



# NATIONAL STRATEGY FOR THE PROTECTION OF HUMAN RIGHTS IN GEORGIA

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2014-2020

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## Introduction

*The state shall recognize and protect universally recognized human rights and freedoms as eternal and supreme human values. While exercising authority, the people and the state shall be bound by these rights and freedoms as directly acting law.*

Article 7, Constitution of Georgia

The process of constructing a free and democratic, European-style system of government founded upon the Rule of Law, began in Georgia during the time of the Democratic Republic (1918-1921). This was embodied through the Constitution of 1921 which, for the first time, recognized certain inalienable human rights and freedoms, including: equality before the law; the abolition of capital punishment; the right to privacy; women’s suffrage; the freedoms of expression and assembly; and the rights of ethnic minorities. Additionally, the Constitution ensured other universally recognized rights that were not expressly defined within the text, but could nevertheless be derived from the wide-reaching principles recognized within the constitutional framework. It is precisely these principles that the current Constitution (in effect since 1995) continues to build upon, in order to “*recognize and protect universally recognized human rights and freedoms as eternal and supreme values*” and ensure “*the people and the state shall be bound by these rights and freedoms as directly acting law.*”

According to the Preamble to the Constitution, it is the unwavering will of all Georgian citizens to establish a democratic social order that guarantees respect for human rights – not in isolation – but through continued cooperation with other peaceful nations. Therefore, respect and recognition of fundamental human rights in Georgia represents not only an integral part of its legal and political spheres, but also forms a key aspect of its foreign policy,

ensuring that Georgia is a state party to all the main international and regional agreements and treaties on human rights. This also ensures that respect for human rights in Georgia corresponds to defined constitutional and international standards, principles and norms, the contents and procedural frameworks of which are regularly updated in accordance with new international standards and best practices, as well as the assistance of the Constitutional Court of Georgia and international human rights monitoring bodies.

A legal framework alone does not suffice to ensure the suitable protection of human rights within the state; the existence of institutions and other bodies, with the means of enforcing existing rights and implementing changes, represents the foremost priority of any democratic nation. With a view to achieving these priorities, the Government of Georgia established the Interagency Council for Human Rights Strategy and Action Plan, by the 5<sup>th</sup> July 2013 Government Decree No. 169, and entrusted to it the development of the national strategy for the protection of human rights, presented below.

The Human Rights Strategy is based on the concept of protecting and promoting the realization of the human rights of all Georgian citizens, in their day-to-day lives. It also demarcates the long-term goals and objectives of the government in the area of human rights and looks towards the formulation of a progressive and unified cross-sector policy, aimed at strengthening the protection of human rights within state organs and promoting “better governance” in the country as a whole.

## **Strategy Development Process**

State agencies, alongside international and non-governmental organizations (NGOs), were actively involved in the development process of the strategy. Assistance was also sought from independent organizations, devoted to protecting and promoting particular human rights.

A special website was set up, containing all the relevant information on the strategy development process and on its progress. With the help of this website, all interested parties were regularly kept up-to-date with any developments and given the opportunity to engage in the process, by being able to offer their comments and criticisms to the Interagency Council.

## Current Position

Once independence was restored in 1991, almost all government organs and institutions suffered a great demise, before entering a stage of renewal and gradual reconstruction. During this period, a legislative base was formulated that would take into account, as far as possible, international standards of protection of the human rights of all Georgian citizens. Despite this however, several shortcomings have consistently been identified in the reports of the Public Defender (Ombudsman), international and non-governmental organizations (NGOs). The recent, comprehensive assessment of the EU Special Adviser on Constitutional and Legal Reforms and Human Rights in Georgia, Mr Thomas Hammarberg's report: "*Georgia in Transition*"<sup>1</sup>, is also rather elucidating, in that it objectively identifies the main flaws and challenges in the system of protection of human rights in Georgia. It must be noted that the Government of Georgia fully acknowledges his remarks and recommendations and views their timely implementation as a foremost priority.

In order to improve the system of protection of human rights in Georgia, it is necessary to further develop the legislative framework, whilst at the same time ensuring the effectiveness of existing provisions. Currently, full, uninhibited access to human rights is constrained, on the one hand by a lack of awareness of citizens of the means by which to enforce their rights, and on the other the inadequate fulfillment of human rights duties by government institutions.

