

**Public Defender's Office of Georgia**

**Assessment of Georgia's implementation of recommendations received during the 2015 Universal Periodic review**

The information provided below covers those recommendations which the Public Defender's Office has information on, and addresses recommendations that enjoyed the support of Georgia.

<b>N</b>	<b>Recommendations</b>	<b>Countries</b>	<b>Public Defender's Office</b>
116.1-116.3	<b>Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, as well as the Optional Protocol to the Convention on the Rights of the Child on a communications procedure</b>	Portugal Uruguay	<p>Even though Georgia has ratified the third optional protocol to the United Nations Convention on the Rights of the Child on a Communications Procedure, the state has not complied with its obligation to implement the optional protocol at domestic level to this date. Namely, the national mechanism responsible for the implementation of the optional protocol has not been determined and procedural regulations thereof have not been developed.</p> <p>Optional Protocol to the International Covenant on Economic, Social and Cultural Rights has not been ratified to this date.</p>
116.2-116.5-116.6-116.7-116.8-116.9-116.10-116.11-116.12-116.13-116.14	<b>Ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities, the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights</b>	Spain Panama France Montenegro Sierra Leone Argentina Slovakia Japan Slovenia Austria Turkey	<p>Despite numerous recommendations of the Public Defender of Georgia, the Optional Protocol to the Convention on the Rights of Persons with Disabilities has not been ratified to this date. This creates obstacles for stakeholders in using the individual complaints procedure and applying to the respective committee of the United Nations.</p> <p>Despite numerous recommendations of the Public Defender of Georgia, the United Nations International Convention for the Protection of All Persons from Enforced Disappearance has not been ratified to this date. This creates obstacles in conducting timely and effective investigation of incidents of disappearances and providing relevant social guarantees to relatives of disappeared persons.</p> <p>As noted above, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights has not been ratified.</p>

116.4	<b>Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families</b>	Honduras	The Convention on the Protection of the Rights of all Migrants and Members of their Families has not been ratified.
116.15- 116.16- 116.17	<b>Ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence</b>	Ghana Italy Turkey	Parliament of Georgia ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence on 5 April 2017. The Convention entered into force for Georgia on 1 September 2017.
116.23	<b>Submit its overdue report to the Committee on Economic, Social and Cultural Rights and the Committee against Torture</b>	Sierra Leone	Georgia has not submitted its overdue reports to the Committee on Economic, Social and Cultural Rights and to the Committee against Torture to this date.
117.1	<b>Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty</b>	Uruguay	Georgia acceded to Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty with the Parliament Resolution of 2 March 1999.
117.2 117.3 117.4	<b>Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families</b>	Egypt Indonesia Mexico	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families has not been ratified.

