AND ABBREVIATIONS**

ACFC	Advisory Committee on the Framework Convention for the Protection of National Minorities
Action Plan	Council of Europe Action Plan for Georgia 2020-2023
AML/CFT	Anti-Money Laundering/Combating the Financing of Terrorism
CBM	Confidence-building measures
CCPE	Consultative Council of European Prosecutors
CDC	Competences for Democratic Culture
CEB	Council of Europe's Development Bank
CEC	Central Election Commission
CEPEJ	European Commission for the Efficiency of Justice
CM	Committee of Ministers of the Council of Europe
Congress	Council of Europe Congress of Local and Regional Authorities
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
CSO	Civil Society Organisation
ECHR	European Convention on Human Rights
ECRI	European Commission against Racism and Intolerance
ECSR	European Committee of Social Rights
ECtHR	European Court of Human Rights
EDC/HRE	Education for Democratic Citizenship and Human Rights Education
ESC	European Social Charter
EU	European Union
FCNM	Framework Convention for the Protection of National Minorities
FIU	Financial Investigation Unit
GBA	Georgian Bar Association
GRECO	Group of States against Corruption
GRETA	Council of Europe's Group of Experts on Action against Trafficking in Human Beings
HCoJ	High Council of Justice
HELP	Council of Europe European Programme for Human Rights Education for Legal Professionals
HSoJ	High School of Justice
Lanzarote Committee	Committee of the Parties to the Convention on the Protection of children against sexual exploitation and sexual abuse
Lanzarote Convention	Council of Europe Convention on the Protection of children against sexual exploitation and sexual abuse
MONEYVAL	Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism
NALAG	National Association of Local Authorities of Georgia
NGO	Non-governmental organisation
OB	Ordinary Budget
ODGP	Office of the Directorate General of Programmes

ODIHR	OSCE Office for Democratic Institutions and Human Rights
OSCE	Organisation for Security and Co-operation in Europe
PACE	Parliamentary Assembly of the Council of Europe
PDO	Public Defender's Office (Ombudsperson)
PGG	European Union/Council of Europe Eastern Partnership for Good Governance Co-operation Framework
PMM	Council of Europe Project Management Methodology
SAO	State Audit Office of Georgia
SDGs	Sustainable Development Goals of the United Nations
The Commissioner	Council of Europe Commissioner for Human Rights
UN	United Nations
UNDP	United Nations Development Programme
VC	Voluntary contribution
Venice Commission	European Commission for Democracy through Law

## **PART I - INTRODUCTION**

### **1.1 GENERAL OVERVIEW**

#### **1.1.1 Georgia and the Council of Europe**

Georgia became the 41<sup>st</sup> member State of the Council of Europe on 27 April 1999. Accordingly, it has entered into, and has agreed to honour, specific commitments which are listed in Parliamentary Assembly (PACE) [Opinion 209\(1999\)](#).

Georgia accepted the obligations incumbent on all member States under Article 3 of the Statute of the Council of Europe<sup>1</sup>: compliance with the principles of pluralist democracy and the rule of law as well as respect for human rights and fundamental freedoms of all persons placed under its jurisdiction.

To date the country has signed and ratified 75 Council of Europe treaties and is subject to a number of Council of Europe mechanisms, including those of the European Court of Human Rights (ECtHR), the Committee of Ministers (CM), the Parliamentary Assembly (PACE), the Congress of Local and Regional Authorities (the Congress), the Commissioner for Human Rights of the Council of Europe (the Commissioner), the European Commission for Democracy through Law (Venice Commission), the European Commission against Racism and Intolerance (ECRI), the European Committee for the Prevention of Torture (CPT), the Group of States Against Corruption (GRECO), the Committee of Experts on the Evaluation of Anti-Money Laundering Measures (MONEYVAL), the European Committee of Social Rights (ECSR), the Framework Convention for the Protection of National Minorities (FCNM), the Council of Europe's Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), the Committee of the Parties to the Convention on the Protection of children against sexual exploitation and sexual abuse (Lanzarote Committee) and the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA).

Georgia has also benefited from Council of Europe co-operation programmes under two consecutive Action Plans for the 2013-2015 and 2016-2019 periods. The main priorities of those Action Plans were to: improve human rights in prisons and other closed institutions; combat ill-treatment and impunity; further develop the capacity of legal professionals to implement the European Convention of Human Rights (ECHR) at national level; promote freedom, professionalism and pluralism of the media; combat money laundering and the financing of terrorism; protect internet freedom; promote local integration of minorities; strengthen the independence and efficiency of the justice system; improve the operational capacity of the Public Defender (Ombudsperson); bring electoral legislation and practice closer in line with European electoral heritage and standards; strengthen the capacity to deliver modern and comprehensive judicial training; counter discrimination on all grounds; prevent and combat violence against women and children; strengthen data protection policies and mechanisms; protect and preserve historic heritage and landscapes; and build confidence across dividing lines. The activities to tackle these issues were implemented with funding from the European Union (EU) and voluntary contributions by the member States.

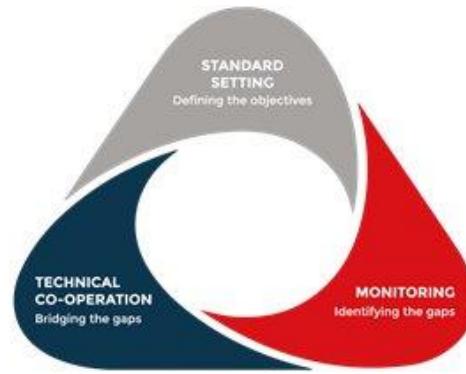
Georgia has been a member of the Council of Europe Development Bank (CEB) since 2007. The CEB plays an active role in Georgia, particularly through the funding of projects aiming to facilitate access to credit for micro, small and medium-sized enterprises, with a view to supporting the creation and preservation of viable jobs.<sup>2</sup>

#### **1.1.2 Added value of the technical assistance programmes of the Council of Europe**

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

<sup>1</sup> Council of Europe constitutional document, <http://www.coe.int/en/web/conventions/full-list/-/conventions/rms/0900001680306052>

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



**Figure 1: Council of Europe strategic triangle**

### 1.1.3 Main findings of monitoring mechanisms and expert advisory bodies

This Action Plan builds, to a large extent, on the most recent decisions, resolutions, recommendations, report conclusions, opinions and findings of the Council of Europe's monitoring and expert advisory bodies in respect of the country as well as on the results of the previous Action Plans with the Council of Europe. It also takes into account the challenges identified in the Secretary General's annual reports on the State of Democracy, Human Rights and the Rule of Law in Europe.

In addition, the Action Plan reflects the priorities of the country's reforms, notably those identified in Georgia's National Human Rights Strategy 2014-2020, the National Programme of the Government of Georgia – "The Basic Data and Directions for 2017-2020" –, country sectorial programmes such as the State Strategy for Civic Equality and Integration and its Action Plan 2015-2020, the Anti-Corruption Strategy, the Judicial Reform Strategy 2017-2021, Strategy and Action Plan on the Development of Penitentiary and Crime Prevention Systems 2019-2020 and the Georgian Bar Association Development Strategy 2019-2022. The Association Agreement between the European Union (EU) and Georgia, which entered into force on 1 July 2016, is another basis for this Action Plan.

In developing the current Action Plan and, in particular, in designing the technical co-operation support to reforms, the gaps identified by the following Council of Europe institutions, monitoring mechanisms and expert advisory bodies have been taken into account.

## HUMAN RIGHTS

- **European Court of Human Rights (ECtHR):** [case law relating to Georgia](#), particularly on the effective investigation of ill-treatment, lawfulness of detention, freedom of religion and freedom of assembly and association.
- **European Commission against Racism and Intolerance (ECRI):** [conclusions on Georgia](#), highlighting issues relating to hate speech against ethnic and religious minorities, impeded freedom of religion, further strengthening integration of ethnic minorities and lack of integration strategy for refugees.
- **Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC):** [recommendations](#) to promote the equal access to rights of persons belonging to national minorities and to investigate and sanction hate crime and hate speech.
- **Commissioner for Human Rights (the Commissioner):** [recommendations](#) on promoting equality and minority rights.
- **Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT):** [report](#) to the Georgian Government on the visit to Georgia carried out by the CPT with recommendations on combating impunity in the penitentiary system, the treatment of persons detained by police, material conditions of detention, inter-prisoner violence, as well as staffing and material conditions in mental health institutions.
- **European Committee of Social Rights (ECSR):** [conclusions](#) relating to the implementation of the accepted provisions of the revised European Social Charter (ESC), in particular those highlighting shortcomings in the legal framework and its practical implementation.
- **Committee of the Parties to the Convention on the Protection of children against sexual exploitation and sexual abuse (Lanzarote Committee):** Recommendations from the first monitoring round on the protection of children against sexual abuse in the circle of trust, in particular those relating to the legal framework, reporting on child sexual abuse, upholding the best interests of the child in

proceedings and victim protection and assistance ([Framework, 2015](#)) and those on prevention through awareness raising and education ([Strategies, 2018](#)).

## RULE OF LAW

- **European Commission for Democracy through Law (Venice Commission):** opinions on constitutional and legislative reforms, especially those addressing the [independence of the prosecution service, application of constitutional provisions establishing human rights, relationship between the prosecution and the investigators and the selection and appointment of supreme court judges](#).
- **The Commissioner:** [observations](#) on upholding the independence and effective functioning of the judiciary as well as [recommendations](#) on enhancing public trust in the justice system in Georgia.
- **European Commission for the Efficiency of Justice (CEPEJ):** [results](#) of the evaluation of the judicial system (2016-2018 cycle).
- **Consultative Council of European Prosecutors (CCPE):** [opinions](#) on European norms and principles concerning prosecutors.
- **Committee of Ministers of the Council of Europe (CM):** [recommendation](#) on the freedom of exercise of the profession of lawyer.
- **CM:** recommendations to member States regarding [freedom of expression, media pluralism and transparency of media ownership](#), and [Internet freedom](#).
- **The Commissioner:** [recommendations](#) on freedom of expression and of the media.
- **Group of States against Corruption (GRECO):** recommendations on corruption prevention in respect of members of parliament, judges and prosecutors from the [fourth evaluation round](#).
- **Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL):** [recommendations](#) from the fourth round mutual evaluation of Georgia.
- **The Group of Experts on Action against Trafficking in Human Beings (GRETA):** [recommendations](#) in the second-round report concerning victim identification, assistance to child victims and the effective investigation and prosecution of perpetrators of trafficking.

## DEMOCRACY

- **Venice Commission:** [opinion](#) on Constitutional amendments as adopted at the second reading in December 2017; [opinion](#) on the draft revised constitution as adopted by the Parliament of Georgia at the second reading on 23 June 2017; [opinion](#) on the draft revised constitution. These opinions relate to constitutional reform, the electoral system and relations between the majority and opposition in parliament.
- **Parliamentary Assembly of the Council of Europe (PACE):** [observation](#) of the presidential election in Georgia.
- **GRECO:** [addendum](#) to the compliance report on the transparency of party funding.
- **Congress of Local and Regional Authorities of the Council of Europe (the Congress):** [report](#) on local and regional democracy in Georgia.

**Relevant reports** on parliamentary (2016), local (2017) and presidential (2018) elections by the Organisation for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights (OSCE/ODIHR) Election Observation Mission were also taken into account.

Relevant Council of Europe conventions and other instruments of the Organisation such as the Council of Europe's Charter on Education for Democratic Citizenship and Human Rights Education have also been used as reference material for co-operation actions included in this Action Plan.

Georgia ratified the Council of Europe Convention on Preventing and combating violence against women and domestic violence (Istanbul Convention) in May 2017. The Action Plan will assist the government in fulfilling Georgia's obligations in line with the convention, taking into account the Council of Europe's [Gender Equality Strategy 2018-2023](#) adopted on 7 March 2018 and the [Council of Europe Strategy for the Rights of the Child 2016-2021](#).



## Main results of the previous Action Plans

This Action Plan takes into account the outcomes of the first (2013-2015) and second (2016-2019) Action Plans for Georgia.<sup>3</sup>

- Revision of the constitution following the recommendations of the Venice Commission, completing Georgia's evolution to a parliamentary system.
- Ratification of the Istanbul Convention.
- Enhanced independence of the Constitutional Court following the introduction of Council of Europe recommendations in relevant legislation.
- Increased independence of judges following the revision of regulations on selection, appointment and disciplinary procedures.
- Increased compatibility with human rights standards following the revision of the Criminal Code.
- Increased efficiency of the training system for legal professionals (judges, prosecutors and lawyers) in line with European standards.
- Increased capacity of the Georgian Bar Association (GBA).
- Increased reporting and enhanced analytical capacity of the Public Defender's Office (PDO).
- Significantly improved human rights and healthcare standards in places of detention and training to prevent suicide in prisons.
- Increased transparency of political party and campaign funding.
- Improved efficiency of electoral processes following capacity building on dispute resolution, new information technologies as well as increased involvement of minorities and young people in elections.
- Strengthened capacity of civil society to monitor media ownership.
- Enhanced compliance of anti-money laundering/combating the financing of terrorism legislation with relevant European standards.
- Strengthened legal protection for whistle-blowers.
- Developed international co-operation and public-private partnership to tackle cybercrime.
- Establishment of Georgia's National Internet Governance Forum.
- Training institutions to deliver modern courses to legal professionals.
- Improved procedures for the execution of criminal sanctions.
- Increased awareness and commitment to combat child sexual exploitation and abuse.
- Increased contact between professional groups and civil society in the regions affected by the conflict, both in scope and number.

## Consultation process

This Action Plan has been prepared following in-depth consultations with the authorities of Georgia. Consultations with international partners, especially the European Union, have also taken place in the process of preparing this document. On 26 February 2019, in view of the preparation of the new Action Plan, the Council of Europe Office in Tbilisi organised national consultations bringing together more than 70 participants from over 20 partner institutions and civil society organisations.

On 3 June 2019, the 3<sup>rd</sup> Action Plan Steering Committee was held in Tbilisi in order to assess the implementation of the Action Plan (2016-19). On 17 October 2018, the Committee of Ministers examined the [progress report](#) on the implementation of the Action Plan, took note of its outcomes and instructed the Secretariat to continue the implementation of the Action Plan.

## 1.2 ACTION PLAN GOALS

The present Action Plan is a strategic programming instrument for the period 1 January 2020 to 31 December 2023. Its **goal** is to support reforms in Georgia which will bring the country's legislation, institutions and practice further into line with European standards in the areas of human rights, the rule of law and democracy and therefore to support the country's efforts to honour its obligations as a Council of Europe member State.

<sup>3</sup> Council of Europe Action Plan for Georgia 2013-2015 (ODGProg/INF(2013)15); Council of Europe Action Plan for Georgia 2016-2019 (GR-DEM(2016)2).

The Action Plan **areas of co-operation** are the following:

- The Council of Europe will continue to support the authorities of Georgia in further progressing with (and completing where possible) the reforms undertaken in strategic areas, notably:
  - enhance the implementation of the European Convention on Human Rights (ECHR) and the European Court's case law at national level, including by ensuring the harmonised application of European human rights standards and the ECtHR case law at national level by the judiciary;
  - align national legislation, practice and monitoring mechanisms on anti-discrimination, countering hate crimes and hate speech with European standards;
  - strengthen parliament's capacity to conduct effective oversight of the implementation of ECtHR judgments;
  - enhance the independence, accountability and the efficiency of the judicial system in addition to the professionalism of lawyers;
  - support criminal justice and penitentiary system reforms and their implementation in compliance with European human rights standards, including in relation to the prevention of torture and ill-treatment;
  - improve electoral legislation and practice in line with the Council of Europe's electoral heritage;
  - promote gender equality, preventing and combating violence against women and domestic violence;
  - promote the respect of the rights of the child, including in the digital environment, and develop national capacities for a multi-agency response to combat crimes against children;
  - reform the penitentiary system in line with European standards;
  - enhance information security, access to public information and personal data protection;
  - advance the compliance of national practices with European standards in the field of media and the internet as well as to promote internet governance;
  - improve the quality of local democracy through strengthened local government and competent national local authority associations;
  - enhance dialogue and confidence between divided communities.
  