Efforts have been made to overcome these barriers, though the process has not always been as consistent and far-reaching as desired. Therefore, it is of vital importance to formulate a human rights strategy that will allow the consistent and effective application of appropriate measures, independent of external forces, such as changes in government administration and order.

## The Strategy & Vision

In the long-term, the human rights strategy of Georgia envisions a country, where the respect for human rights represents an important common value among its citizens and where every citizen has the opportunity to lead a decent and prosperous life.

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<sup>1</sup>[http://eeas.europa.eu/delegations/georgia/press\\_corner/all\\_news/news/2013/human\\_rights\\_2013/human\\_rights\\_report\\_2013\\_en.htm](http://eeas.europa.eu/delegations/georgia/press_corner/all_news/news/2013/human_rights_2013/human_rights_report_2013_en.htm).

Therefore, the 2014-2020 Strategy will focus on achieving the following goals in particular:

- Coherence of the legislative/institutional frameworks with the development strategy, as well as any requirements stipulated in the Action Plan;
- Conduction of wide-spread public awareness-raising campaigns on human rights and the means by which to realize these rights in practice;
- Regular rendering of the positive and negative duties owed by all government representatives and public organs with respect to human rights.

### **Aims of the Strategy**

The predominant aim of the strategy is to develop a systematic approach to the realization of human rights by all Georgian citizens, and the timely rendering of the duties related to these rights by state authorities. This not only requires a clear and resounding acknowledgement, by all representatives of both central and local government of their constitutional duty to ensure respect for human rights, but also the effective informing of the general public on the essence of their rights and the ways in which to realize and enforce these rights.

Ensuring respect for human rights does not solely depend on the good will of the state. Each and every citizen is expected to defend his or her rights (within accepted legal norms) and refrain from committing or condoning any violations of such rights. Thus, to an extent, the strategy also envisions the emergence of well-informed, independent and active citizens, who are aware of their individual roles within the democratic state system – both in being able to enforce their rights, as well as fulfill the obligations arising from them. Appropriate measures must therefore be taken, to promote the active engagement of citizens in defending their common rights and values, which simultaneously contributes to the strengthening of democracy and the rule of law in the country.

## **Necessary Changes and Continuity of the Development Process**

Protection of human rights is a continuous process, necessitating regular legal, institutional and practical changes. These changes must be reflected in the activities of all civil servants, so as to ensure that the rendering of duties and obligations arising from human rights becomes an intrinsic part of their work culture.

Wide-spread legal and institutional reforms must be dictated by needs at the local level and take into account national traditions, whilst also recognizing the importance of maintaining peaceful relations with other nations. In general, however, it is the primary concern of the government to ensure the continued and absolute compliance with European standards of protection of human rights in Georgia.

## **Towards ‘Institutional Democracy’**

The main focus of the development process looks towards establishing an ‘institutional democracy’ within the state. Since 1991, Georgia has been undergoing a transitional period from an electoral democracy (where it is possible to elect and command constitutionally and legally ordained organs of state), to an institutional democracy (where elected bodies and institutions operate effectively and independently, without having to succumb to the will of a select group of individuals).

The establishment of an institutional democracy ensures government organs and civil servants perform their duties as prescribed by law, while individual citizens refrain from committing acts that are prohibited at law. Thus, in order to strengthen the foundation of institutional democracy, as well as the systematic protection of human rights within the state, it is necessary to ensure the continued growth and development of government institutions and public organs; this has been one of the predominant lessons learned over the past two decades of adjustment from a decades-long occupation to becoming a fully-fledged independent state. Accordingly, the foundation and consolidation of institutional democracy is a topmost priority, requiring the ardent efforts and full mobilization of all three branches of state and society as a whole.

## **A Human Rights Based Approach**

It is a clear aim of the Government of Georgia to apply a ‘human rights based approach’ in the formulation, implementation, monitoring and assessment of its various policies and programs. However, the application of such an approach not only demands the active participation of citizens in the decision-making processes that are going to affect them most, but also serves to ensure that all elected officials and public servants (at all levels of government), administer their legally prescribed human rights duties and obligations, thus ensuring the operation of an overall more transparent and accountable state administration system. Therefore, it is of primary importance for all ministries, agencies and institutions to gradually introduce a human rights based approach in their working practices, especially in the planning and provision of public services, so as to improve results and enhance the overall experience for both recipients and providers of such services.