117.5	<b>Take concrete steps to harmonize its national legislation with the Convention on the Rights of Persons with Disabilities and to ratify its Optional Protocol</b>	Hungary	<p>After 6 years since the ratification, the Convention the Optional Protocol of the Convention has not been ratified. The draft law of Georgia on the Rights of Persons with Disabilities has been prepared and submitted to the Parliament by the Ministry of Justice, which aims to reflect the principles of the Convention in domestic legislation and impose specific obligations on state agencies.</p> <p>The Public Defender's Office has prepared number of opinions and comments (applied with relevant statement to the Parliament, engaged in the discussions, presented comments to the document at different levels of drafting the law) to be reflected in the draft law, some of which found reflection in the mentioned document. However, Public Defender expresses concern over proposed amendments which were left behind the draft law after its adoption by the Parliament during its II hearing session. Public Defender expresses concern over state's failure to provide equal and proper engagement platform for all organizations working on PWDs rights and PWDs themselves in the process of drafting law and making relevant amendments. In terms of harmonizing the legislation with the principles of the Convention, it is also important to note that in 2019, the process of revising the national legislation regulating accessibility of space for persons with disabilities and harmonizing it with the Convention was actively pursued, with the Office also intensively involved. Public Defender stresses importance of going through this process on time. In June 2020 the draft legislative amendments to the Law of Georgia on Psychiatric Assistance was adopted by the Parliament of Georgia, which is commendable.</p>
117.6	<b>Take effective and coordinated measures on the issue of violence against women and domestic violence, including ratification of the Istanbul Convention on preventing and combating violence against women and domestic violence</b>	The Netherlands	<p>In 2017, by ratifying a Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence government of Georgia took a significant step towards the enhancement of mechanisms of combating domestic violence and violence against women and protecting and assisting the victims of the violence. Yet another commendable step was the establishment of the human rights protection and quality monitoring department within the Ministry of Internal Affairs of Georgia, responsible to monitor investigations and administrative proceedings concerning domestic violence, violence against women, and hate crimes. In addition to that, amendments were made in legislation and punishment for domestic violence turned stricter. In particular, risk assessment tool mechanism has been established in practice, which is the most important guarantee for the victim's safety in case of repeated violence. Also, a victim and witness coordinator institute was set up in the Ministry of Internal Affairs.</p> <p>Despite numerous recommendations of the Public Defender, elaboration of a uniform methodological standard for maintaining statistics of incidents of violence against women and domestic violence has not been made possible; this, in the end, prevents from assessing the problem as well as planning and implementing need-based programs/services. Concrete measures have not been implemented yet in the area of social work concerning the fight against violence towards women and domestic violence. As the cases studied by the PDO have shown, obligations assigned to the social service in the area of violence against women and domestic violence have virtually not been fulfilled.</p>

			<p>Problem remains regarding comprehensive approach and coordination between state agencies to reduce domestic violence and violence against women. Also, it remains a problem to cause an abuser to undertake a mandatory training course designed to change a violent attitude and behavior. It is problematic that the process of rehabilitation is not mandatory, on the other hand, there has been no assessment of the existing programme of managing violent behaviour.</p> <p>Judging from the cases studied by the PDO, insensitive attitude of law enforcement officers and the lack of special rules for interviewing victims of violence remain a problem, irrespective of numerous activities and efforts.</p> <p>Regarding killings on the ground of gender (femicide), the analysis of these cases makes it apparent that the main challenge is the absence of mechanisms for the prevention of violence against women.</p>
117.7	<p><b>Increase respect for the rights of all citizens by strengthening anti-discrimination legislation and enforcement mechanisms and ensuring law enforcement provides universal equal treatment and due process</b></p>	United States of America	<p>As per amendments of February 2019, harassment and sexual harassment were acknowledged as forms of discrimination. However, denial to reasonable accommodation, as a form of discrimination, is still not prescribed. Also, the mandate of Public Defender with respect to private entities was enhanced and the latter were imposed an obligation to provide PDO with requested information. The PDO became authorized to request the enforcement of recommendations by private legal persons through courts. Statute of limitations for applying to courts on matters of discrimination was prolonged to 1 year.</p>
117.8	<p><b>Improve the Law on Gender Equality to be in line with its Law on the Elimination of All Forms of Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women</b></p>	Rwanda	See 117.7