- The Council of Europe and the authorities of Georgia jointly identified new areas of co-operation on the basis of the more recent work carried out by Council of Europe institutions, monitoring mechanisms and expert advisory bodies, notably:
  - enhance the protection of economic, social and labour rights in accordance with the revised European Social Charter and its Additional Protocol;
  - develop the capacity of law enforcement and other relevant authorities to respond to juvenile crimes in line with European standards;
  - empower youth non-governmental organisations in order to develop youth policies;
  - strengthen the capacity of formal education to develop competences for democratic culture in schoolchildren to better prepare them for life as citizens in a democratic society;
  - ensure the application of pre-trial detention in line with European standards;
  - develop educational mechanisms to facilitate the transition of young legal professionals from universities to roles in the judiciary and law enforcement;
  - enhance national capacity to identify victims of trafficking in human beings, effectively investigating and prosecuting perpetrators.

Assistance to the development of legal and institutional frameworks to help Georgia comply with Council of Europe standards in other areas of interest could be considered based on Council of Europe conventions.

The human rights-based approach to co-operation, which uses the Council of Europe standards and principle both as means and goals of technical assistance, can significantly contribute to the realisation of those rights.

Promoting gender equality and therefore gender mainstreaming in all activities of the reform remains a priority of the Action Plan. Gender mainstreaming will help to better address the needs of Georgian people and to enhance the quality and effectiveness of the Action Plan's implementation.

The post-2015 development agenda was adopted in New York in September 2015 and the Government of Georgia is committed to the Millennium Development Goals. Georgia has undertaken active measures to adapt the Sustainable Development Goals 2030 (SDGs) and its targets to national circumstances and to advance their implementation. So far, Georgia has nationalised all 17 goals and more than 200 SDG indicators. In meeting its objectives, this Action Plan will also contribute to the implementation of the SDGs, notably SDG 5: “Achieve gender equality and empower all women and girls” (especially targets 5.1, 5.2 and 5.5) and SDG 16: “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels” (especially targets 16.1, 16.2, 16.3 and 16.7).

## **PART II - PROPOSED ACTIONS FOR 2020-2023**

### **2.1 HUMAN RIGHTS**

On 23 March 2018, the Georgian Parliament completed the constitutional reform process following the adoption of amendments to the constitution. Nevertheless, national capacities to undertake and implement reforms still needs to be strengthen. This requires, for example, ensuring the consistent application of the ECHR by national courts; further enhancing the protection of human rights and gender equality; advancing reform of the penitentiary system; improving the prevention of and fight against ill-treatment; making use of pre-trial detention in line with the ECHR; ensuring relevant human rights safeguards in criminal procedure legislation; preventing and combating discrimination on all grounds, gender-based violence and child sexual abuse and exploitation; strengthening standards related to social rights and reflecting them properly in legislation and policy; and increasing social support and the empowerment of women.

#### **2.1.1 Protecting human rights**

According to the 12<sup>th</sup> Annual [Report](#) by the Committee of Ministers (CM) on the supervision of the execution of judgments and decisions of the European Court of Human Rights (ECtHR) 2018, there are 38 cases pending before the ECtHR involving Georgia. Whilst 23 cases were closed with a final resolution in 2016-2018, significantly reducing the number of pending cases, some issues remain under supervision by the CM. Technical co-operation in this area has been designed taking into consideration the reports and conclusions of relevant Council of Europe monitoring mechanisms and expert advisory bodies which call on Georgia to address the following issues.

- Need to strengthen effective investigations into allegations of violations of the right to life and of ill-treatment.
- Need to strengthen the capacity of judiciary in making sufficiently reasoned decisions on continued pre-trial detention.
- Freedom of religion: improving state protection against physical assaults on those belonging to a religious community (Jehovah’s Witnesses).
- Freedom of assembly and association: greater protection against homophobic attacks was needed during an LGBT demonstration.

#### **Enhancing the effectiveness of the ECHR system at national level**

Following the implementation of the Council of Europe Action Plan for Georgia, there were a number of achievements in the area of human rights protection.

- The government continues to report regularly to parliament on the execution of ECtHR judgments, showing sustainability in parliamentary oversight in this area.<sup>4</sup>
- Legal professionals’ access to and understanding of the ECtHR case law has improved as a result of systematic human rights training.
- Georgian interface of the HUDOC database<sup>5</sup> is fed with judgments and summaries translated into Georgian facilitating unified courts’ practices and better reasoned decisions.

<sup>4</sup> Further enhancing the quality of reporting by the government and civil society organisations will be a focus for Council of Europe co-operation with Georgia in 2020-2023.

<sup>5</sup> The HUDOC database provides access to the case-law of the Court (Grand Chamber, Chamber and Committee judgments and decisions, communicated cases, advisory opinions and legal summaries from the Case-Law Information Note), the European Commission of Human Rights (decisions and reports) and the Committee of Ministers (resolutions).

- Lower courts have increased their capacity to draw up coherent decisions with the ECtHR's case-law;
- General Prosecutor's Office improved its internal regulatory framework in line with the European standards by developing internal policy documents for prosecutors.
- Analytical units of the courts have increased their capacity to provide judges with comprehensive legal research on European Convention on Human Rights (ECHR) standards and the case-law of the ECtHR. An analysis of the legislative framework for protecting individuals against discrimination on all grounds was conducted and recommendations to harmonise the relevant legislation with Council of Europe standards are expected to further enhance the anti-discrimination framework.
- The relevant law enforcement bodies are better prepared to counter discrimination on all grounds as a result of systematic training in this field.
- The analytical capacity of the Public Defender's Office (PDO) was enhanced following recommendations and capacity-building activities focusing on improving reporting by the body.

With regards of criminal justice system, Georgia made significant progress towards ensuring better protection of human rights in criminal proceedings. Nevertheless, a number of issues still needs to be addressed. In particular there are substantive and procedural shortcomings identified by the ECtHR in its judgments against Georgia and currently pending under the CM supervision. Those shortcomings mainly concern effective investigations, application of pre-trial measures and fair trial standards.

Further support is needed to address those issues in the criminal justice system as well as protection of religious minorities and protection against attacks aimed at the LGBT community. In order to raise awareness and enhance capacities to implement the ECHR in Georgia, it will be important to support the parliament in ensuring compliance of normative acts with the ECtHR case law; develop comprehensive courses on the ECHR and ECtHR case law for legal professionals and university law students; strengthen the Government Agent's Office before the ECtHR (Department of State Representation to International Courts of the Ministry of Justice of Georgia); improve co-ordination between state agencies with regard to the full implementation of ECHR standards; and increase the awareness of interested parties on recent case law of the ECtHR, state of execution of the ECtHR judgments, and the reopening of the cases by national courts following ECtHR decisions.

The Council of Europe Human Rights Education for Legal Professionals (HELP) programme will continue to help training current and future judges, lawyers and prosecutors on human rights standards in Europe. Its courses could supplement the educational materials in the universities and law schools' core curricula.

### **Expected outcomes**

#### *Enhancing the effectiveness of the ECHR system at the national level*

- Implementation of the Law on the Elimination of all Forms of Discrimination to enhance the effectiveness of the enforcement mechanism established by the law.
- Revision of legislation and raised efficiency of the criminal justice system related to pre-trial detention, effective crime investigation and harmonisation of the national jurisprudence with European standards.
- Improved analytical and methodological capacities of the justice sector stakeholders to assess the criminal justice's performance and develop evidence-based criminal policy;
- Enhanced capacity of the prosecutors to identify and react on reported facts of ill-treatment in the criminal process;
- Strengthened capacity of General Prosecutor's Office to effectively exercise its functions and ensure good governance and protection of human rights in Georgia while carrying out criminal proceedings.
- Increased knowledge and enhanced practical skills of future legal professionals (law students) on how to apply European human rights standards in their professional life via introduction of the HELP in law schools;
- Strengthened capacity of the Georgian Parliament and the PDO to conduct effective oversight of the implementation of the European Court's judgments.
- Enhanced the Government Agent's Office capacity to effectively co-ordinate full implementation of ECHR standards;

- Improved reporting mechanism on the human rights situation in Georgia as a result of capacity building delivered to PDO, relevant national institutions and civil society.

**Main national partners:** The Parliament of Georgia, Supreme Court of Georgia, Ministry of Internal affairs, Ministry of Justice, Government Agent, the General Prosecutor's Office, PDO, High School of Justice, Georgian Bar Association, State Inspectorate Service and civil society and law schools.

## 2.1.2 Promoting human rights and dignity

### Gender equality, Violence against Women and Domestic Violence

Gender equality is mainstreamed throughout Council of Europe co-operation projects, in line with the Gender Equality Strategy of the Council of Europe and in accordance with the [Gender mainstreaming toolkit for co-operation projects](#).

The Council of Europe strategic documents in the field of gender equality, the [Gender Equality Strategy 2018-2023](#), specifically focus on preventing and combating violence against women and domestic violence, on guaranteeing equal access of women to justice and on achieving balanced participation of women and men in political and public decision-making as well as mainstreaming gender in all policies and measures. The Committee of Ministers (CM) has adopted a Plan of Action on Strengthening Judicial Independence and Impartiality. Under Action 2.4, member States are asked to introduce measures to tackle the harmful impact of stereotyping on judicial decision-making.

The legislative framework in Georgia has made significant improvement to maintain the principle of gender equality and to prevent violence against women and domestic violence. Georgia ratified the Istanbul Convention in May 2017 and adopted a package of amendments to 25 laws accompanying the convention. However, the amendments alone cannot keep women and girls safe from violence, ensure that perpetrators are sentenced and secure the right to gender equality without actual effort to implement them and also to address deep cultural gender stereotypes. Although the Georgian authorities have made an effort to close the gender equality gap and to end violence against women, there are still serious challenges left for legislators and policymakers.

A national Study on Violence against Women in Georgia 2017 found that one in seven women in Georgia experiences domestic violence<sup>6</sup>. Domestic violence is perceived as a private matter and women have difficulties to access justice and support services. Gender stereotypes in the judiciary are widespread and hinder the effectiveness of the justice system<sup>7</sup>.

The Global Gender Gap Report 2017 by the World Economic Forum indicates that Georgia remains significantly below the global average in the political empowerment of women and below developed countries on economic participation indicators. Only 15% of Georgian members of parliament are women. The percentage in local councils (*Sakrebulo*s) is even lower – 13.4%. In comparison, the average number of women members of parliaments in European Union countries is 27.5%. In addition, the executive branch of the local and regional Government of Georgia performs no better. There are no women among the nine governors, or among the mayors of the five self-governing cities and only one mayor among 59 local self-governing communities. Financial incentives offered to political parties to include more women on party lists have proved to be ineffective. Promoting women's political participation will be among priorities.

To address these issues, the Council of Europe will continue to assist authorities and civil society in Georgia in promoting gender equality and combating violence against women and domestic violence in line with European standards and SDG 5, on achieving gender equality and the SDG 16, on access to justice for all. Further awareness-raising and capacity-building activities are needed, particularly for judges, prosecutors, law enforcement officers and lawyers. Specific focus will be placed on enhancing the specialisation of law

<sup>6</sup> GEOSTAT: National Study on Violence against Women in Georgia 2017. Available at: <http://www2.unwomen.org/-/media/field%20office%20georgia/attachments/publications/2018/national%20study%20on%20violence%20against%20women%202017.pdf?la=en&vs=2932>

<sup>7</sup> Council of Europe: Training Manual for Judges and Prosecutors on Ensuring Women's Access to Justice – Country Chapter for Georgia, 2016.

enforcement and judiciary in cases relating to violence against women and domestic violence and strengthening the services provided to victims of violence against women. A multi-sectoral and multi-agency approach and co-operation with civil society in this field will be promoted. These actions will contribute to the effective implementation of the Government Action Plan on Gender Equality and the National Action Plan on Combating Violence against Women and Domestic Violence and Measures to be Implemented for the Protection of Victims (Survivors) for 2018–2020.

### **Anti-discrimination**

In 2012, the Criminal Code of Georgia was amended to introduce racial, religious, national, ethnic, homophobic or transphobic intolerance as aggravating circumstances in line with Council of Europe recommendations. In 2014, the Georgian Parliament enacted the Law on the Elimination of all Forms of Discrimination. The enumerated grounds of discrimination include race, colour, language, citizenship, origin, religion or belief, national, ethnic or social origin, sexual orientation and gender identity. In 2014, parliament also adopted the National Human Rights Strategy 2014-2020. The strategic focus areas include freedom of religion and belief, as well as equal rights and protection of the rights of minorities. The Human Rights Department was established in the Ministry of Internal Affairs in January 2018 that was expanded in 2019 as a Department of Human Rights Protection and Quality Monitoring. Since then the department monitors timely response and quality of investigation of certain types of crime, such as domestic violence, crimes committed on grounds of discrimination, crimes committed by/towards minors, trafficking in human beings, crimes against life, health and other types of crime according to the crime trends.

However, there are issues that raise concern. The [European Commission against Racism and Intolerance \(ECRI\) Report](#) on Georgia, adopted on 8 December 2015, and respective authorities' comments indicate the following problems: hate speech against ethnic and religious minorities and against LGBT persons; the freedom of religion of Muslims and Jehovah's Witnesses is impeded; hate crimes are not always sufficiently investigated and prosecuted; absence of a joint database for all hate crime cases, including those in which aggravating circumstances were applied; strengthening integration of historical ethnic minorities; programmes for social inclusion and educational support, with a special emphasis on increasing the school attendance of Roma children, should be expanded; a comprehensive plan for the implementation of the repatriation and integration for Meskhetians should be adopted; and there is no integration strategy for refugees and persons who have been granted subsidiary protection. ECRI interim recommendations included setting up a specialised unit within the police to deal specifically with racist and homo-/transphobic hate crime and scale up their support for the Council of Religions, which operates under the auspices of the Public Defender's Tolerance Centre. The [ECRI Conclusions](#) on the implementation of these interim recommendations adopted on 8 December 2018 and published on 5 March 2019 highlighted the lack of information on co-operation between authorities and LGBT Non-governmental organisations. ECRI considers the creation of the Human Rights Protection and Quality Monitoring Department of the Ministry of Internal Affairs a very positive step but it is not a substitute for a specialised investigative unit within the police as recommended by the Council of Europe. The recommendation in relation to the Council of Religions has not been implemented according to the conclusions.

In 2018, the Council of Europe assisted Georgia in conducting the baseline study on the compliance of national criminal, civil and administrative legislation with the Council of Europe's recommendations including the ones by ECRI and relevant case law of the European Court of Human Rights (ECtHR). The study provides a good description of gaps in legislation and practice. It is expected to become a roadmap for legislative and policy change. Work on creating a comprehensive data collection system has begun with the constructive involvement of national partners, including the Ministry of Internal Affairs, Prosecutor's Office, Judiciary and Public Defender's Office (PDO).