The formulation of policies and programs based on a human rights oriented approach requires the determination of the expectations and needs of citizens on the one hand, and the corresponding duties and obligations of the government on the other; for example, the different needs of men and women, in any given situation, have to be taken into account when formulating a more effective policy on gender equality, thus overcoming the deep-rooted causes of the failure to realize certain gender-related human rights. To this end, it will be the primary concern of policy draftsmen to strike the right balance between the ability of citizens to realize their rights, with the ability of the government to render their human rights related duties. Monitoring will also have to be undertaken on how far the human rights based approach has been administered in practice – through various policies, legislation and allocation of resources, as well as in the general views, values and practices of society.

## **Principles Ensuring Human Rights**

Ensuring respect for human right is the unwavering will of all Georgian citizens and represents the constitutionally guaranteed principle binding all current and future governments in the fulfillment of the following duties in particular:



1. Inviolability of human right by the state.
2. Defense against human rights violations by others.
3. Creation of a system that will allow persons to realize their rights in practice.
4. Adequate informing of the population on their human rights.

It is the primary function and responsibility of any state to ensure the sustained, continuous and absolute defense of human rights within the country, irrespective of changes in government administration and order. To this end, the Government of Georgia has pledged to fulfill the duties and obligations arising from the recognition of each universal human right, equally and without discrimination, towards every one of its citizens. This not only ensures the inviolability of human rights by state organs, but also sets the necessary benchmark for mutual respect in relations between individuals; within this framework all persons are given the opportunity to enjoy their rights, as long as their enjoyment does not infringe on the rights of others.

In the protection of human rights the recommendations of the Public Defender, NGOs and international human rights instruments and mechanisms will be given due consideration, along with the declarations of the Constitutional Court of Georgia and the judgments of the European Court of Human Rights. The Government of Georgia, moreover, will be held fully accountable for its human rights duties through regular and comprehensive assessments by specially commissioned government agencies and bodies, alongside international organizations and non-governmental watchdogs. These organizations will be closely monitoring the various actions and measures implemented by the Government, as well as the inclusiveness of such measures – in allowing those persons most affected to participate, or otherwise express their views, in relevant decision-making processes.

The realization of human rights in practice implies the existence of opportunities and mechanisms for redress in cases of violations and infringements of such rights. To this end, the appropriate legislative and institutional mechanisms have to be formulated, which will allow victims to obtain redress for any violations of their human rights, whilst preventing further violations through the application of timely and effective preventive measures by the state. Special attention must be paid to the inviolability of human rights in any case, as well as the concomitant response to all such violations. It is vital, therefore, that the general public remain duly informed of these facts and other human rights related issues, through

wide-spread public awareness-raising campaigns, as well as the inclusion of human rights issues at all stages of both formal and non-formal education.

## Strategic Paths

With a view to achieving the long-term goals, set out above, the strategy envisages certain legislative, institutional and practical changes.

On the basis of the recommendations of the Public Defender, international organizations, NGOs, as well as Thomas Hammarberg's report on Georgia's achievements and challenges in the area of human rights, the following have been prioritized for 2014-2020:

### **1. Improvement of criminal legislation and promotion of the principle of 'equality of arms'.**

#### *Objective*

Drafting and adoption of criminal legislation, which complies with international human rights standards and guarantees the genuine equality of both parties to the proceedings.

#### *Tasks*

- a) Continue criminal justice reforms; introduce relevant changes to the Penal Code and the Criminal Procedure Code;
- b) Take into account international standards and best practices;
- c) Parallel to the reforms process, enhance the professional qualifications of advocates, judges and investigative personnel;
- d) Ensure adequacy and proportionality of proposed measures/sanctions in response to criminal actions committed by individuals.

### **2. Improved protection of the right of fair trial through support of continued reform of the judiciary.**

*Objective*

Establishment of an effective justice system with maximum guarantees of the right of fair trial and other procedural rights; complete overhaul of the judiciary – ensuring the independence of judges and the development of an effective system for conducting genuine investigations and proceedings.