117.9	<p><b>Take active measures to combat discrimination and violence against women and improve its Law on Gender Equality in order to align it with the Convention on the Elimination of All Forms of Discrimination against Women</b></p>	Namibia	<p>See 117.6 - 117.7</p> <p>It should be noted that the indicators of the detection of domestic violence and application of protective measures have increased over the past few years; however, development of an individual plan for the protection of a victim and the conduct of an effective monitoring to avoid repeated violence are the issues that remain problematic. The involvement of social workers in the process of studying the cases of domestic violence is a big challenge. Besides, although the legislation requires that an offender undertakes a mandatory training course designed to change violent attitude and behavior, this service is not offered to offenders, save probationers and convicts.</p> <p>At the same time, the awareness of issues of violence against women and domestic violence is low among representatives of law enforcement agencies. Victims of violence often speak about the barriers they come to face when interacting with law enforcement agencies. In particular, these are bureaucratic rules and procedures of police departments, which are not tailored to needs of female victims. The stereotypical attitudes of the representatives of law enforcement office, increase the risk of secondary victimization of the victims of violence.</p>
117.10	<p><b>Bring into line the Law on Gender Equality with the Law on the Elimination of All Forms of Discrimination, combating the patriarchal attitudes and stereotypes on the roles and responsibilities of women and men</b></p>	Albania	<p>See 117.6 ,117.7, 117.9</p> <p>Despite legislative guarantees that have been created and efforts undertaken by various stakeholders, no material improvement has been observed in the exercise of the right to equality in Georgia. Such a state of affairs is caused, on the one hand, by the failure of a substantial segment of population to understand and acknowledge the needs and interests of vulnerable groups. The situation is further aggravated by ultra-right groups who have stepped-up their activity in recent times. On the other hand, progress towards the achievement of equality is impeded by the absence of a common state vision. Concrete public entities do not have a policy on the equality principle with regard to issues that fall within their competence. Therefore, instead of conducting a systemic fight against discriminatory practices, efforts often need to be undertaken to eliminate individual violations of the right.</p> <p>Equality-related issues are not on the agenda of high officials either. Decisionmakers continue to refrain from making statements in support of equality, including at times when it is of critical importance to defend the right to equality of separate groups.</p> <p>For the purposes of fighting gender stereotypes existing in the society, the Public defender of Georgia continues to issue General Proposals regarding discriminatory practices (e.g. public statements encompassing discriminatory elements, sexist commercials).</p>

			In addition, Public Defender's Office carries out informational meetings, trainings and seminars with the population, local municipalities, law enforcement representatives, students, pupils, media representatives and other relevant service providers and target groups to raise awareness on services and mechanisms for the protection and assistant available for victims/survivors of gender based violence.
117.11	<b>Continue efforts towards the adoption of administrative and legislative measures to achieve equality of women, in particular to ensure their access to social and health services in all areas of Georgia and provide the same work and pay opportunities to men and women</b>	Mexico	<p>According to the Global Gender Gap Index,<sup>1</sup> wage equality for similar work between men and women deteriorated and Georgia moved down from 69th to 73rd place in this category.</p> <p>Equal participation of women is also impeded by unequal distribution of child care load; The Maternity Protection Convention №183 of the International Labor Organization has not been ratified yet. The Georgian legislation envisages a child care leave for both parents, but the grounds of reimbursement of this leave, as specified in the decree of the Minister of Labor, Health and Social Protection of Georgia, are ambiguous and hinder the exercise of this right by male parents. The rule of reimbursement of the leave needs to be regulated in private sector because so far, the reimbursement of maternity, childbirth and childcare leaves to women depends on employers' good will and gender sensitivity.No effective steps were made towards distribution of the burden of care and contribution to the economic situation of women.</p> <p>Access to specific, and effective social and health services in timely manner remains a challenge.Although a progress has been made in the provision of services related to maternal health, challenges still remain in this area. In particular, the state have not developed a systemic vision of postnatal medical care. The state program does not envisage a service of psychological assistance in prenatal and postnatal periods. There is no state program tailored to physiological and psychological needs of victims of sexual violence. The practice of tubal ligation procedure (sterilization) and so-called "virginity test" is discriminatory.</p> <p>An important aspect of women's economic empowerment and exercise of labor rights is the situation regarding the rights of single and multi-children mothers. Although the ground for determining and terminating the status of a single mother has changed, assistance programs depend on the will of concrete municipalities and hence, cannot create relevant material guarantees countrywide.</p>
117.12	<b>Strengthen existing law and practice to combat gender-based discrimination and sexual harassment, inter alia, with regard to labour</b>	Poland	<p>Legislative amendments adopted in February and May 2019 created a safe environment for potential victims in terms of discerning an act of sexual harassment and determining legal mechanisms of protection.</p> <p>Furthermore, the legislators agreed to qualify sexual harassment in public places as an administrative offence under Article 166<sup>1</sup> of the Administrative Offences Code of Georgia, thereby providing a potential victim of sexual harassment with a new legal protection mechanism in the form of Ministry of Internal Affairs (MIA). A priority</p>

<sup>1</sup> Available at <http://tiny.cc/9afyiz> [last accessed on 29 June 2020].