The Council of Europe will continue to support legislative reform; strengthen capacity for data collection on hate crime, discrimination and hate speech; support the Office of the State Minister for Reconciliation and Civil Equality in implementing the Strategy and Action Plan for Civic Equality and Integration; assist in developing policy documents including strategy to combat racism and religious discrimination as well as specific guidelines and tools; and strengthen the capacity of judges, prosecutors and police on anti-discrimination on all grounds.

## Minorities and minority languages

Georgia is an ethnically diverse state, with minorities constituting 13.2% of the general population (according to the 2014 census, carried out in the territory under the control of the Georgian authorities). The 2014 census also showed that approximately 16% of the general population has a different religious affiliation to the majority. Significant changes have occurred over the past few decades following the independence of Georgia. As a result of conflicts, most ethnic Georgians fled from the regions not under the control of the Georgian Government.

Discrimination on the grounds of sexual orientation and gender identity remains one of the most persistent forms of discrimination. Efforts have been made by both civil society stakeholders to increase visibility of LGBT people and raise awareness of their human rights and the government which revised the Labour Code (2006) and adopted the Anti-Discrimination Law (2014), which among others included references to the prohibition of discrimination on the grounds of sexual orientation and gender identity. With Council of Europe help the Government started introducing a manual on Policing Hate Crime against LGBT persons.

In 2012, the youth sector of the Council of Europe initiated the No Hate Speech Movement, a global campaign against hate speech and for human rights on and offline. The national campaign committee in Georgia has succeeded in increasing awareness of the risks hate speech and discrimination pose to democracy and human rights. Nonetheless, building solidarity between communities remains a challenge and there has been a sharp increase in pushback against the campaign from extremist groups. Therefore, a new campaign "I choose equality" has been launched together with state and non-state partners to contribute to intercultural dialogue and full participation of national minorities and vulnerable groups as imperative to ensure democracy, peace and prosperity in Georgian society.

The Council of Europe will continue to support the Georgian authorities and civil society in enhancing the protection of minorities, including Roma, through assistance in legislative and policy development and implementation, awareness-raising activities informing the minorities about their rights and redress mechanisms, building the trust between the minorities and law enforcements and capacity building to effectively prevent and counter the discrimination of minority groups. Special attention will be paid to women and youth in minorities. Awareness raising about ECRI and Framework Convention for the Protection of National Minorities (FCNM) standards will also be a priority. The State Strategy for Civic Equality and Integration and its Action Plan for 2015-2020 will be supported.

## Children's rights

Georgia has brought about considerable changes to its child protection system over the past few years. A child protection referral procedure was adopted in 2010 by the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs, the Ministry of Internal Affairs and the Ministry of Education, Science, Culture and Sport. This referral procedure, which aims to facilitate the protection of children from all forms of violence and sets forth the roles and responsibilities of all entities involved in child protection, was extended and adopted as an order by the Government of Georgia in 2016. The new Juvenile Justice Code that entered into force in 2016 takes into consideration not only children in conflict with the law, but also children who are victims and witnesses of crime. A more comprehensive legal framework for the rights of the child is currently being discussed. A Child Rights Code is expected to be adopted by the Parliament of Georgia in 2019. Georgia has also invested considerable effort in reforming its alternative care system and has closed 45 of the 47 previously existing state institutions for children, replacing them with small group homes and foster families.

Georgia has ratified four legally binding instruments relating to the protection of children against violence.

- Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention), ratified by Georgia in 2014.
- Council of Europe Convention on Action against Trafficking in Human Beings ratified by Georgia in 2007.
- Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), ratified by Georgia in 2017.
- The revised European Social Charter, ratified by Georgia in 2005, which states that children have the right to protection against negligence, violence and exploitation.

Georgia is currently undergoing the second monitoring round of the Lanzarote Convention on the protection of children against sexual abuse facilitated by information and communication technologies (ICTs).



Despite recent progress, Georgia continues to face challenges with regard to the implementation of the legal framework and child protection policies. Children living and working in streets are among the most vulnerable to trafficking in human beings and the Group of Experts on Action against Trafficking in Human Beings (GRETA) has [urged](#) the Georgian authorities to improve the identification of and assistance to child victims of trafficking. Sexual violence continues to be an issue of particular concern, mainly due to the persisting taboos around child sexual exploitation and sexual abuse and continues to be addressed within a general approach to combat violence against children with no specific procedures foreseen for this particular form of violence. Upholding the best interests of the child when children come into contact with the justice system, including in family disputes, remains equally a priority. In addition, measures and capacities to address risks that children are exposed in the digital environment need to be strengthened. Key risks include online grooming, data protection issues, cybercrime and child sexual abuse material.

The Council of Europe will continue to strengthen the know-how of authorities and professionals working for and with children to prevent and protect them from all forms of violence, including sexual abuse. This will contribute towards ending abuse, exploitation, trafficking and all forms of violence and abuse of children by 2030, as part of the SDG 16 –especially targets 16.1 “Reduce violence everywhere” , 16.2 “End abuse, exploitation, trafficking and all forms of violence and torture against children” and 16.3 “Promote the rule of law at the national and international levels and ensure equal access to justice for all”.

### **Expected outcomes**

#### *Gender equality, combating violence against women and domestic violence*

- In their respective roles, Georgian authorities and civil society will use the applicable European instruments, especially the Istanbul Convention and other gender equality standards.
- Investigations and judicial proceedings in relation to cases of violence against women and domestic violence will be in line with European standards and the Istanbul Convention.

#### *Anti-discrimination, minorities and minority languages*

- Alignment of the criminal, civil and administrative codes with Council of Europe recommendations to combat discrimination, hate crimes and hate speech.
- National monitoring mechanisms will be developed and fully operational to report on cases of discrimination, hate crime and hate speech.
- The role of the Public Defender (Ombudsperson) will be enhanced and its function in relation to redress to discrimination will be understood by vulnerable groups and broader society
- Delivery of training programmes on anti-discrimination, hate speech (including sexist hate speech) and hate crime for legal professionals, civil society organisations, and other relevant actors.
- Equal and full participation of minority and vulnerable groups in Georgian society. Anti-discrimination standards and human rights, including women’s rights, rights of persons belonging to ethnic minorities, including Roma, LGBT and young people as a democratic imperative will be known, understood and valued by broader society and vulnerable groups, particularly through locally-led information and awareness campaigns.

#### *Children’s rights*

- Alignment of national legal and policy framework with the Lanzarote Convention and recommendations of the Lanzarote Committee.
- Strengthened multiagency response to child sexual exploitation and abuse, including in online dimension.
- Enhanced capacities and skills of authorities and professionals to promote and protect the rights of the child in the digital environment in line with CM/Rec(2018)7.
- Increased awareness and capacities of professionals to implement the best interests of the child principle in proceedings and to promote and implement child-friendly practices and services in the justice system.
- Further awareness will be raised among professionals (in particular social workers, judges, prosecutors and law enforcement officers) about sexual exploitation and existing international instruments, including through information campaigns
- Enhanced role of parliament in defending children’s rights.



**Main national partners:** the Parliament of Georgia, Ministry of Internal Affairs, Ministry of Economy and Sustainable Development, Ministry of Education, Science, Culture and Sports, Ministry of Justice, Office of the State Minister for Reconciliation and Civic Equality, Ministry of Economy and Sustainable Development, Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs, General Prosecutor's Office, Ministry of Internal Affairs' Academy, High School of Justice, Prosecutors' Training Centre. Inter-Agency Commission on Gender Equality, Domestic Violence and Violence Against Women, Human Rights Secretariat of the Government of Georgia and civil society.

### 2.1.3 Ensuring social rights

Georgia ratified the revised European Social Charter on 22 August 2005, accepting 63 of the revised European Social Charter's 98 paragraphs. Between 2007 and 2019, Georgia has submitted 12 reports on the application of the Revised Charter. Georgia has not yet ratified the Additional Protocol providing for a system of Collective Complaints.

#### ➤ Ensuring respect for social rights in Georgia in line with the revised European Social Charter

The 11<sup>th</sup> report, submitted on 3 November 2017, covers the accepted provisions of the revised European Social Charter relating to thematic group 3 "Labour rights" (Articles 2, 4, 5, 6, 21, 22, 26, 28, 29). [Conclusions](#) relating to these provisions were published in March 2019. The ECSR concluded at the time that Georgia is not in conformity with ten chapters of the revised Charter, notably those concerning the right to collective action of workers as well as sexual and moral harassment in the workplace. On 3 May 2019, amendments to the Labour Code were adopted to address those issues, which is a positive step to be acknowledged. The Council of Europe will aim to assist Georgia in bringing its legislation and practices further in line with European standards, including those relating to gender equality.

The 12<sup>th</sup> report, which was submitted on 31 October 2018, concerns the accepted provisions relating to Thematic group 4 "Children, families, migrants" (Articles 7, 8, 16, 17, 19, 27 and 31). Conclusions with respect to these provisions will be published in January 2020.

In the context of the reforms (both legislative as well as at the policy level) that the authorities have been implementing to strengthen the protection of social rights (healthcare, social assistance, labour rights), Georgia is encouraged to accept the Collective Complaints Protocol as a tool not only to enhance the protection of social rights, but also to promote social dialogue and empower civil society institutions.

The Council of Europe will aim to assist Georgia in bringing its legislation and practices further in line with the provisions of the Charter, with a view to facilitating acceptance of additional provisions.

#### **Expected outcomes**

##### *Ensuring respect for social rights in Georgia in line with the revised European Social Charter*

- Improved reporting on the revised Charter to help policy makers to take better-informed legislative and policy steps.
- Increased awareness on the rights of various groups of the population, in particular vulnerable groups, leading to better advocacy of their rights.
- Amended legislation to reflect the revised Charter's provisions accepted by Georgia.
- National stakeholders have necessary knowledge about collective complaints procedure to facilitate its acceptance.

**Main national partners:** Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs, Parliament of Georgia, High School of Justice, Prosecutors' Training Centre, PDO, civil society.

## 2.2 RULE OF LAW

Taking into account the recommendations of the Council of Europe monitoring and advisory bodies, in particular the Commissioner, the European Convention for Democracy through law (Venice Commission), the European Commission for the Efficiency of Justice (CEPEJ), the Group of States against Corruption (GRECO) and the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL), co-operation with Georgia will continue its aims to increase the population's confidence in the justice system, improve relevant legislative and institutional frameworks relating to the independence and effectiveness of the justice system, counter judicial stereotyping and strengthen the execution of the ECtHR judgments. Further enhancing the management and capacity development potential of the GBA will also be included in the Action Plan. They will assist the authorities in continuing the reform of the penitentiary and probation system to achieve safer and more humane detention conditions and increased public safety by reducing reoffending. Special attention will be paid to juvenile offenders to ensure their treatment by the justice system is in line with European standards and practices. Access to justice for women will be mainstreamed in actions in these fields. Capacity building within the prosecution service to improve its self-governance, analytical capacity and transparency is needed. Countering domestic violence and violence against women and children will remain among its priorities. Fighting corruption, money laundering and cybercrime in a co-ordinated and consistent manner and sharing experiences in these fields at international level will constitute an important part of the Action Plan's priorities. Further efforts in the fields of media freedom, media pluralism, access to public information and protection of personal data are also needed. Implementation of these actions will contribute to achieving SDG 16, "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels".

### 2.2.1 Ensuring justice

In his [observations](#) on the human rights situation in Georgia, published on 16 January 2016, the Commissioner noted that judicial independence needs safeguards. In particular, he recommended improving the appointment process and reviewing the three-year probationary period for judges. The European Convention for Democracy through law (Venice Commission) [recommends](#) enhancing the independence of judicial and prosecutorial self-governing bodies, for example, by increasing the number of representatives from civil society. The direct appointment of Supreme Court judges by the High Council of Justice (HCoJ) without the involvement of parliament, or their appointment by the president based on a proposal by the High Council of Justice was also [recommended](#) by the Venice Commission. The [CEPEJ Evaluation](#) of the judicial system (2016-2018 cycle) includes detailed information on the current situation in the judiciary and plans for its reform. The need to revise the criteria for judicial recruitment/promotion was also highlighted in the last GRECO report.<sup>8</sup> According to the CEPEJ data of October 2018, there are 306 judges in Georgia, out of whom 163 are women and 143 are men. However, in the country's 26 courts, there are only four women court chairpersons, two women chamber chairpersons (out of nine) and no women at all are board chairpersons (all five are men). Enhancing the collection of sex-disaggregated data and improving gender-mainstreamed reporting will help to address the issue of inequality. Other suggestions have also been identified.

Technical co-operation to be implemented in this area has been designed taking into consideration the reports and conclusions of relevant Council of Europe monitoring mechanisms and expert advisory bodies which call on Georgia to:

- reduce judicial delays and backlogs in courts, enhance court/case management and judicial services;
- strengthen the capacity of national courts to effectively exercise judicial control over the application of coercive measures used by the prosecution services and law enforcement agencies;

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<sup>8</sup> GRECO: Fourth Evaluation Round, *Corruption prevention in respect of members of parliament, judges and prosecutors*, 2 December 2016 (p. 28)), recommends reforming the recruitment and promotion of judges, for example, by ensuring that any decisions in those procedures by the HCoJ are made on the basis of clear and objective, pre-established criteria – notably merit, in a transparent manner and with written indication of reasons, and can be appealed to a court. Available at <https://rm.coe.int/16806dc116>.

- enhance the prosecution service's capacity to effectively exercise its functions and further reduce a risk of possible misuse of powers by law enforcement agencies, improve the role of the defence and ensure women's access to justice;
- develop a gender-sensitive methodology on defence strategy and motion practice, cross-examination, defence ethics and legal assistance for defence lawyers;
- strengthen analytical functions of the judiciary, prosecution and lawyers;
- conduct user satisfaction surveys to assess the criminal justice system, taking gender perspectives into account;
- support development of the Georgian Bar Association capacity to harmonise the GBA's regulatory framework, enhancing the operation of the GBA's ethics commission;
- initiate and implement an educational mechanism for students of legal faculties to facilitate their transition to the profession through co-operation between the judiciary, prosecution, GBA and academia;
- reinforce the capacity of the Prosecutor's Office in relation to international co-operation in criminal matters.

### **Independence and efficiency of justice**

Further reforming the justice sector, in particular to ensure the independence, efficiency, impartiality and professionalism of the judiciary, is one of the priorities shared between the Council of Europe and Georgia. It is also mentioned as such in the Association Agenda between the EU and Georgia. An independent and transparent judiciary is also among the priorities defined by Georgia's civil society organisations.

The Council of Europe, together with the European Union (EU) and the United States Agency for International Development contributed to the development of the first comprehensive Judiciary Strategy 2017-2022 and Action Plan 2017-2019. Both documents were adopted by the HCoJ in May 2017. They cover five main topics: independence, accountability, quality, efficiency and access to justice. The strategy aims to improve the quality of the initial and continuing education of judges, court clerks and other officials. Further development of the material, technical and electronic management of the court system is also planned. The Council of Europe will provide support in promoting the participation and leadership of women judges and in ensuring equal access to justice for women.

The fourth wave of legislative reforms was initiated upon the establishment of the parliament-led platform for judiciary reforms in early 2018 to introduce changes in those areas. The High School of Justice (HSoJ) and the regulations of work of the HCoJ are also being reformed at the same time. The constitutional reform abolished the probation period for judges as of 2025 and increased the number of nominations of Supreme Court judges by the HCoJ.

The Council of Europe helped establish the Working Group on Judicial Strategy Reporting to monitor the reform of the judiciary and is a member of the Working Group on the fourth wave of the reform of the judiciary. The HCoJ presented the first implementation report of the Judiciary Strategy and Action Plan in July 2018. There is a high level of public criticism for the HCoJ, particularly with regard to the appointments of certain judges for life tenures.