*Tasks*

- a) Conduct judicial reforms to guarantee the independence of the judiciary on an institutional level, as well as ensure the impartiality of individual judges;
  - b) Revise the rules relating to the appointment and promotion of judges, and the allocation of cases;
  - c) Ensure greater transparency and accountability of the judiciary through the protection of its independence;
  - d) Encourage maximum involvement of judges in the administration of the judiciary;
  - e) Conduct reforms of the judicial system in an effective and transparent manner, with the active participation of the judiciary and civil society.
- 3. Reform of the Prosecutor’s Office, aimed at ensuring fair, effective, transparent and independent criminal prosecution procedures.**

*Objective*

Develop a system of criminal prosecution that is independent, objective, effective and transparent, as well as orientated on human rights protection.

*Tasks*

- a) Improve control mechanism of the prosecution service, in accordance with international standards;
- b) Conduct daily tasks and activities in accordance with international standards and continue enhancement of the professional qualifications of prosecutors;
- c) Ensure transparency of prosecution service and accountability *vis a vis* society;

- d) Ensure independence of criminal prosecutions;
- e) Impose preventive measures, in accordance with international standards and best practices.

**4. Improved standards of crime prevention, investigations and human rights protection by law enforcement agencies, in accordance with international standards.**

*Objective*

Stamping out cases of misconduct occurring within law enforcement agencies, as well as the timely response to any reported cases of such misconduct; compliance of all activities with international standards and best practices, ensuring the utmost respect for human rights.

*Tasks*

- a) Create a control mechanism that would ensure the imposition of effective and impartial regulatory measures upon the activities of law enforcement agents;
- b) Ensure transparency of law enforcement agencies and their accountability *vis a vis* society;
- c) Ensure the full protection of the human rights of individuals taken into custody, especially by law enforcement agents, in accordance with international standards;
- d) Ensure continual enhancement of the professional qualifications of law enforcement agents.

**5. Establishment of a high-class penitentiary and probationary system; development of mechanisms for dealing with former prisoners.**

*Objective*

Establishment of a penitentiary and probationary system in line with international standards; improvement of penitentiary facilities and the conditions of prisoners; ensuring access to timely and effective health care for prisoners; promotion of rehabilitative programs for probationers and former prisoners.

*Tasks*

- a) Improve the system of complaints and investigations, in order to ensure its effectiveness and adequacy;
- b) Sustain efforts to ensure continued safety and security of prisoners;
- c) Improve infrastructure in existing penitentiary facilities and sustain efforts to improve the conditions of prisoners;
- d) Ensure access to adequate healthcare for prisoners in penitentiary and probationary facilities;
- e) Establish an effective public monitoring mechanism;
- f) Greater consideration of gender-sensitive issues and approaches within the penitentiary system;
- g) Develop effective rehabilitation and reintegration programs for probationers and former prisoners;
- h) Ensure continual enhancement of the professional qualifications of personnel working within the penitentiary and probationary systems.

**6. Implementation of effective measures against torture and ill-treatment, including the conduction of transparent and independent investigations.**

*Objective*

Development of a system of defense against torture and ill-treatment, the conduction of effective investigations into any reported cases of such treatment, as well as the protection and rehabilitation of victims of such treatment.

*Tasks*

- a) Develop an effective system that would ensure the prevention of torture and other forms of ill-treatment, as well as timely, comprehensive and meaningful investigations into allegations of such activities;

- b) Develop a consistent mechanism, which would take a systematic approach against torture and other forms of ill-treatment;
  - c) Apply effective measures across the penitentiary system, in order to prevent acts of torture and ill-treatment being committed by law enforcement and/or public officials and timely, thorough and impartial response to any reported cases of misconduct;
  - d) Create an effective mechanism for the protection and rehabilitation of victims of torture and ill-treatment;
  - e) Keep the public fully informed about ongoing measures to prohibit, prevent and investigate acts of torture and other forms of ill-treatment in the country.
- 7. Development of an effective juvenile justice system, which is compliant with international standards and takes into account the best interests of all children, especially those in conflict with the law, victims and witnesses, as well as those involved in civil and administrative proceedings.**

#### Objective

Establishment of a highly-developed juvenile justice system, orientated on the protection of the best interests of all minors involved in civil, administrative and criminal proceedings.