			<p>now is to properly provide the employees of MIA with relevant information and to effectively enforce Article 166<sup>1</sup> of the Code of Administrative Offences.</p> <p>Cases studied by the Public Defender during the reporting period made it clear that sexual harassment took on an especially serious form in the workplace with a harasser taking advantage of his official status. The behavior of harasser was manifested in verbal, non-verbal expressions and physical actions of sexual nature, in particular, through touching various parts of victim's body and making sexual comments; talking about sexual experience and preferences; offering sexual intercourse, etc.</p> <p>It should be noted that pregnant women continue to represent a group of victims discriminated on the ground of sex in the reporting period too. Such women as a rule, are, discriminated against by private employers who refuse to extend the employment contracts to pregnant women.</p>
117.14-117.15-117.16	<b>Provide legislation explicitly prohibiting corporal punishment of children, including in the home, and consider awareness-raising activities to increase public knowledge about the issue</b>	Estonia Hungary Poland	<p>The adoption by the parliament of the Code of the Rights of the Child in 2019 is commendable step forward. However, it should be pointed out that Georgian legislation does not determine in express terms proportionate and effective measures of responsibility for corporal punishment of children imposed under administrative or criminal law.</p>
117.17	<b>Continue its efforts to eliminate child marriage, including through considering to set the age of entry into marriage at 18 years</b>	Egypt	<p>Early marriage and the practice of engagement remains one of the most important challenges. There is a problem in terms of prevention and managing individual incidents. While the registration of marriage of under-18 persons is not carried out anymore, the problems of actual cohabitation remains problematic.</p> <p>In order to prevent the incidents of early marriage/engagement, it is crucial to raise awareness of risks accompanying early marriage by integrating gender issues and vital skills/complex sex education in the system of education.</p> <p>The issue of referrals from establishments of secondary education to competent authorities concerning early marriages/engagements is problematic. The cases examined by the Public Defender's Office show that some schools cover the incidents of marriages/engagements and fail to register adequately those cases when girls did not turn up in the school.</p>

			<p>The problem of illegal deprivation of liberty to marry girls that takes place in the regions populated by ethnic minorities is still unsolved. The analysis of these cases shows that, when it comes to ethnic minorities, strict policing is not carried out with regard to these particular crimes. There is indignation towards police that operative and investigative measures are delayed which mostly happens because the authorities suppose that families will reconcile and their work will thus be finished sooner.</p>
117.18	<p><b>Continue its efforts to strengthen the institutional and normative human rights framework with regard to freedom of expression</b></p>	Serbia	<p>It should be noted that the Georgian legislation establishes a rather high standard of freedom of expression; however, PDO expressed its concern regarding legislative initiative designed to restrict this right and endanger significant guarantees of freedom of expression in the country. In particular, a legislative proposal submitted to the Parliament was followed by a discussion on tightening the regulation of hate speech in media programs. According to proposed changes, a number of self-regulated issues will fall within the remit of the the Georgian National Communications Commission (GNCC) or court. On 12 February 2020, the Sector Economy and Economic Policy Committee of the Parliament of Georgia endorsed the abovementioned legislative proposal. In Public Defender's assessment, the proposed legislative amendments create a possibility of interfering in the content of media programs, which will adversely affect the country's high standard of freedom of expression. Furthermore, imposition of a sanction on a broadcaster for airing political advertising that not related to election campaign, in the absence of clearly and explicitly formulated relevant regulation was seen as a problem.</p> <p>The year 2019 saw intensive developments in the sphere of media. Attempts to change critical editorial policy of Ajara Television gave rise to very serious questions, as they endanger media pluralism in the country and adversely affect the freedom of expression. This is especially worrying considering numerous criminal proceedings initiated on cases directly or indirectly linked to owners of independent and critical media outlets.</p>
117.19	<p><b>Harmonize the law with the Convention relating to the Status of Refugees</b></p>	Honduras	<p>The positive changes regarding the adoption of the Law of Georgia on International Protection are commendable. While the law takes into account directives concerning international protection standards as well as provisions of the United Nations Convention Relating to the Status of Refugees, there are shortcomings that need to be addressed and corrected. Namely, the law provides for a lengthy period for the consideration of an application on international protection. This has negative implications for asylum seekers, especially for those without any livelihood (except for those living at a reception center for asylum seekers and receiving a monthly allowance and other benefits) necessary for residing in a foreign country. The wording of the law according to which the term of consideration of an application can be extended if there are "factual and legal issues identified" is very general and needs to be specified. Therefore, the provision of the law, that in special circumstances consideration of the case should not exceed 21 months, is unreasonable in the Public Defender's opinion and it might negatively affect asylum seekers who will have to be in a limbo for a long period.</p> <p>Under the Convention on the Rights of the Child, in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best</p>