Quality and efficiency of the judicial system and access to justice would not be fully achieved if judicial reform addresses only judges and the court system. Lawyers and professional associations of lawyers both play a crucial role in ensuring the protection of human rights and fundamental freedoms. One of the most tangible achievements of Council of Europe co-operation with the GBA was the introduction of a compulsory traineeship programme, reflected in the Law on Advocates adopted in May 2018. The Council of Europe has supported the GBA in drafting its 2018-2021 Strategy, in co-operation with the EU and the United Nations (UN), as well as in improving the GBA's mandate and functioning following the revision of its Code of Ethics and the introduction of new models for training lawyers.

The Prosecutorial Strategy was adopted in 2017; the new Code of Ethics and an appraisal system for prosecutors have also been established. The goals under the Strategy and Action Plan include strengthening crime prevention measures, increasing the quality of investigations and prosecutions, improving human rights protection, increasing the independence of prosecutors, enhancing the capacities of staff and increasing public trust in the Prosecution Service. Recruitment, promotion and disciplinary procedures are being further developed and the Council of Europe will aim to support the reform of the prosecution system in all those areas.

Therefore, the Council of Europe will aim to contribute to the implementation of the SDG targets 16.3: “Promote the rule of law at the national and international levels and ensure equal access to justice for all”, 16.6: “Develop effective, accountable and transparent institutions at all levels” and 16.b: “Promote and enforce non-discriminatory laws and policies for sustainable development”.

### **Prisons and police**

The Council of Europe has played an active role in the penitentiary reform since 2013, an area in which tangible progress has been achieved notably in improving prison healthcare. The Council of Europe and the Ministry of Justice developed and implemented a number of training programmes on healthcare for medical and non-medical staff in the penitentiary system. Particular attention was paid to the issue of gender non-discrimination. The importance of this capacity-building programme was underlined in the 2015 CPT report and in the Assessment Report on the Implementation of Penitentiary Healthcare Reform. Moreover, the creation of a pool of national trainers in different fields was an important contribution to the sustainability of the different capacity-building activities.

The legislative changes introduced in 2017 aim to move towards a rehabilitative approach for offenders, introducing alternatives to imprisonment and social rehabilitation programmes for inmates. Nevertheless, imprisonment rates still remain high (252 per 100 000 inhabitants).<sup>9</sup> Further enhancement of gender-sensitive healthcare in prisons and closed institutions, especially mental healthcare, remains a priority. Georgia benefited from a peer exchange on modern rehabilitative approaches for drug dependent prisoners organised by the Council of Europe and this practice should continue. The Action Plan on Healthcare Quality Control in Prisons for 2018-2020 was developed and 95% of the heads of medical institutions have been trained for healthcare management in prisons. Achievements in this field have been positively assessed by the Public Defender’s Office (PDO). Proper detection, prevention and treatment of mental disorders, together with the promotion of good mental health in detention will remain a focus for the Council of Europe to support Georgia’s penitentiary system as part of this Action Plan.

The Ministry of Corrections and the Ministry of Justice were merged in July 2018. As a result, resocialisation of offenders as part of the reforms received new impetus. Georgia continues to implement the Juvenile Justice Code and trends show a lower conviction rates of children as a result of a wider use of alternative measures. The Council of Europe will aim to assist the authorities to bring penitentiary and probation further in line with the European standards and practices. The State Inspectorate Service was established as an independent investigation mechanism following the adoption of the respective law in July 2018. This new agency will investigate crimes committed by law enforcement officials.

The recent CPT [visit](#) to Georgia in September 2018 found that impunity continues to pose a serious problem in Georgia, continuing efforts are needed regarding the treatment of persons detained by the police, inter-prisoner violence is acknowledged as a problem by authorities, staffing and material conditions in mental health institutions need to be improved. The Council of Europe will support Georgian authorities in addressing those issues.

#### **Expected outcomes**

##### *Independence and efficiency of justice*

- Increased accountability and efficiency of the judicial system and the professionalism of lawyers.
- Alignment of criminal procedure legislation and practice with Council of Europe standards.
- Increased analytical and methodological capacities of the justice sector stakeholders, including collection and analysis of sex-disaggregated data.
- Reduction in judicial delays and backlogs.
- Increased capacities in relation to court/case management and judicial services.
- Improvement in equal access to justice for women and men in line with the best practices of Council of Europe member States.
- Increased capacity of lawyers to implement European standards in an independent, professional and gender-sensitive manner.

<sup>9</sup> As of 31 January 2018, see: <https://infogram.com/1pp2pgg0xzv5y6br1ww36d3rw1sz529djyp?live>.

*Prisons and police*

- Increased capacity of law enforcement to address crimes committed by and against juveniles.
- Conditions of detention and treatment of detainees in the temporary detention isolators and prisons will be further enhanced in line with European standards and practice.
- Increased capacity to effectively prevent, investigate and prosecute domestic violence.
- Healthcare for detainees and offenders, including mental healthcare and treatment of drug using detainees and offenders, will be improved and gender-mainstreamed.
- Training Centre of Justice capacity to train penitentiary system staff will be further enhanced;
- The effective operation of newly established Vocational Training Center for Inmates is supported.
- A fully-fledged probation service will be operational at national level in line with European standards.
- Increased capacity of probation service staff to carry out their new duties.
- The police will operate in line with European standards as a result of the relevant reforms.
- Implementation of the Action Plan on Combating Torture and other Cruel, Inhuman and Degrading Treatment or Punishment and Action Plan on the Development of Penitentiary and Crime Prevention Systems will be supported and strengthened in compliance with European standards.
- Enhanced capacity of the State Inspectorate to investigate effectively the crimes committed by law enforcement officers.
- PDO will be supported in development of assessment tools for the sectorial monitoring of the penitentiary establishments and police detention facilities.

**Main national partners:** The Courts of General Jurisdiction, PDO, HCoJ, HSoJ, parliament, Constitutional Court, Ministry of Justice, Ministry of Internal Affairs, the GBA, General Prosecution Office, Supreme Court and civil society.

### 2.2.2 Strengthening the rule of law

Being the primary judicial body of constitutional review, the Constitutional Court of Georgia plays a significant role in safeguarding the constitutional framework and, more importantly, human rights and fundamental freedoms in Georgia. The legal framework on the functioning and powers of the Constitutional Court has gone through a number of revisions recently. Amendments to the Organic Law on the Constitutional Court and to the Law on Constitutional Legal Proceedings largely incorporated recommendations from the European Commission for Democracy through law (Venice Commission) opinion ([CDL-AD\(2016\)017](#)). The new legislation increased the independence of the Constitutional Court. However, in its opinion [CDL-AD\(2018\)005](#), the Venice Commission noted that the recent legal amendments to the laws and procedures of the Constitutional Court of Georgia, although bringing a number of positive new additions in terms of transparency and accessibility of court decisions, left areas for further improvement.

In the field of media and internet freedom in Georgia, the Council of Europe implemented a number of activities to promote the freedom, professionalism and pluralism of the media and to protect internet freedom. The efforts resulted in enhanced capacities of the self-regulatory body – the Georgian Charter of Journalistic Ethics – to handle cases of ethical misconduct by members of the media and increased public awareness on the importance of self-regulation. The Council of Europe supported the Georgian Supreme Court in its efforts to adopt special rules which clarify the provisions relating to journalists' access to court decisions. Furthermore, the National Communications Commission was advised on issues relating to the coverage of elections in an impartial manner. The support was provided to the national regulatory authority in preparation of legislative amendment to the Law on Broadcasting that will bring it in line with European standards on ensuring access to audio-visual services for persons with disabilities and protection of minors with regard to broadcast content. There is a need for support in order to address hate speech, (including sexist hate speech), misinformation as well as countering gender stereotypes in the media. One of the major achievements of the Council of Europe's internet-related actions in Georgia was the establishment of

Georgia's Internet Governance Forum. Further support will be provided to dialogue between stakeholders in the field of internet governance.

The Council of Europe's further assistance will focus on implementation of the relevant standards in the field of media and internet outlined further in [Recommendation CM/Rec\(2018\)1\[1\]](#) by the Committee of Ministers (CM) to member States on media pluralism and transparency of media ownership (adopted on 7 March 2018 at the 1309th meeting of the Ministers' Deputies) reaffirms the importance of Council of Europe standards dealing with different aspects of media pluralism and transparency of media ownership and the need to fully implement them in democratic societies. [Recommendation CM/Rec\(2016\)5\[1\]](#) of the Committee of Ministers to member states on Internet freedom (adopted by the CM on 13 April 2016 at the 1253rd meeting of the Ministers' Deputies) highlights member States' obligations to respect, protect and promote human rights and fundamental freedoms online.

[Recommendation CM/Rec\(2016\)4](#) by the CM to member States on gender equality and media (adopted by the Committee of Ministers on 13 April 2016 at the 1253rd meeting of the Ministers' Deputies) underlines the fact that women journalists and other women members of the media face specific gender-related dangers in the course of their work, such as threats, (sexual) aggression and violence, in targeted ways, in the context of mob-related sexual violence or sexual abuse while in detention. The recommendation calls for a systematic, gender-sensitive approach to prevent and combat these specific dangers. The recommendation indicates as alarming and unacceptable the level of current threats to journalists and media actors in Europe and provides specific Guidelines to member States to act in the areas of prevention, protection, prosecution, promotion of information, education and awareness rising.

Technical co-operation to be implemented in these areas has been designed taking into consideration the reports and conclusions of relevant Council of Europe monitoring mechanisms and expert advisory bodies which call on Georgia to:

- enhance the effectiveness of the constitutional proceedings through amendments to the Constitutional Court's relevant legislation, policies and practices;
- support further development and proper implementation of both media and internet-related legal framework and regulations;
- advance the compliance of national practices with European standards and practices of media freedom, data protection and internet governance in a gender-sensitive manner.

### **Constitutional justice**

The Constitutional Court receives constitutional complaints (from citizens) and constitutional submissions (from the courts of general jurisdiction). There have been an increasing number of citizens using the system (the number of complaints reached 423 in 2017 in comparison to only 13 in 2011).

The legal framework on the functioning and powers of the Constitutional Court has gone through a number of revisions recently. The Venice Commission gave an opinion on the recent legal amendments to the laws and procedures of the Constitutional Court of Georgia, including on the limitation of the term of the judges, on voting in the plenary session as well as on procedure to refer a case to the plenary session.<sup>10</sup>

The Constitutional Court of Georgia is currently following its Institutional Development and Communication Action Plan 2017-2018. The documents identify a number of management practices that can be advanced to achieve better efficiency in the court's functioning.

The Council of Europe will aim to support the Constitutional Court in reforms to transform it into a more efficient and effective institution. In this respect, the Venice Commission's guidance in the process will ensure their compliance with European standards. Further institutional support is planned to be extended to achieve user-oriented, and gender-sensitive justice with higher efficiency and quality. Once implemented, these actions will contribute to the SDG target 16.3, "Promote the rule of law at the national and international levels and ensure equal access to justice for all".

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<sup>10</sup> See [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2016\)017-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2016)017-e) [accessed on 04.06.2018].



### Information society and internet governance

Promoting professionalism, responsibility and respect for ethical rules among journalists as well as a better understanding of their rights and responsibilities, with a special focus on countering the promotion of hate speech (including sexist hate speech), extremism and misinformation in the media will remain a focus of the Council of Europe's actions in Georgia. Efforts will be made to ensure safety of journalists.

The Council of Europe will continue to support Georgia's Internet Governance Forum as a platform for sustainable dialogue to discuss solutions to challenges with regard to human rights protection online, rights of internet users and roles and responsibilities of internet intermediaries. Such issues will be tackled in addition to the lack of transparency and regulatory framework on blocking and filtering online content, on-demand services and online copyright regulations.

Assistance in drafting and implementing the new Laws on Personal Data Protection and on Freedom of Information will be provided. These new pieces of legislation are expected to be adopted by parliament by 2020. The Law on Personal Data Protection will replace the existing one with a view to ensuring compliance with relevant provisions of the recently updated Convention for the protection of individuals with regard to the processing of personal data (Convention 108) and the European Union's (EU) data protection framework (the General Data Protection Regulation).

Assistance will be provided in drafting and implementing regulations on information society services to tackle illegal content on-line and responsibility of intermediary service providers.

Therefore, the Council of Europe will aim to support Georgia in fulfilling the SDG target 16.10: "Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements".

#### Expected outcomes

##### *Constitutional Justice*

- Constitutional justice in Georgia is brought closer in line with European standards.

##### *Information society and internet governance*

- Increased compliance of the national legislation, media regulation and practice with European standards regarding freedom of expression, media pluralism, safety of journalists, media literacy, public service broadcasting concentration and transparency of media ownership, internet governance and personal data protection;
- Increased co-operation and co-ordination among respective stakeholders in the field of internet and media aimed at better compliance with respective European standards including, but not limited to the promotion of media literacy;
- Enhanced skills and knowledge of media stakeholders in terms of gender-balanced and gender-sensitive content production;
- Increased capacity of justice and law enforcement bodies to effectively implement respective national and international standards on safety of journalists;
- Increased professionalism, responsibility and respect of ethical rules among journalists and increased awareness among general public and national authorities on importance of media self-regulation for ensuring media freedom;
- Increased compliance of regulations and practice with European standards regarding roles and responsibilities of internet intermediaries, content providers and trusted flaggers.
- The capacity of the national data protection supervisory authority is enhanced to implement the latest international standards as well as the ability of Georgian professionals to comply with these standards.

**Main national partners:** The Constitutional Court, Ministry of Economy and Sustainable Development of Georgia, National Communications Commission, media, academia, Charter of Journalistic Ethics, High School of Justice, Ministry of Internal Affairs, Prosecutor's Office, State Inspectorate Service, Internet intermediaries' universities and civil society.

### 2.2.3 Countering threats to the rule of law

Georgia joined the Group of States against Corruption (GRECO) in September 1999. Since its accession, the country has been subject to evaluation as part of GRECO's First (in October 2000), Second (in July 2006) and Third (in December 2010) Evaluation Rounds.<sup>11</sup> GRECO's Fourth Evaluation Round, launched on 1 January 2012, deals with corruption prevention in respect of members of parliament, judges and prosecutors. It is widely agreed that Georgia has come a long way in creating a regulatory and institutional framework for fighting corruption.<sup>12</sup> Despite a good anti-corruption track record, various monitoring mechanisms and the European Commission's progress report on visa-free agreement draw attention to the necessity of constant monitoring of implementation process to ensure effective prevention and punishment of corruption. In the area of countering money laundering and the financing of terrorism, the efforts should be further increased to fight laundering of illicit proceeds.<sup>13</sup> The Action Plan will aim to support Georgian efforts to counter corruption, money laundering and the financing of terrorism.

As far as countering cybercrime is concerned, two reports by Council of Europe experts are of particular relevance: [Report of 24/7 advisory mission to Georgia](#) and [Georgia cybercrime law reform package review](#). Issues identified include the limited role, responsibilities and action by the 24/7 point of contact at the Ministry of the Interior of Georgia and the need to revise legislation on criminal procedure measures relating to computer data and electronic evidence. In addition, while Georgia is a contracting party to Council of Europe Convention 108 and also Protocol 181 on supervisory authorities and trans-border data flows, limited information is available on applicable data protection rules in the police sector.

New legislation and policies to effectively combat trafficking in human beings were adopted in line with Group of Experts on Action against Trafficking in Human Beings (GRETA) [recommendations](#). In particular, the Criminal Code was amended, a new chapter on child victims was introduced into the Law on Combating Trafficking, foreign victims of human trafficking can now receive temporary residence permits and a unified database on human trafficking was set up. Nevertheless, a number of legislative and practical issues remain a concern.