#### Tasks

- a) Take into account the best interests of all minors involved in the juvenile justice system when implementing any reforms or measures;
- b) Develop a child-orientated approach towards all minors who come into contact with the justice system i.e. through the formulation of specific legislation and the training/specialization of all personnel working within the juvenile justice system;
- c) Strict separation of juvenile prisoners from adult prisoners, in accordance with international standards;
- d) Enhance and expand the application of preventive measures;
- e) Implement measures aimed at greater/more effective reintegration and rehabilitation of juvenile probationers and former prisoners;

- f) Consider fully the application of alternative preventive measures (other than detention);
- g) Provide high-quality education to all minors in prisons or under arrest;
- h) Provide trainings, focused on dealing with minors, for all personnel that may come into contact with juvenile offenders, at any stage of the justice process.

**8. Ensure the right to participate in social and political life, through improvements to the electoral environment and enhancement of public services.**

*Objective*

Ensure the right of every Georgian citizen to participate fully and without discrimination in the political and social spheres, through the development of a free and fair electoral system, improvement in legislative norms and greater realization of these norms in practice; ensure the right of all electoral candidates to participate equally and unrestrictedly in the elections; and take steps to reform the civil service, in order to de-politicize and increase its accountability.

*Tasks*

- a) Provide equal opportunities to all electoral candidates to access their legally guaranteed electoral rights and express their will freely;
- b) Ensure the existence of a free and fair electoral environment for all political parties, at any stage of the electoral process;
- c) Ensure greater transparency of the political party funding system;
- d) Ensure greater participation of ethnic/national minorities in the political sphere, as well as their inclusion within the electoral framework;
- e) De-politicize the civil service;
- f) Promote objective and transparent recruitment for the civil service, based on meritocratic principles;
- g) Eliminate all contributory factors promoting discrimination in the civil service, as well as the general political sphere.

## **9. Establishment of high standards of protection of the right to privacy.**

### Objective

Guarantee the right to privacy and the protection of personal data, in accordance with international principles.

### Tasks

- a) Bring into line with international and European standards, the regulatory norms and monitoring mechanisms ensuring the right to privacy;
- b) Regular training of investigatory service staff, in order to avoid any potential infringements on their behalf of the right to privacy of all persons;
- c) Implement effective measures to raise public awareness on privacy rights and the protection of personal data;
- d) Create an effective monitoring/supervisory mechanism to guarantee a high standard of protection of the personal data of all citizens by all relevant institutions.

## **10. Ensure a high level of protection for the freedoms of expression, association and peaceful assembly.**

### Objective

Ensure the protection of the internationally recognized and constitutionally guaranteed rights of freedom of expression, freedom of peaceful assembly and freedom of association; ensure the freedom and independence of the media and limit any interferences in the professional activities of journalists; ensure protection of all persons exercising their freedoms of peaceful assembly and association and the fulfillment of the positive and negative duties of the government in this respect.

### Tasks

- a) Prevent and eliminate all factors contributing to any limitations of the freedom of expression;
- b) Ensure access to and the freedom of information;



- c) Ensure appropriate legal response and prevention of any violations of the freedoms of peaceful assembly and association;
- d) Regular trainings and enhancement of the professional qualifications of law enforcement agents in response to violations of the freedoms of assembly and association; fulfillment of the positive duties of the state in this regard.

## **11. Guarantee the right to freedom of religion and belief.**

### Objective

Guarantee the freedom of religion and belief of every person, as well as their abilities to express such beliefs.

### Tasks

- a) Implement effective measures to prevent discrimination on grounds of faith and religious belief, as well as the consequences resulting from such discriminatory actions;
- b) Ensure the unrestricted operation of the activities of all religious associations;
- c) Implement effective measures to prevent and conduct meaningful investigations into all crimes committed on the basis of religious hatred and intolerance.

## **12. Guarantee equal rights and the protection of the rights of minorities.**

### Objective

Establish high standards of tolerance in society, through the prevention and condemnation of all forms of discrimination, as well as the consequences resulting from discriminatory actions; conduct effective investigations into all reported cases of discrimination; ensure greater participation and integration of minorities in civil society and public administration.

### Tasks

- a) Take effective preventive measures;
- b) Prohibit all forms of discrimination, whether in the public or private sphere;
- c) Combat discrimination on the basis of sexual orientation or gender identity;
- d) Ensure immediate and appropriate response to reports of discrimination – thus helping to avoid the consequences that would result from such discriminatory actions;
- e) Provide adequate remedies/redress to victims of discrimination;
- f) Continue implementation of effective measures in order to promote the study of Georgian language for ethnic/national minorities;
- g) Continue efforts to promote the active involvement of minorities in social, economic and cultural life;
- h) Conduct awareness-raising campaigns relating to equality and tolerance issues.