			<p>interests of the child shall be a primary consideration. While there is a relevant article in the law titled as “considering the best interests of the underage persons”, we believe that the law should also provide for “establishing the best interests of the underage persons” within the procedure of granting asylum as well as determine relevant procedural rules.</p> <p>It is important to focus on Article 7.1 of the law under which an alien or a stateless person should be exempted from criminal responsibility for crossing the state border illegally and committing other actions, provided that he/she requests international protection from the Government of Georgia. However, under Article 7.4, if a final decision on international protection finds that an alien or a stateless person is not in need of international protection, the person concerned will be held criminally responsible. Such a wording contradicts the Geneva Convention Relating to the Status of Refugees. Considering that, through accession to the convention, Georgia undertook a commitment of its implementation, it is necessary to abolish the abovementioned wording.</p>
117.21	<p><b>Continue working with the national mechanisms that defend the social rights of the most vulnerable groups of the population</b></p>	Tajikistan	<p>Poverty and social vulnerability are one of the most important and acute problems for the country. Despite individual social programs and a number of positive changes, there is no proper social protection system in the country and a proper strategy that would provide the population with fair, targeted and effective assistance and focus on strengthening vulnerable groups and overcoming poverty.</p> <p>The issue of delaying the administration of subsistence allowance which has been highlighted in many of the Public Defender’s annual reports, remains a major challenge. After completing time consuming procedures the applicant is awarded with a rating score. The respective monetary assistance is allocated in the next second month of the month the score being granted. This period of time is unreasonable and disproportionate to the needs of vulnerable families.</p> <p>The most municipalities have not properly studied needs regarding access to food of individuals and families residing in their territory. Therefore, they have not allocated sufficient financial resources in their budgets to accommodate these needs at a local level which leaves most of vulnerable population without this service.</p> <p>Furthermore, provision of homeless persons with accommodation is also a significant problem. Fulfilment of the right to adequate housing has been compromised by persistent and systemic problems piling up in the country for years. The situation has not changed much since the previous years: there is no national strategy and a respective action plan to respond to challenges of homelessness, nor is there a clear legal definition of the term “homeless” or an appropriate legal framework for the realization of the right to adequate housing in the country. The absence of a unified database of homeless persons and the lack of municipal-level data pertaining to homelessness, as well as scarce budgetary and infrastructural resources coupled with the lack or</p>