Technical co-operation to assist countering threats to the rule of law has been designed taking into consideration the reports and conclusions of relevant Council of Europe monitoring mechanisms and expert advisory bodies which call on Georgia to:

- further enhance transparency in the legislative process and develop a Code of Ethics for members of parliament;
- strengthen capacities to fight and prevent economic crime, in particular corruption, money laundering and the financing of terrorism;
- bring national legislation in line with the Budapest Convention in terms of substantive law and procedural powers;
- revise and adopt strategies or action plans related to cybercrime and e-evidence;
- strengthen the capacity of law enforcement to counter cybercrime, including through interagency co-operation, public-private partnerships and international co-operation;
- align national legislation and practice regarding countering trafficking in human beings and protecting the rights of victims with European standards and practices.

Assistance to Georgia in countering threats to the rule of law in other areas, such as falsification of medical products, human organ trafficking and manipulations of sports competitions, could be also considered.

#### **Fight against corruption and money laundering**

The positive results of the continued implementation of the Anti-Corruption Strategy are reflected in international ratings. Asset declarations submitted by public officials have been effectively monitored since 2017. A Code of Ethics in the civil service has been in place since 2017. The European Integration and Co-

<sup>11</sup> The relevant evaluation reports, as well as the subsequent compliance reports, are available on GRECO's homepage ([www.coe.int/greco](http://www.coe.int/greco)).

<sup>12</sup> Georgia holds the highest score in the region (56/100) in Transparency International's 2018 Corruption Perception Index, continuing a gradual improvement since 2013, and has demonstrated a sustained improvement on the World Bank's Worldwide Governance Indicators of Rule of Law and Control of Corruption (2012-2016).

<sup>13</sup> In the Basel 2017 AML Index Report, which provides an overall picture of a country's risk level, Georgia, with a score of 5.37 (on a scale from 0-low risk to 10-high risk), is among top 15 high-risk countries in Europe and Central Asia.



operation with International Organisations Unit of the Prosecutor's Office was designated as Georgian National Asset Recovery Office in July 2018.

Both the judiciary and the prosecution service have been subject to significant reforms supported by the Council of Europe. Specific recommendations were provided with regard to disciplinary proceedings so as to increase their effectiveness, transparency and objectivity. Moreover, it is recommended that the Norms of Judicial Ethics be updated and complemented by practical measures and that the immunity of judges be limited to activities relating to their participation in judicial decision-making (functional immunity).

The new draft anti-money laundering/combating financing of terrorism (AML/CFT) law developed by the Financial Monitoring Service of Georgia and submitted to the Government of Georgia for consideration was further strengthened by taking into account recommendations of the Council of Europe. The national authorities will require further technical assistance in implementing the new law once it is enacted in terms of non-financial supervision and the drafting of by-laws. Georgia also needs to introduce legislation for effective AML/CFT supervision for the Dealers in Precious Metals and Stones sector and to improve regulations in the non-profit, leasing, casinos and gambling sectors. Capacity building is required to increase awareness of AML/CFT regulatory requirements as they apply to designated non-financial businesses and professions, in particular legal professionals, accountants and auditors. The law enforcement bodies entrusted with investigative functions have indicated the need to improve the effectiveness of investigations into money laundering and terrorist financing cases. Money laundering and terrorist financing schemes are becoming increasingly sophisticated and the Financial Investigations Unit (FIU) requires a new software solution to enhance its capacity to more effectively identify and investigate unusual or suspicious patterns from large sets of data. A new automatic tool is required to enhance FIU capacity in the detection and analysis of anomalies when processing large-scale data and the discovery and visualisation of relationships and structures that require further investigation.

Through the implementation of these actions, the Council of Europe will contribute to the SDG targets 16.4: "By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime", 16.5: "Substantially reduce corruption and bribery in all their forms" and 16.6: "Develop effective, accountable and transparent institutions at all levels".

### **Cybercrime**

In Georgia, cybercrime is covered by the updated National Strategy 2017-2020 for Combating Organised Crime and its Action Plan 2019-2020. The Cybercrime Division of the Central Criminal Police Department at the Ministry of Internal Affairs of Georgia was established in December 2012. Following the respective legislative and institutional reform in 2015, the State Security Service of Georgia was established separate from the Ministry of the Interior. The Service includes the LEPL- Operative Technical Agency of Georgia which acts as a digital forensics' unit. The most recent examples of co-operation between Council of Europe and Georgia to counter cybercrime include support to the High School of Justice (HSoJ) in 2017, creating a group of trainers and delivering a pilot course which is now incorporated in the judicial school training curriculum. The prosecution service also has a training centre in charge of capacity building. Cybercrime training is part of the curriculum for new recruits and is a compulsory part of in-service training. There are also joint training sessions with the Ministry of Internal Affairs and State Security Service. Guidelines for co-operation between law enforcement and Internet service providers were adopted by a global conference organised by the Council of Europe in April 2008 and Georgia draws on these guidelines. Further work will continue to increase Georgia's cyber-resilience and criminal justice capacities.

### **Trafficking in human beings**

The Georgian authorities have continued to develop the legal framework for combating trafficking in human beings, in accordance with GRETA's recommendations. While welcoming the progress made, GRETA has identified issues which remain to be addressed: ensure the timely identification of victims of trafficking, with a special focus on child victims, facilitate and guarantee access to compensation for victims of trafficking, and ensure that human trafficking cases are investigated proactively, prosecuted successfully and result in effective, proportionate and dissuasive convictions. The Action Plan will assist Georgia in addressing those problems.

## Expected outcomes

### *Fight against corruption and money laundering*

- Establishment and implementation of enhanced systems for declaring assets and conflicts of interest for all levels of public officials.
- Increase in the effective investigation, prosecution, and adjudication of money-laundering crimes and offences.
- Establishment and implementation of strengthened institutional asset recovery mechanisms.
- Strengthening mechanisms for the prevention and detection of money laundering/terrorist financing.

### *Cybercrime*

- Alignment of national legislation on cybercrime – both substantive and procedural – with the Budapest Convention.
- Cybercrime units and criminal justice institutions will mobilise their capacities to improve the prevention of and fight against cybercrime and to access electronic evidence in domestic investigations through international co-operation.
- Improvement in interagency co-operation and exchange of data relevant for cybercrime investigations.
- A culture of co-operation with Internet service providers will be improved through a legal basis for co-operation (with a focus on procedural powers and safeguards) and revised/expanded co-operation agreements.

### *Trafficking in human beings*

- National legislation and practices to prevent, detect, investigate and prosecute trafficking in human beings will be aligned with the Council of Europe recommendations.
- Effective protection of and compensation for victims of trafficking.

**Main national partners:** the Reporting and Auditing Supervision Service of the Ministry of Finance, Financial Monitoring Service of Georgia, the Office of the Prosecutor General, State Security Service, Ministry of Internal Affairs, High School of Justice, Insurance State Supervision Service, National Bank of Georgia, Ministry of Justice (National Agency of Public Registry), Notary Chamber of Georgia, Public International Law Department (acting as the Anti-Trafficking Interagency Council Secretariat, Analytical Department (acting as Anti-Corruption Council Secretariat), Georgian Bar Association, Internet service providers (including international providers) and civil society.

## 2.3 DEMOCRACY

Building trust in the political system, the electoral process and democratic institutions remains a priority in the Action Plan, specifically in the light of recent constitutional reform. The 2018 constitution introduced a fully proportional election system as of 2024 and abolished direct presidential elections<sup>14</sup>. The recent European Commission for Democracy through Law (Venice Commission) [opinion](#) notes that Georgia remains a fairly centralised country with a parliament which will remain unicameral in the foreseeable future, entailing a risk of domination by the majority in parliament and suggesting that consideration should be given in the future to the possibility of strengthening checks and balances, for example, by introducing a second chamber and strengthening the role of the opposition in parliament. The replacement of the current proportional/first-past-the-post election system with a proportional election system is a positive step forward in trying to increase pluralism in parliament. The Election Code was amended during the 2016-2018 period without broad political consensus, partly following the recommendations of the Venice Commission and the Organisation for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) in their joint opinions. Despite some positive changes, the Election Code could benefit from certain revisions to ensure full compliance with Council of Europe standards. The OSCE/ODIHR Election Observation Mission Final Report states: "A comprehensive review of the election legislation should be undertaken to eliminate gaps and ambiguities, address ODIHR and Council of Europe recommendations

<sup>14</sup> The constitutional changes envisaging shift to fully proportional system with 0% threshold for 2020 parliamentary elections are currently under discussion in a Working Group format established under the Parliament, with participation of political parties, civil society organisations and through technical support of international organisations.

and ensure uniform application of the law. Any electoral reform should be conducted in an inclusive manner, well in advance of the next election.”<sup>15</sup>

[The Congress report](#) on Local and Regional Democracy in Georgia was adopted on 7 November 2018. This report follows the third monitoring visit to Georgia since it ratified the European Charter of Local Self-Government in 2004. The rapporteurs note with satisfaction the introduction of subsidiarity and commensurability principles and the clause of general competence into the constitution. They also welcome important measures such as the development of a comprehensive reform strategy for the decentralisation and modernisation of local government and the official recognition of the representative position of the National Association of Local Authorities of Georgia (NALAG). However, the rapporteurs express their concerns about difficulties faced by some opposition members in accessing information held by municipal administrations and the risks of over-concentration of power in the hands of the mayor related to his/her role in the appointment of deputy mayors. They also expressed regret, in particular, at the shortcomings in the financial equalisation procedure and the lack of clarity in the distribution of responsibilities. The Council of Europe therefore suggests adopting various measures to restore mutual trust between the representatives of the ruling party and the opposition, which is necessary for the proper functioning of local democracy. The Council of Europe also drew the attention of the Georgian authorities to the low financial capacity of local governments to generate their own resources, issues of administrative supervision and unfavourable effects for local democracy caused by the pressure placed on opposition members.

Through action in these areas, the Council of Europe will contribute to the implementation of the SDG 5: “Achieve gender equality and empower all women and girls,”, SDG 11: “Make cities and human settlements inclusive, safe, resilient and sustainable” and SDG 16: “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”.

### **2.3.1 Strengthening democratic governance and fostering innovation**

In recent years, the Council of Europe has contributed to the increased involvement of minorities and young people in elections; the enhanced administrative, operational and management capacity of election management bodies and of the political party funding monitoring body; the increased awareness of public administration standards at local level; and to improved human and financial resources management in a number of municipalities.

In line with the recommendations of the Committee of Ministers (CM) (280 (2010 Rev), Council of Europe’s European Commission for Democracy through Law (Venice Commission), relevant Congress resolutions (334 (2011), 365 (2014) and 427 (2018)) and its report on Local and Regional Democracy and the results of the monitoring of local (2016), parliamentary (2017) and presidential (2018) elections, the Action Plan will address such issues as:

- enhancing the role of local governance in protecting human rights;
- effective implementation of the legal framework with regard to sectorial legislation for appointing local officials, the management of resources and capacity building for local development;
- implementation of recommendations of the Organisation for Security and Co-operation in Europe’s Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the Venice Commission depicted in joint opinions as well as in Group of States against Corruption (GRECO) reports to address gaps and shortcomings relating to provisions regulating election campaigns, media coverage, election re-runs, composition of electoral administration, abuse of administrative resources, electoral dispute resolution and campaign funding and expenditure;
- conducting outreach campaigns to encourage participation of youth and vulnerable groups in the electoral process; support introduction of information technology into electoral process.

### **Elections**

In recent years, Georgia’s electoral legislation has undergone significant revision and is now largely aligned with European standards. Nonetheless, in some cases legislative amendments were adopted in an ad hoc manner as a result of a consensus among political stakeholders or as means of conflict resolution. Some high-profile and longstanding recommendations formulated by the Venice Commission and the

<sup>15</sup> Georgia, Presidential Election 28 October and 28 November 2018, ODIHR Election Observation Mission Final Report, 28 February 2019, p. 32.

OSCE/ODIHR in their joint opinions and GRECO reports have still not been implemented. Hence, further revision of the existing electoral legislation is recommended. The current political context must also be taken into account; political stakeholders have called upon the ruling party to start a dialogue on revising the electoral legal framework. At this stage, the revision of the electoral system for the next cycle of the parliamentary election and the rules for the composition of electoral administration bodies are key priorities. There continues to be criticism of the independence and impartiality of the election administration: for example, recent amendments changed the rule for the composition of election commissions and the balance of power was therefore significantly changed in favour of the ruling party; in addition, the selection process of non-partisan members of lower level election commissions raised concerns and presumptions of political affiliation and/or nepotism.

The Political Party Finance Monitoring Department of the State Audit Office of Georgia (SAO) is a constitutional body responsible for monitoring political party funding and election expenditures. In recent years, the SAO has made tangible progress towards ensuring the transparency of party finance. However, the institution needs further development, capacity building and policy advice. According to the ODIHR report: “To ensure efficient oversight and transparency of campaign finance, the law should envisage expedited deadlines for the SAO to address campaign finance violations and publish its conclusions and clearly regulate co-operation with other authorities to facilitate timely access to relevant information.”<sup>16</sup>

One of the strategic objectives outlined in the [Council of Europe Gender Equality Strategy 2018-2023](#) is to achieve balanced participation of women and men in political and public decision-making. In Georgia, participation levels of women in politics and decision-making are still low. “Currently, women hold only 15% of seats in parliament. The situation is even worse at local level, where women hold no governorships (out of nine), one mayoral post (out of 64) and only 13% of seats in local councils (out of 2 038).”<sup>17</sup> It is also worth mentioning that political parties in Georgia show little interest in promoting women’s participation in politics, which significantly impacts the process.

The Election Code includes provisions to ensure the participation of ethnic minorities in the elections. The standing Working Group on Ethnic Minority Issues is established under the Central Election Commission. The election administration is proactive in addressing the needs of minorities, but challenges remain. Voter turnout and isolated instances of ballot stuffing in minority-populated areas show that additional awareness-raising and voter education campaigns need to be conducted. The Election Code specifies that state entities and municipal bodies are obliged to provide election districts with premises that can be made accessible to every voter.

The Council of Europe will focus its work on: promoting dialogue and supporting further improvement of electoral legislation in line with Europe’s electoral heritage; strengthening the administrative, operational and management capacity of election administration; improving quality of electoral dispute resolution within election administration and common courts, among others, through introducing a permanent training course for judges at the High School of Justice (HSoJ); reinforcing the capacity of domestic observers and enhancing the capacity of the media to provide professional, neutral and balanced coverage of elections; promoting gender equality and women’s political participation; increased awareness-raising activities for vulnerable groups and young people on their electoral rights; promoting good practices in the area of new information technologies with regard to the impact on the integrity of electoral processes (including countering fake news and attacks on the information technology systems used during elections).

The Council of Europe is ready to provide support to the Central Election Commission and the Commission’s Electoral Systems Development, Reform and Training Centre to further enhance the work of the Commission as well as the quality of training sessions, including through courses for trainers, visibility, evaluation, e-learning and research.

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<sup>16</sup> Georgia, Presidential Election 28 October and 28 November 2018, ODIHR Election Observation Mission Final Report, 28 February 2019, p. 32.

<sup>17</sup> Public Opinion Research, Gender Equality and Women’s political participation in Georgia, November 2018.

## Local democracy

Georgia signed the European Charter of Local Self-Government (the Charter) on 26 October 2002 and ratified it on 8 December 2004. Following Congress Recommendation 334 (2013) on local and regional democracy in Georgia, the Georgian authorities implemented a comprehensive territorial and administrative reform, together with a series of changes in the system of local self-government. A roadmap for the implementation of the Congress's recommendations was signed in December 2015, following the post-monitoring dialogue between the Congress and the Georgian authorities.