**13. Focus on the rights of children, especially through: improving existing protection and assistance mechanisms, developing social services, reducing child poverty and mortality rates, and guaranteeing the provision of high standards of education.**

#### Objective

Improvements to the system of child protection and assistance, especially social services; reduction of child poverty and mortality, as well as the provision of a high level of education for all children.

#### Tasks

- a) Take into account the best interests of the child when making any decisions in relation to children;
- b) Protect children from all forms of violence and provide timely and effective responses to any reported cases of such violence;
- c) Develop the child healthcare system;
- d) Develop the social services agency;
- e) Establish a high-quality education system accessible to all children, including those with special needs;

- f) Implement effective measures to assist with the integration and rehabilitation of vulnerable children, from a variety of social backgrounds;
- g) Introduce child-orientated social welfare schemes and benefits;
- h) Promote the upraising of children in family-orientated environments;
- i) Take effective measures to promote healthy lifestyles for children.

#### **14. Promotion of gender equality, protection of women's rights and prevention of domestic violence.**

##### Objective

Promotion of gender equality, protection of women's rights and prevention of domestic violence, as well as the consequences resulting from such violence.

##### Tasks

- a) Implement effective measures across all spheres to ensure and promote the concept of gender equality; in particular, encourage greater involvement of women in political life, as well as decision-making process;
- b) Ensure prompt and effective response to all reported cases of gender discrimination;
- c) Ensure the full compliance of existing mechanisms with international standards for the protection and assistance of victims of domestic violence;
- d) Conduct awareness-raising campaigns, especially for civil servants, on issues of gender equality and domestic violence;
- e) Ensure access to legal protection, psycho/social rehabilitative facilities and shelters for victims of domestic violence.

#### **15. Access to equal rights for persons with disabilities and application of the principle of 'reasonable adjustment'.**

##### Objective

Provision of equal opportunities to persons with disabilities and promotion of their full and active participation in all social spheres.

*Tasks*

- a) Ensure equal rights for persons with disabilities, taking into account their specific needs and requirements, according to the ‘reasonable adjustment’ principle;
- b) Encourage greater independence and ensure active involvement of persons with disabilities in the decision-making processes concerning them – thus helping to preserve their dignity;
- c) Encourage the full and active participation of persons with disabilities in political life;
- d) Provide greater support for the employment of persons with disabilities;
- e) Ensure full access to public services and transport for persons with disabilities;
- f) Raise public awareness on disability issues.

**16. Protection of the rights of Internally Displaced Persons (IDPs) and residents living near borders of occupied territories.**

*Objective*

Improvements in the living conditions, social provisions and integration of IDPs and residents living near borders of occupied territories; application of all possible measures, including bilateral and multilateral international, legal instruments, in order to return IDPs to their permanent places of residence.

*Tasks*

- a) Protect the integral right of all IDPs to be allowed to return to their permanent places of residence and the application of all possible measures by the state to this end;
- b) Implement effective measures to ensure the improvements in the living conditions and social provisions of IDPs and residents living near borders of occupied territories;
- c) Always take into consideration the views of IDPs and residents living near borders of occupied territories in matters concerning them, thus providing them with the opportunity to take informed decisions on such matters.

17. Undertake all necessary measures to protect the rights of persons living in the occupied territories of Georgia, through the use of bilateral and multilateral international, legal instruments.

Objective

Promotion of human rights in the occupied territories of Georgia and the utilization of all available measures and instruments, so as to render the positive duties owed by the state for the protection of fundamental rights and freedoms within the entire nation.

Tasks

Utilization of all available measures – on the part of the Georgian government – so as to ensure respect for human rights in the occupied regions; the use of *inter alia* bilateral and multilateral international, legal instruments.

18. Introduction of higher standards of protection for the right to property.

Objective

Introduction of higher standards of protection for the right to property.

Tasks

- a) Enhance existing legislative and institutional mechanisms for the protection of the right to property;
- b) Ensure strict adherence to constitutional and international norms in cases of expropriation of land by public authorities for reasons of public necessity;
- c) Conduct thorough legal investigations and review the particulars of every case involving a decision to recognize or to refuse to recognize new property rights in relation to existing plots of privately owned land.