Since 2014, the new Code of Local Self-Government was enacted, a package of bills on elections was adopted and the principles of the Charter were incorporated into the constitutional provisions. The new constitution explicitly recognises the principle of subsidiarity and the proportionality of local government finances together with the responsibilities this entails. These reforms have led to the transfer of additional powers to local authorities, and to the allocation of additional financial resources to cities and municipalities. Finally, the direct election of all mayors and new mechanisms of citizen participation have been introduced in the legislation.

The Council of Europe will support national and local authorities in their dialogue and in the implementation of the eight-year national Decentralisation and Good Governance Strategy (2019-2025). With the aim of improving the quality of local democracy, the Council of Europe will help to create the correct conditions for ethical decision-making and more citizen-oriented, gender-sensitive, open, responsive and transparent local governance.

Following the 2017 local elections in 64 municipalities, 62 mayors, 50% of local councillors in rural areas and more than 75% in urban areas were elected for the first time. More than 25% of local councillors are under 30 years old.

The Council of Europe will aim to strengthen the capacities of local authorities and elected representatives as drivers of change and address key elements of good governance, including ways to prevent and combat corruption and foster citizen participation by reinforcing the accountability of local public administration. Consequently, this will lead to greater citizen confidence and trust in local authorities.

Achieving equal participation of women in local political life in Georgia remains a challenge. The Global Gender Gap Report 2017 of World Economic Forum indicates that Georgia remains significantly below the average of the world countries in political empowerment of women<sup>18</sup>. Moreover, internally displaced persons and young people still have limited access to decision-making processes and unequal access to services at local level.

Local authorities will be supported in further engaging with constituencies; removing the effects of factors that restrict participation and a fair representation of all citizens in local councils; and introducing gender mainstreaming strategies and gender equality policies, as well as a gender dimension in local policies. Furthermore, local authorities will be given the wherewithal to make a better contribution to national commitments concerning the Open Government Partnership.

Congress Recommendation 334 (2013) encourages the continuity of the local government reform process by increasing local government responsibilities and training of local authorities.

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<sup>18</sup> Women MPs in the Parliament of Georgia are only 15 %. The percentage in local councils (Sakrebulo) is even lower – 13.4 %. For a comparison, the average number of women MPS in the European Union and the OSCE countries is 27.5 %.

**Expected outcomes***Elections*

- Promotion of dialogue and further support to the improvement of electoral legislation to ensure the alignment of the Georgian legal framework with Europe's electoral heritage.
- Strengthened administrative, operational and management capacity of the election administration.
- Strengthened administrative, operational and management capacity of the SAO Political Party Finance Monitoring Department.
- Increased capacity of domestic observer CSOs and enhanced capacity of the media to provide professional, neutral and balanced coverage of elections.
- Promotion of gender equality and women's political participation.
- Increased awareness of election rights among vulnerable groups and young people.
- Promotion of good practices in the area of new information technologies with regard to the impact on the integrity of electoral processes.

*Local democracy*

- Local authorities will be consulted through their national association, particularly during the development of the national Decentralisation and Good Governance Strategy.
- Newly elected local councillors will improve their capacities and skills to apply European standards on local democracy and best practices to perform their duties effectively and to support the decentralisation process.
- Implementation of good governance practices to enhance the quality of service and protection of human rights at local level.
- Improvement to the management of resources at local level.
- Women are further empowered to take active part in political life in Georgia.

**Main national partners:** The CEC, SAO, parliamentary and non-parliamentary political parties, civil society, organisations, media, NALAG, local municipalities and civil society.

**2.3.2 Promoting participation and diversity****Youth for democracy**

The Action Plan includes a section on young people that aims to young women's and men's increase youth participation and the role of non-governmental youth organisations in developing a values-based youth policy, while also strengthening human rights and democratic participation. The Action Plan will likewise pay special attention to young people's access to rights with a gender equality dimension at national and local level. The establishment of democratic, transparent, rotation-based effective youth advisory or representative bodies will be instrumental in securing young people's access to rights. In addition, a specific focus will be placed on the needs of young people from rural areas and empowering their human capital. The organisation will also support measures to promote the youth policy field, building on Council of Europe standards and recommendations. The Action Plan will also aim to enhance the capacities of relevant stakeholders working with young people, in particular youth workers and leaders of youth organisations. In this regard, the Council of Europe will seek to enhance the capacities of trainers and campaigners in human rights education working with young people with a view to supporting the implementation of the Charter on Education for Democratic Citizenship and Human Rights.

**Confidence-building measures**

Work in this area will build on the results of the programmes carried out since 2010 to support dialogue and promote human rights in conflict affected regions, fully in line with the Georgian authorities' policy on the subject. Following the implementation of confidence-building measures (CBMs), people-to-people contacts between divided communities were maintained and co-operation between ombudsmen, human rights defenders, archive specialists, cultural heritage specialists, medical personnel, academics and teachers was enhanced. Action in this area will aim to increase the level of interaction between

communities on both sides of the dividing lines, to extend co-operation to new topics and consider more complex issues. CBMs will allow to tackle jointly practical issues of common concern in fields such as human rights, including of persons deprived of liberty, violence against women and children, architectural heritage, prevention and treatment of tuberculosis, access to information and greater quality of education. CBMs will be identified jointly with relevant actors and will be closely co-ordinated with the Office of the Georgian State Minister for Reconciliation and Civic Equality, and the Liaison Mechanism established under the United Nations Development Programme (UNDP). The Permanent Representation of Georgia to the Council of Europe is regularly kept informed of progress and new developments. CBMs are based on the Secretary General's annual reports on the state of democracy, human rights and the rule of law as well as the consolidated reports on the conflict in Georgia.

### Expected outcomes

#### *Youth for democracy*

- Alignment of national and local policies and practices regarding young people, especially those from rural areas, with European standards and best practices, including those related to gender equality.
- Young people will receive human rights education and learn about democratic citizenship through youth organisations and youth work activities.

#### *Confidence-building measures*

- The number of topics for common work is increased.
- The number of activities and participants in them is sustained or increased.

**Main national partners:** The Ministry of Education, Science, Culture and Sport, Ministry of Foreign Affairs, Office of the State Minister for Reconciliation and Civic Equality, PDO, the State Security Service of Georgia, professional groups and civil society.

## PART III- IMPLEMENTATION

### 3.1 METHODOLOGY

The overall co-ordination of technical co-operation carried out by the Council of Europe falls within the remit of the Office of the Directorate General of Programmes (ODGP) which steers programming of and fund-raising for co-operation actions whilst ensuring the good functioning of Council of Europe Offices in the field.

Action Plan projects are implemented by the Council of Europe's Major Administrative Entity responsible for the relevant area of expertise. In accordance with the Organisation's process on decentralised implementation of technical assistance and co-operation, the Council of Europe Office in Georgia<sup>19</sup> plays a key role in co-ordinating and supporting the implementation of projects in the field. As of 1 June 2019, the Office's human resources counted 21 staff members.

The implementation of Action Plan projects involves, as necessary, needs assessments, legislative expertise, capacity-building, awareness-raising, gender mainstreaming and peer-to-peer reviews. The methodology followed, in line with the [Council of Europe Project Management Methodology](#) (PMM), aims to reinforce the ownership of national stakeholders and to ensure the sustainability of the outcomes.

In addition, the co-operation designed by the Council of Europe follows a "multi-institutional approach", which allows different Council of Europe's institutions and bodies to target governmental stakeholders, parliaments, independent governance institutions such as the Ombudsperson, local and regional authorities, and civil society, in order to create a unique leverage for comprehensive, inclusive, successful and sustainable reforms.

Gender equality is taken into account in all Council of Europe projects in accordance with its [Gender Mainstreaming Toolkit for Co-operation Projects](#). The gender mainstreaming approach will be defined as the actions associated with the Action Plan are developed. It will already be applied to actions regardless of the field of co-operation. For example, the standards for gender equality and women's rights will be taken into account when the various pieces of legislation and national frameworks are revised in the light of European

<sup>19</sup> Link to Office's website: <https://www.coe.int/en/web/tbilisi/home>



standards. The issue of gender equality will also be incorporated into training and programmes. The impact of gender will be analysed when projects are designed and implemented. In addition to gender mainstreaming, specific actions will be considered in order to promote gender equality.

The Action Plan implementation will contribute to the Sustainable Development Goals (SDGs) of the United Nations, especially to the goals 5, "Achieve gender equality and empower all women and girls" and 16, "Promote just, peaceful and inclusive societies". The actions to enhance gender equality and prevent and combat gender-based violence contribute to target 5.1, "End all forms of discrimination against all women and girls everywhere", and target 5.2, "Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation". The actions to ensure citizens' participation, with a special focus on women's role in decision-making by local governance, contribute to target 5.5 "Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life". Activities foreseen to put in place strategies for the prevention and protection of children from violence, sexual exploitation and sexual abuse and to strengthen capacities of professionals in dealing with child sexual exploitation and abuse contribute to targets 16.1 "Significantly reduce all forms of violence and related death rates everywhere" and 16.2 "End abuse, exploitation, trafficking and all forms of violence against and torture of children". The Action plan's support for women's access to justice and child-friendly justice is in line with target 16.3 "Promote the rule of law at the national and international levels and ensure equal access to justice for all".

Similarly, the Council of Europe promotes the active participation of civil society in project activities. Inclusiveness is approached in accordance with the [Guidelines on civil society organisations' participation in Council of Europe's co-operation activities](#).

The present Action Plan also considers the **lessons learned** during implementation of the Action Plans 2013-2015 and 2016-2019, including:

- technical assistance towards comprehensive reforms requires long-term funding and effective co-ordination mechanisms among national and international partners. The advantages of such an approach are specifically visible in the penitentiary programme, which has shown a solid record of results since its launch in 2013;
- inter-agency co-operation in Georgia remains an issue in some sectors (for example, anti-discrimination and violence against women and children). Efforts have been made to organise inter-professional capacity building activities, herewith raising awareness on the need for communication and information sharing between institutions;
- the inclusion of gender issues in project implementation has increased and is visible through conferences, training sessions, publications and awareness raising activities. Although it is challenging to conceptualise gender mainstreaming in some areas of the Council of Europe work, the commitment to do so helps facilitate considerations of gender by all stakeholders at policy, legislation and technical level;
- the long-term credibility of the reform processes in Georgia highly depends on the independence of newly introduced institutions and the effective implementation of new laws adopted. The Council of Europe should continue to facilitate critical dialogue between state and non-state actors in their watchdog role in this respect.

Due to the nature of its mandate, the Council of Europe has to operate at times in complex and unstable environments which expose it to risks. The analysis of risks relevant to implementation of the Action Plan as well as possible mitigation strategies are identified in Appendix II of the present Action Plan on the basis of the Council of Europe risk management guidelines and the [Risk Management Policy](#) of the Organisation adopted in June 2016. All projects implemented within the Action Plan have their own risk assessment and mitigation modalities.



### 3.2 CO-ORDINATION

Co-ordination to ensure efficient use of resources and the relevance of the Council of Europe's actions is performed at different levels and in different forums, including the Committee of Ministers of the Council of Europe (CM).

The Council of Europe's actions are determined and implemented so as to focus on areas where the Organisation has strong expertise and added value. Joint co-operation with Georgia authorities is developed on the basis of thorough analysis of the objectives followed by other international organisations and actors in the field and in their work, implemented and/or planned to achieve these objectives.

To ensure the relevance of its actions, the Council of Europe works in close co-ordination with relevant international partners, notably the European Union (EU) and in particular the EU Delegation in Georgia. The present Action Plan will be also implemented in the context of the government programme geared towards the EU integration process and following the provisions of the Association Agreement.

Since 2015, Georgia has benefited from participation in the EU/CoE Programme Partnership for Good Governance (PGG) which covers the following areas: anti-money laundering and counter-terrorist financing, enhancing the accountability and the efficiency of the judicial system, and supporting criminal justice reform. The work within the PGG in 2019-2022 will focus on judiciary reform and combating corruption, money laundering and the financing of terrorism.

In line with the principle of local ownership, co-ordination is carried out through formalised working groups convened and led by national partners, such the Inter-Agency Commission on Gender Equality, Violence against Women and Domestic Violence, the Working Group on the forth wave of judicial reforms (convened by parliament), Criminal Justice Reform Inter-Agency Co-ordination Council but also through different ad hoc and more structured mechanisms such as the UN inter-agency co-ordination mechanism in the area of gender equality – Gender Theme Group. In addition, the Council of Europe, together with the Ministry of Justice has been co-chairing the Thematic Co-ordination Group on Rule of Law and Justice.

The Council of Europe also maintains close contact with the development agencies of Council of Europe member States, notably Denmark, Germany, Norway, Sweden and Switzerland.

### 3.3 FUNDING

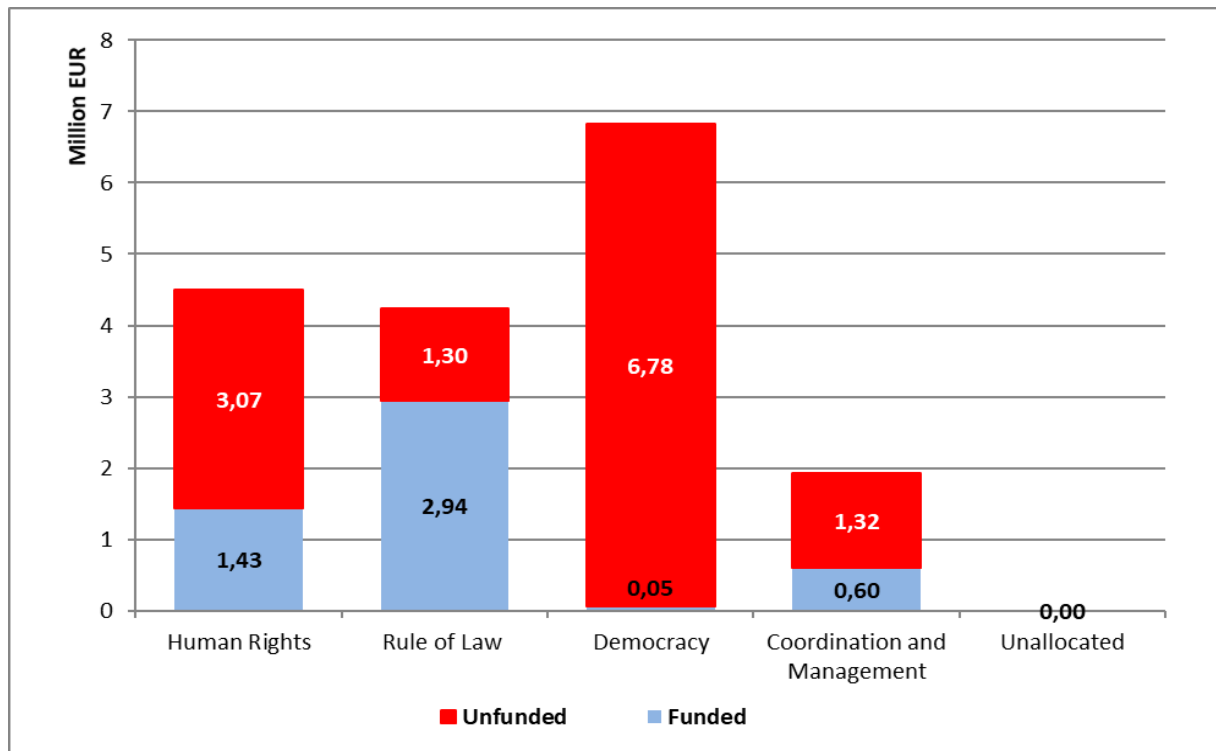
The overall budget of the Action Plan totals €17.5 million. Funding amounting to €5 million (29% of the total budget) has been secured.