19. Ensure compliance of national labor legislation with international guarantees of the right to work.

Objective

Ensure compliance of national labor laws with international standards and guarantees of the right to work.

*Tasks*

- a) Full compliance of existing labor legislation with international standards;
- b) Effective implementation of labor legislation in practice;
- c) Creation of special institutional mechanisms for the protection of labor rights.

**20. Ensure access, especially by vulnerable groups, to the right to health.**

*Objective*

Take effective measures to ensure access to the right to health, especially by vulnerable groups.

*Tasks*

- a) Consolidate resources available to the state to maximize enjoyment of the right to health;
- b) Ensure access to the right to health, without discrimination;
- c) Implement effective measures to ensure access to the right to health, especially for vulnerable groups.

**21. Ensure the right to adequate housing and the duties arising from this right.**

*Objective*

Fulfillment of state duties related to the right to provide adequate housing and shelter, and the reduction of homelessness.

*Tasks*

- a) Consolidate resources available to the state to maximize the provision of adequate housing and shelter;
- b) Ensure the right to adequate housing without discrimination;
- c) Implement effective measures to ensure access to adequate housing and shelter for vulnerable groups;
- d) Introduce new state housing legislation, compliant with international standards and accommodating of the interests of all relevant parties;
- e) Create a database for the registration of all homeless persons;
- f) Guarantee minimum conditions and standards of housing.

## **22. Ensuring the rights of migrants and those in need of shelter.**

### *Objective*

Ensure the legal and social protection of migrants, through guaranteeing the right to work, ensuring protection from discrimination and trafficking, as well as improving migrant services and reintegration programs; protect the rights guaranteed under the 1951 Geneva Convention in relation to the Status of Refugees.

### *Tasks*

- a) Implement measures set out in the strategy and action plan relating to migrants;
- b) Prevent unlawful migration;
- c) Prevent trafficking of migrants; effective identification of victims of trafficking and provision of adequate assistance;
- d) Ensure the rights to adequate health and education for those persons in need of shelter;
- e) Guarantee the right to free movement of persons in need of shelter.

## **23. Strengthening domestic legal guarantees on environmental human rights.**

### *Objective*

Strengthening domestic legal guarantees on environmental human rights through providing greater access to information relating to environmental protection, improving state mechanisms and making sure domestic legislation is in line with current international legal norms and criteria on environmental protection; generally, raising public awareness on environmental human rights and protection.

#### Tasks

- a) Greater access to information on international standards of environmental protection;
- b) Improve state mechanisms, so as to ensure greater transparency and public involvement in decision-making processes relating to environmental protection;
- c) Guarantee that the scope of domestic legislation conforms with current, internationally recognized criteria on environmental protection and provides access to justice on environmental issues;
- d) Raise public awareness on environmental issues.

### **Mechanisms for Monitoring the Implementation of the Strategy**

In order to achieve the aims and objectives set out in the National Strategy, presented above, the government will prepare the ‘Action Plan for the Protection of Human Rights’, wherein a more detailed description of the concrete actions and measures being taken to implement human right objectives in the country, as well as the relevant timeframes, indicators and responsible bodies for implementation, will be set out for the period 2014-2016.

Throughout this period, responsible bodies for implementation will also be required to present annual progress reports to the Administration of the Government of Georgia; this will, in turn, enable the Administration to better monitor the development process and to carry out regular checks on whether the Action Plan is being effectively implemented. At the end of the period covered by the Action Plan, the Administration will draft a summary report – to be presented before the Parliament of Georgia – providing a comprehensive assessment of the performance of the Action Plan, relevant recommendations, as well as the outcomes of any periodic monitoring reports.

Qualitative criteria for the implementation of the Action Plan will be formulated based on the general and targeted concluding observations of the Public Defender, international



organizations as well as local NGOs; all concluding observations, presented at the beginning of the period encompassed by the Action Plan, as well as at the end of this period, must be given due consideration.

For the assessment of the quantitative criteria of the Action Plan the Administration, responsible bodies for implementation together with the Public Defender and all interested international organizations and NGOs, will need to formulate and present before the Parliament of Georgia the relevant disaggregated statistical data, examining both progressive and problematic aspects of the development process.

At the end of the period encompassed by the Action Plan, work will begin on formulating a new Action Plan based on the relevant assessment criteria, as determined by governmental bodies and actively involved international organizations and NGOs.