Projects within the Action Plan are to be funded from multiple sources, including Joint Programmes with the European Union (EU) such as the Partnership for Good Governance (PGG), voluntary contributions (VC) from donor countries and international organisations, as well as the ordinary budget (OB) of the Council of Europe.

The co-ordination of Action Plan implementation incurs general management costs amounting to not more than 7% of the Action Plan's direct costs.

In line with the Council of Europe resource mobilisation strategy, fundraising efforts under the co-ordination of the Office of the Directorate General of Programmes (ODGP) are concentrated on the Action Plan as a whole.

The present Action Plan structure from 1 January 2020 to 31 December 2023 is aligned with the structure of the Programme and Budget of the Council of Europe and its two biennial cycles in order to increase coherence, complementarity and co-ordination between activities within the OB of the Council of Europe and extra-budgetary technical assistance for Georgia.



**Figure 2: Estimated budget per theme of the Council of Europe Action Plan for Georgia 2020-2023 (in millions of euros)**

### 3.4 GOVERNANCE

The Committee of Ministers of the Council of Europe (CM) is responsible, through its Group of Rapporteurs on Democracy (GR-DEM) for the overall assessment of the results of the Action Plan implementation.

The Council of Europe will provide regular updates on the progress and outcomes of the Action Plan. To this end, the Office of the Directorate General of Programmes (ODGP) will submit interim and final reports to the CM as follows:

- oral report 12 months after the adoption of the Action Plan, to present the state of advancement after the Action Plan's official launching;
- comprehensive mid-term Progress Review Report, 24 months after the adoption of the Action Plan;
- final Progress Review Report at the end of implementation of the Action Plan.

Progress made under the Action Plan will also be jointly assessed by the Council of Europe and Georgian authorities. For this purpose, an Action Plan Steering Committee is established, composed of representatives of the Ministry of Foreign Affairs and other national stakeholders, including civil society, involved in the implementation of the Action Plan as well as of representatives of the Council of Europe.

This Steering Committee will assess the implementation of approved projects, discuss proposals for future co-operation and challenges countered, and recommend, if appropriate, any measures to improve the effectiveness of the Action Plan. Meetings will take place 24 months after the adoption of the Action Plan, to assess the mid-term implementation, and before the end of the Action Plan, to assess the overall implementation. Regarding the Steering Committee's composition, a good gender balanced representation shall be ensured as far as possible.

In addition, the ODGP will address annual Action Plan Reports to those donors contributing at the level of the Action Plan, in line with reporting requirements.

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## APPENDIX I: LOGFRAME

**Gender equality and civil participation** in decision-making as transversal topics:

- **Gender equality** is mainstreamed throughout the Council of Europe's projects in accordance with its [Gender Mainstreaming Toolkit for Co-operation Projects](#).
- **Civil society's participation** is promoted by the Organisation in line with the [Guidelines on civil society organisations' participation in Council of Europe's co-operation activities](#).

**Overall goal:** to ensure successful reforms in Georgia which will bring its legislation, institutions and practice further into line with European standards in the areas of human rights, the rule of law and democracy, and therefore support the country's efforts to honour its obligations as a Council of Europe member State.

Human Rights	
Thematic outcome: Human rights protection and equality are enhanced through the well-structured and co-ordinated implementation of human rights standards, including those on gender equality, and an improved effectiveness of the European Convention on Human Rights (ECHR) system.	
Outcomes	Indicators
<p><b>1.1. Protecting human rights</b></p> <p><i>Enhancing the effectiveness of the ECHR system at the national level</i></p> <p>Implementation of the Law on the Elimination of all Forms of Discrimination to enhance the effectiveness of the enforcement mechanism established by the law; revision of legislation and raised efficiency of the criminal justice system related to pre-trial detention, effective crime investigation and harmonisation of the national jurisprudence with European standards; improved analytical and methodological capacities of the justice sector stakeholders to assess the criminal justice's performance and develop evidence-based criminal policy; enhanced capacity of the prosecutors to identify and react on reported facts of ill-treatment in the criminal process; strengthened capacity of General Prosecutor's Office to effectively exercise its functions and ensure good governance and protection of human rights in Georgia while carrying out criminal proceedings; increased knowledge and enhanced practical skills of future legal professionals (law students) on how to apply European human rights standards in their professional life via introduction of the HELP</p>	<ul style="list-style-type: none"> <li>Quality of references to the European Convention on Human Rights (ECHR).</li> <li>Degree of embedding of ECHR standards in national legislation and level of implementation of European human rights standards, notably in relation to the elimination of all forms of discrimination.</li> <li>Level of implementation of the European Court's judgements.</li> <li>Degree of compliance of criminal legislation with European standards and of implementation.</li> <li>Number of cases investigated by the State Inspectorate of crimes committed by the law enforcement officers investigate.</li> <li>Regularity and scope of the Government Agent's Office activities to co-ordinate implementation of ECHR standards at national level.</li> <li>Extent of transfer of skills and knowledge on ECHR standards to the relevant national institutions.</li> </ul>

<p>methodology in the law schools; Strengthened capacity of the Georgian Parliament and the PDO to conduct effective oversight of the implementation of the European Court's judgments; enhanced the Government Agent's Office capacity to effectively co-ordinate full implementation of ECHR standards; improved reporting mechanism on the human rights situation in Georgia as a result of capacity building delivered to PDO, relevant national institutions and civil society.</p>	
<p><b>1.2. Promoting human rights and dignity</b></p> <p><i>Gender equality, combating violence against women and domestic violence</i></p> <p>In their respective roles, Georgian authorities and civil society will use the applicable European instruments, especially the Istanbul Convention and other gender equality standards; investigations and judicial proceedings in relation to cases of violence against women and domestic violence will be in line with European standards and the Istanbul Convention.</p> <p><i>Anti-discrimination, minorities and minority languages</i></p> <p>Alignment of the criminal, civil and administrative codes with Council of Europe recommendations to combat discrimination, hate crimes and hate speech; national monitoring mechanisms will be developed and fully operational to report on cases of discrimination, hate crime and hate speech; the role of the Public Defender (Ombudsperson) will be enhanced and its function in relation to redress to discrimination will be understood by vulnerable groups and broader society; delivery of training programmes on anti-discrimination, hate speech (including sexist hate speech) and hate crime for legal professionals, civil society organisations, and other relevant actors; equal and full participation of minority and vulnerable groups in Georgian society; anti-discrimination standards and human rights, including women's rights, rights of persons belonging to ethnic minorities, including Roma, LGBT and young people as a democratic imperative will be known, understood and valued by broader society and vulnerable groups, particularly through locally-led information and awareness campaigns.</p>	<ul style="list-style-type: none"> <li>• Extent to which national legislation on gender-based violence and domestic violence is in place and implemented in line with European standards.</li> <li>• Degree of access to justice for women victims of violence and quality of the judicial response in cases of gender-based violence.</li>   <li>• Degree of compliance of adopted anti-discrimination legislation and institutional frameworks with European standards and respective level of implementation and efficiency.</li> <li>• Level of incidences of racist, homo/transphobic violence and hate speech and cases of discrimination on Sexual Orientation and Gender Identity (SOGI) grounds and increase in levels of prosecution and convictions. Degree of integration of vulnerable groups.</li> </ul>

<p><i>Children's rights</i></p> <p>Alignment of national legislation with the Lanzarote Convention and recommendations of the Lanzarote Committee; strengthened multiagency response to child sexual exploitation and abuse, including in the digital environment ; enhanced capacities and skills of authorities and professionals to promote and protect the rights of the child in the digital environment in line with CM/Rec(2018)7; and increased awareness and capacities of professionals to uphold the best interests of the child in proceedings and to promote and implement child-friendly practices and services in the justice system; further awareness will be raised among professionals (in particular social workers, judges, prosecutors and law enforcement officers) about sexual exploitation and existing international instruments, including through information campaigns; the role of parliament in defending children's rights will be enhanced.</p>	<ul style="list-style-type: none"> <li>• Degree of compliance of the legal, policy and institutional framework for the prevention and protection of children against all forms of violence, including sexual exploitation and abuse.</li> <li>• Level of extent of inter-agency co-operation during criminal procedures and child welfare assessments related to child sexual abuse.</li> <li>• Level of knowledge and application by relevant actors of strategies for the prevention, protection and support of child victims and witnesses.</li> <li>• Degree of implementation of the CM/Rec(2018)7.</li> <li>• Level of knowledge and application by relevant actors of measures to uphold the best interests of the child when children are in contact with the justice system.</li> </ul>
<p><b>1.3. Ensuring social rights</b></p> <p><i>Ensuring respect for social rights in Georgia in line with the revised European Social Charter</i></p> <p>Improved reporting on the revised Charter to help policy makers to take better-informed legislative and policy steps; increased awareness on the rights of various groups of the population leading to better advocacy of their rights; amended legislation to reflect the revised Charter's provisions accepted by Georgia; national stakeholders have necessary knowledge about collective complaints procedure to facilitate its acceptance.</p>	<ul style="list-style-type: none"> <li>• Extent to which the Council of Europe recommendations are incorporated in the revised/developed policy documents and legislation.</li> <li>• Extent to which various action plans on implementing social rights and related reforms reflect recommendations deriving from assessments.</li> <li>• Extent to which judges and lawyers use the ESC, ECSR and relevant ECtHR.</li> <li>• Extent to which social/civil servants, legal professionals use relevant European standards in their daily work.</li> <li>• Reported measures/activities of enhanced co-operation of civil society with social rights stakeholders.</li> <li>• Number and quality of civil society reports pertaining to implementation of social rights.</li> </ul>

<b>Rule of Law</b> <b>Thematic outcome:</b> Democratic security is strengthened by an enhanced implementation of the existing legislation and European standards, the development of an enabling legal and institutional framework for a democratic society and an improved quality of justice and efficiency in combating corruption.	
Outcomes	Indicators
<p><b>2.1. Ensuring justice</b></p> <p><i>Independence and efficiency of justice</i></p> <p>Increased accountability and efficiency of the judicial system and the professionalism of lawyers; alignment of criminal procedure legislation and practice with Council of Europe standards; increased analytical and methodological capacities of the justice sector stakeholders, including collection and analysis of sex-disaggregated data; reduction in judicial delays and backlogs; increased capacities in relation to court/case management and judicial services; improvement in equal access to justice for women and men in line with the best practices of Council of Europe member States; increased capacity of lawyers to implement European standards in an independent, professional and gender-sensitive manner.</p> <p><i>Prisons and police</i></p> <p>Increased capacity of law enforcement to address crimes committed by and against juveniles; conditions of detention and treatment of detainees in the temporary detention isolators and prisons will be further enhanced in line with European standards and practice; increased capacity to effectively prevent, investigate and prosecute domestic violence; healthcare for detainees and offenders, including mental healthcare and treatment of drug using detainees and offenders, will be improved and gender-mainstreamed; training Centre of Justice capacity to train penitentiary system staff will be further enhanced; the effective operation of newly established Vocational Training Center for Inmates is supported; a fully-fledged probation service will be operational at national level in line with European standards; increased capacity of probation service staff to carry out their new duties; the police</p>	<ul style="list-style-type: none"> <li>• Level of trust in judiciary among population (including gender perspective).</li> <li>• Extent to which criminal procedure legislation is in place and/or amended and implemented in line with European standards.</li> <li>• Level of equality in access to justice for women and men.</li> <li>• Quality and scope of analytical reporting of the justice sector stakeholders and quality and scope of data collection and analysis (including gender perspective);</li> <li>• Quality of the procedures, rules and regulations and management capacities of the judicial self-governing bodies (including gender perspective).</li> <li>• Level of implementation of European Commission for the Efficiency of Justice (CEPEJ) tools and methodology in courts' daily work.</li> <li>• Regulations and normative acts related to treatment of juvenile offenders and juvenile victims of crimes are in line with the European standards.</li> <li>• The degree to which regulations and other normative acts regulating the treatment of the detainees at the temporary detention isolators is approximated with European standards (including gender perspective).</li> <li>• Number of prevented, investigated and prosecuted cases of domestic violence.</li> <li>• Quality of health care provided to detainees (including gender perspective).</li> <li>• Caseload of probation service staff.</li> <li>• Level of employment among former offenders one year after release from prison.</li> <li>• Level of recidivism among offenders who underwent probation supervision within three years after release from prison.</li> </ul>

<p>will operate in line with European standards as a result of the relevant reforms; implementation of the Action Plan on Combating Torture and other Cruel, Inhuman and Degrading Treatment or Punishment and Action Plan on the Development of Penitentiary and Crime Prevention Systems will be supported and strengthened in compliance with European standards; enhanced capacity of the State Inspectorate to investigate effectively the crimes committed by law enforcement officers; PDO will be supported in development of assessment tools for the sectorial monitoring of the penitentiary establishments and police detention facilities.</p>	
<p><b>2.2. Strengthening the rule of law</b></p> <p><i>Constitutional Justice</i></p> <p>Constitutional justice in Georgia is brought closer in line with European standards.</p> <p><i>Information society and internet governance</i></p> <p>Increased compliance of the national legislation, media regulation and practice with European standards regarding freedom of expression, media pluralism, safety of journalists, media literacy, public service broadcasting concentration and transparency of media ownership internet governance and personal data protection; increased co-operation and co-ordination among respective stakeholders in the field of internet and media aimed at better compliance with respective European standards including, but not limited to the promotion of media literacy; enhanced skills and knowledge of media stakeholders in terms of gender-balanced and gender-sensitive content production; increased capacity of justice and law enforcement bodies to effectively implement respective national and international standards on safety of journalists; increased professionalism, responsibility and respect of ethical rules among journalists and increased awareness among general public and national authorities on importance of media self-regulation for ensuring media freedom; increased compliance of regulations and practice with European standards regarding roles and responsibilities of internet intermediaries, content providers and trusted flaggers; the capacity of the national data protection supervisory authority is enhanced to implement the latest international standards as well is the ability of Georgian professionals to comply with these standards.</p>	<ul style="list-style-type: none"> <li>• Judges and legal advisors are able to deliver/prepare judgments in conformity with European standards of constitutional justice (independence of the judiciary, separation of powers, protection of human rights and rule of law).</li> <li>• Number of provisions in the adopted legislation, regulations and policy documents take into account Council of Europe and European standards and practices.</li> <li>• Extent to which national legislation is in place and/or amended and implemented in line with international and European data protection standards.</li> <li>• Extent to which national legislation on media regulation and practice are in place and/or amended in compliance with European standards regarding freedom of expression including on the internet, media pluralism and public broadcasting.</li> <li>• Level of alerts submitted to the Council of Europe Platform to Promote the Protection of Journalism and Safety of Journalists and of convictions for crimes against journalists.</li> <li>• Quality of training delivered and application of a code of ethics for journalists in line with European standards.</li> <li>• Level of implementation of Council of Europe recommendations on Internet governance.</li> </ul>



### 2.3. Countering Threats to the Rule of Law

#### *Fight against corruption and money laundering*

Establishment and implementation of enhanced systems for declaring assets and conflicts of interest for all levels of public officials; increase in the effective investigation, prosecution, and adjudication of money-laundering crimes and offences; establishment and implementation of strengthened institutional asset recovery mechanisms; strengthening mechanisms for the prevention and detection of money laundering/terrorist financing.

#### *Cybercrime*

Alignment of national legislation on cybercrime – both substantive and procedural – with the Budapest Convention; cybercrime units and criminal justice institutions will mobilise their capacities to improve the prevention of and fight against cybercrime and to access electronic evidence in domestic investigations through international co-operation; improvement in interagency co-operation and exchange of data relevant for cybercrime investigations; a culture of co-operation with Internet service providers will be improved through a legal basis for co-operation (with a focus on procedural powers and safeguards) and revised/expanded co-operation agreements.

#### *Trafficking in human beings*

National legislation and practices to detect, investigate and prosecute trafficking in human beings will be aligned with GRETA recommendations; effective compensation for victims of trafficking.

- Level of trust in prevention and fight against corruption among population (including gender perspective).
- Level of resilience of the public authorities against influence of private interests - degree to which public officials withstand corruption attempts (including gender perspective).
- The degree to which regulations and other normative acts regulating asset recovery as well as measures to counter money laundering/terrorism financing are approximated with European standards.
- Extent of financial investigations and prosecutions related to cybercrime and proceeds from online crime.
- Level of compliance with international standards on cybercrime, money laundering and the search, seizure and confiscation of proceeds from crime.
- Extent of investigations and prosecutions related to trafficking in human beings.
- Level of compliance of legislation and practice with international standards on countering trafficking in human beings.

<b>Democracy</b> <b>Thematic outcome:</b> The democratisation of society is fostered through electoral integrity, strengthened local democracy and increased participation of young people in the democratic process.	
Outcomes	Indicators
<p><b>3.1. Strengthening democratic governance and fostering innovation</b></p> <p><i>Elections</i></p> <p>Promotion of dialogue and further support to the improvement of electoral legislation to ensure the alignment of the Georgian legal framework with Europe’s electoral heritage; strengthened administrative, operational and management capacity of the election administration; strengthened administrative, operational and management capacity of the State Audit Office (SAO) Political Party Finance Monitoring Department; increased capacity of domestic observer civil society organisations (CSOs) and enhanced capacity of the media to provide professional, neutral and balanced coverage of elections; promotion of gender equality and women’s political participation; increased awareness of election rights among vulnerable groups and young people; promotion of good practices in the area of new information technologies with regard to the impact on the integrity of electoral processes.</p> <p><i>Local democracy</i></p> <p>Local authorities will be consulted through their national association, particularly during the development of the national Decentralisation and Good Governance Strategy; newly elected local councillors will improve their capacities and skills to apply European standards on local democracy and best practices to perform their duties effectively and to support the decentralisation process; implementation of good governance practices to enhance the quality of service and protection of human rights at local level; improvement to the management of resources at local level; women are further empowered to take active part in political life in Georgia.</p>	<ul style="list-style-type: none"> <li>• Extent of incorporation of European standards in electoral legislation and practice.</li> <li>• Level of confidence in the electoral process.</li> <li>• Level of women, national minorities and youth participation in elections.</li> <li>• Level of awareness of electoral rights in population.</li> </ul> <ul style="list-style-type: none"> <li>• Regularity and scope of consultations between national and local authorities.</li> <li>• Level to which recommendations of local authorities reflected in the national Decentralisation and Good Governance Strategy.</li> <li>• Level to which regulations and practices at local level reflect European good practice of local governance.</li> <li>• Extent of women participation in decision making at local level.</li> <li>• Perception of governance at local level by population.</li> </ul>

### 3.2. Promoting participation and diversity

#### *Youth for democracy*

Alignment of national and local policies and practices regarding young people, especially those from rural areas, with European standards and best practices, including those related to gender equality; young people will receive human rights education and learn about democratic citizenship through youth organisations and youth work activities.

#### *Confidence-building measures*

The number of topics for common work is increase; the number of activities and participants in them is sustained or increased

- Extent to which national and local policies and practices regarding young people reflect European standards and practices (including gender perspective).
- Level of awareness of young people about human rights and democratic citizenship.
- Scope, frequency and number of activities.
- Number of participants (including gender perspective).
- Level of support to the CBMs among participants.

## APPENDIX II: RISK REGISTER

Risk description	Mitigation actions
<b>Political related risk</b>	
<p>Best case scenario - increased scope and pace of reforms</p> <ul style="list-style-type: none"> <li>• Consensus on relevant reforms is established over a broad political spectrum.</li> </ul>	<p>Increased awareness-raising of target groups about the Council of Europe involvement in the national reform process, through communication actions.</p> <p>Discussions to be held on a possible enlargement of the scope of action.</p>
<p>Base case scenario- sustained overall political stability</p> <ul style="list-style-type: none"> <li>• Partial implementation of reforms and opposition to their implementation in the Parliament and by certain groups of the society.</li> </ul>	<p>Support national authorities to ensure compliance of legislative and regulatory frameworks with the standards of the Council of Europe;</p> <p>Build capacity of institutions to implement these standards, enhance awareness of the population on those standards;</p> <p>Raise awareness of institutional partners who promote standards of the Council of Europe among population.</p>
<p>Worst case scenario - increased political instability/absence of reforms</p> <ul style="list-style-type: none"> <li>• Lack of consensus on the reforms in the Parliament;</li> <li>• Reform process slows down or stops;</li> <li>• Worsened social situation specifically of vulnerable groups.</li> </ul>	<p>Increased awareness raising among target groups to sensitise them to the benefits and importance of applying European standards;</p> <p>Promote dialogue between authorities and civil society on application of standards;</p> <p>Facilitate contacts and co-operation between supporters of the reforms within different branches of the power and within civil society.</p> <p>Increase attention to the protection of rights of vulnerable groups;</p> <p>Discuss mitigation strategies with international partners (EU in particular).</p>

**Project/programme delivery related risks**

<ul style="list-style-type: none"> <li>Lack of sufficient funding for implementation of the full Action Plan.</li> </ul>	<p>Increase resource mobilisation efforts in a co-ordinated manner;</p> <p>Continue to address feedback from partners and donors to improve project design, implementation, results-based monitoring, and reporting practices, so as to attract and maintain donors.</p>
<ul style="list-style-type: none"> <li>Lack of effective co-ordination mechanisms with national and international partners with a view to avoiding overlaps and ensuring synergies among programmes.</li> </ul>	<p>Increase co-ordination with international partners with whom co-ordination of plans is already achieved in order to strengthen a common message, achieve economic efficiency and increase acceptance of the reforms.</p>
<ul style="list-style-type: none"> <li>Lack of knowledge and skills to conduct gender analysis among national partners.</li> </ul>	<p>Support capacity building of national partners to gather and analyse relevant information, conduct awareness raising on gender inequality among stakeholders, strengthen civil society organisations working on gender equality and women's rights, strengthen the capacities of human rights defenders especially women.</p>
<ul style="list-style-type: none"> <li>Lack of gender balanced representation among decision makers.</li> </ul>	<p>Encourage participation of the under-represented gender in steering committees of the Action Plan and projects.</p>

**Communication related risks**

<ul style="list-style-type: none"> <li>Lack of transparency and consensus on priorities and scope of the programmes among international partners.</li> </ul>	<p>Increase the scope of communication to inform professional groups, international partners and general public about the contribution of the Council of Europe and donors to the reforms.</p> <p>Ensure joint messages with other international partners are delivered (e.g. Partnership with the EU).</p>
<ul style="list-style-type: none"> <li>Lack of knowledge among main international and national partners, target groups and general population about Council of Europe contribution to the reforms in the country.</li> </ul>	<p>Every programme develops its communication strategy/plan to ensure further buy-in for results and impact; increase professional and public awareness of the Organisation contribution to the reforms; and increase the speed at which information is exchanged.</p>

## APPENDIX III: FINANCIAL TABLE

(All amounts in Euros)

Sectors	Total budget	Funded OB	Funded EU*	Funded VC	Total funds secured	Unfunded
<b>Human rights</b>	<b>4,502,517</b>	<b>44,418</b>	<b>177,674</b>	<b>1,208,333</b>	<b>1,430,425</b>	<b>3,072,092</b>
1. Protecting human rights	125,000	0	0	125,000	125,000	0
2. Promoting human rights and dignity	3,433,333	0	0	1,083,333	1,083,333	2,350,000
3. Ensuring social rights	500,000	0	0	0	0	500,000
4. Regional programmes	444,184	44,418	177,674	0	222,092	222,092
<b>Rule of Law</b>	<b>4,243,895</b>	<b>381,776</b>	<b>1,820,310</b>	<b>742,500</b>	<b>2,944,586</b>	<b>1,299,309</b>
1. Ensuring justice	1,769,444	223,889	895,555	450,000	1,569,444	200,000
2. Strengthening the rule of law	292,500	0	0	292,500	292,500	0
3. Countering threats to the rule of law	683,333	66,667	266,666	0	333,333	350,000
4. Regional programmes	1,498,618	91,220	658,089	0	749,309	749,309
<b>Democracy</b>	<b>6,831,717</b>	<b>25,000</b>	<b>0</b>	<b>26,717</b>	<b>51,717</b>	<b>6,780,000</b>
1. Strengthening democratic governance and fostering innovation	5,051,717	25,000	0	26,717	51,717	5,000,000
2. Promoting participation and diversity	1,780,000	0	0	0	0	1,780,000

3. Regional programmes	0	0	0	0	0	0
<b>Co-ordination, management and reserves</b>	<b>1,921,871</b>	<b>120,378</b>	<b>481,510</b>	<b>0</b>	<b>601,888</b>	<b>1,319,983</b>
1. PGG II Co-ordination - Reserve - Quick Response Mechanism	1,203,776	120,378	481,510	0	601,888	601,888
2. General management costs	718,095	0	0	0	0	718,095
<b>TOTAL</b>	<b>17,500,000</b>	<b>571,572</b>	<b>2,479,494</b>	<b>1,977,550</b>	<b>5,028,616</b>	<b>12,471,384</b>

\* includes regional EU/CoE Joint Programmes



## APPENDIX IV: SOURCES/RELEVANT DOCUMENTS

**Council of Europe documents**

1. European Court of Human Rights
  - [Case law relating to Georgia](#)
2. Commissioner for Human Rights of the Council of Europe
  - [Report CommDH\(2014\)9 visit to Georgia from 20 to 25 January 2014](#)
  - [Observations CommDH\(2016\)2](#) on the human rights situation in Georgia: An update on justice reforms, tolerance and non-discrimination
3. Committee of Ministers of the Council of Europe
  - [Recommendation Rec\(2000\)21](#) on the freedom of exercise of the profession of lawyer
  - [Recommendation CM/Rec\(2018\)1](#) on media pluralism and transparency of media ownership
  - [Recommendation CM/Rec\(2016\)5](#) on Internet freedom
  - [2018 Report](#) on the supervision of the execution of judgments and decisions of the ECtHR
  - [Recommendation CM/Rec\(2016\)4](#) on the protection of journalism and safety of journalists and other media actors
  - [Resolution CM/ResCMN\(2018\)7](#) on the implementation of the Framework Convention for the Protection of National Minorities by Georgia
  - [Strategy](#) for the Rights of the Child (2016-2021)
  - [Recommendation CM/Rec\(2018\)7](#) on Guidelines to respect, protect and fulfil the rights of the child in the digital environment
4. Congress of Local and Regional Authorities of the Council of Europe
  - [Report CG35\(2018\)18final](#) on local and regional democracy in Georgia
  - [Recommendation 426\(2018\)](#) on local and regional democracy in Georgia
  - [Information report CPL34\(2018\)03](#) on the municipal elections in Georgia
  - [Resolution CG34\(2018\)10final](#) on Promoting human rights at local and regional level
  - [Recommendation 365 \(2014\)](#) Promoting diversity through intercultural education and communication strategies
  - [Recommendation 280\(2010\)](#) on the role of local and regional authorities in the implementation of human rights
  - [Resolution 296 \(2010\) - revised](#) on the role of local and regional authorities in the implementation of human rights
5. Parliamentary Assembly of the Council of Europe
  - PACE [Opinion 209\(1999\)](#)
  - [Election observation](#) of the presidential election in Georgia (28 October and 28 November 2018)
6. Monitoring and expert advisory bodies
  - 6.1 Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)
    - [Report](#) to the Georgian Government on the visit to Georgia (10 – 21 September 2018)
    - [Report](#) to the Georgian Government on the visit to Georgia (1 – 11 December 2014)
  - 6.2 Cybercrime Convention Committee (T-CY)
    - [Findings and recommendations](#) concerning 24/7 point of contact in Georgia
    - [Report on Georgia](#) on draft legislation supplementing and amending various issues related to cybercrime and electronic evidence
  - 6.3 European Commission against Racism and Intolerance (ECRI)
    - [Report on Georgia](#) (fifth monitoring cycle) adopted on 8 December 2015
    - [Conclusions](#) on the implementation of recommendations in respect of Georgia, adopted on 5 December 2018

#### 6.4 European Commission for Democracy through Law (Venice Commission)

- [Opinion 945/2019](#) on the concept of legislative amendments to the Criminal procedure code concerning the relationship between the prosecution and the investigators
- [Opinion 937/2018](#) on the provisions on the Prosecutorial Council in the Draft Organic Law on the prosecutor's Office and on the provisions on the High Council of Justice in the existing Organic Law on General Courts
- [Opinion 918/2018](#) on Constitutional amendments adopted at the second reading on 15 December 2017 by the Parliament of Georgia
- [Opinion 876/2017](#) on the draft revised constitution as adopted by the Parliament of Georgia at the second reading on 23 June 2017 (CDL-AD(2017)023-e)
- [Opinion 876/2017](#) on the draft revised constitution (CDL-AD(2017)013)
- [Opinion 849/2016](#) on the amendments to the Organic Law on the Constitutional Court and to the Law on Constitutional Legal Proceedings

#### 6.5 European Committee of Social Rights (ECSR)

- [Georgia and the European Social Charter](#)

#### 6.6 Group of States Against Corruption (GRECO)

- [Evaluation Report GrecoEval4Rep\(2016\)3](#) (fourth evaluation round), adopted by GRECO (28 November - 2 December 2016)
- [Second addendum](#) to the second compliance report on Georgia (third evaluation round), adopted by GRECO (19 – 23 March 2018)

#### 7 Other monitoring and expert advisory bodies

- Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL): [recommendations](#) (fourth round mutual evaluation of Georgia), adopted on 8 December 2015
- [Evaluation](#) of the judicial systems (2016-2018 cycle) launched by the European Commission for the Efficiency of Justice (CEPEJ)
- [Opinions](#) adopted by the Consultative Council of European Prosecutors (CCPE)
- [Report](#) concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Georgia (second evaluation round), adopted on 11 March 2016 by the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA)
- [OSCE/ODIHR Reports](#) on parliamentary (2016), local (2017) and presidential (2018) elections
- [1<sup>st</sup> implementation report](#) on the protection of children against sexual exploitation and sexual abuse: The Framework (2015)

#### 8 Guidelines

- [Council of Europe Gender Mainstreaming Toolkit for Co-operation Projects](#)
- [Gender Equality Strategy 2018-2023](#)
- [Guidelines on civil society organisations participation in Council of Europe's co-operation activities](#)
- [Guidelines for civil participation in political decision-making](#)
- [Council of Europe Project Management Methodology](#)
- [Council of Europe Risk Management Policy](#)
- [Guidelines on child-friendly justice \(CM/Del/Dec\(2010\)1098\)](#)
- [Policy guidelines \(CM/Rec\(2009\)10\) on integrated national strategies for the protection of children from violence](#)

#### National policy documents of Georgia

- [Annual reports](#) of the Public Defender (Ombudsperson) of Georgia