			<p>ineffectiveness of support programs for those residing in social housings and shelters have not yet been resolved.</p> <p>The Public Defender welcomes a launch of the study into the situation pertaining to the enjoyment of the right to adequate housing in November 2019 by the regional policy and self-governance committee of the Parliament of Georgia. The aim of the study is to develop a set of recommendations by either the committee or the Parliament of Georgia to inform a consistent and adequate housing policy. The Public Defender of Georgia sent a summary report to the committee to contribute to the study. She remains hopeful that the engagement of the country's parliament in matters relating to the protection of the right to adequate housing will be productive and supportive of the development of an effective housing policy and action plan by the government commission.</p> <p>As part of Georgia's commitment outlined in the Open Government Partnership Action Plan for 2018-2019, a government commission was set up in April 2019, and tasked to develop a policy document and an action plan for fighting off a problem of homelessness at a national level. In order to ensure the attainment of this objective, a working group was set up at the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs. The working group comprises representatives of state agencies as well as non-state actors, independent experts, and the Public Defender's Office. Importantly, one session of the governmental commission and two meetings of the working group were held during the reporting period. Sadly, the performance of the working group demonstrated for half a year cannot be viewed as effective. It is true that an ongoing reorganization in the Ministry hampered the work of the group, however, it should also be noted that if the pace of the work is maintained, the working group is unlikely to have the policy document and the action plan completed by the set deadline (December 2020). It is critical that in 2020 the working group work actively, in an organized manner, with specific, realistic and time-bound targets and milestones and have access to an adequate venue for deliberations and discussions for the group members.</p>
117.24	<b>Strengthen the Gender Equality Council</b>	Latvia	See 117.25
117.25	<b>Further effectively implement the National Action Plan on Gender Equality and the Action Plan for Combating Domestic Violence by ensuring required financing and reinforcing the</b>	Lithuania	Monitoring conducted by the Office of the Public Defender of Georgia, which covered the assessment of an action plan on gender equality and women's rights showed that implementation by responsible agencies of activities under the action plan was mostly possible based on external support; activities were sporadic and the implementation process was rather difficult due to the existing obstacles such as discrepancies between the goals and tasks determined by the action plan on the one hand and the general policy existing in the country on the other hand as well as absence of the responsible agencies' human and financial resources required for the implementation of the action plan, etc.

	capacities of professionals		
117.26	Continue to strengthen and support the effectiveness of the Georgian National Preventive Mechanism	Denmark	<p><b>Challenges in implementing the mandate of the National Preventive Mechanism</b></p> <p>According to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, it is the responsibility of states to grant National Preventive Mechanisms unrestricted access to all information referring to the treatment of prisoners as well as their conditions of detention; However, the National Preventive Mechanism of Georgia is facing practical obstacles regarding the full access to certain categories of personal data during the monitoring visits in certain penitentiary establishments in recent years. Here are some of the latest instances of such impediments.</p> <p>In September 2019, the Special Preventive Group conducted a monitoring visit to the penitentiary establishment N3, where the medical staff refused to disclose the journal of consultations and medical referral claiming that the information was confidential and demanded that the Group obtained a written consent from prisoners. Later, the head of the Medical Department of the Special Penitentiary Service authorized the medical personnel to show the journal of consultation to the group without uncovering the names of the patients. The journal of medical referral could only be consulted after the consent of the patients concerned. Due to the obstacles posed, the special preventive group was unable to establish the identity of the patients in order to identify any possible inadequate medical treatment. The process requesting consents of inmates was time consuming and largely affected the efficiency of the monitoring visit. The same situation took place in December, 2018, when the Special Preventive Group carried out monitoring visit to the penitentiary establishment N17 as the chief doctor refused to disclose the register of bodily injuries. An important component of the mandate and methodology of the Special Preventive Group is processing a large amount of data obtained from various documents in accordance with the principles of the confidentiality. Restricting access to existing data directly contradicts the obligations set out in the Optional Protocol and impedes a comprehensive assessment of the situation in relation to torture and ill-treatment.</p> <p>On October 25, 2016 the (SPT) addressed the Government of Georgia reminding it of the international obligations derived from the OPCAT. According to the response of the Government of Georgia to the SPT dated November 17, 2016, the draft law aimed at specification and clarification of legislative guarantees for NPM was being elaborated, however, no such draft law has ever been passed.</p> <p>On July 27, 2018, the Public Defender of Georgia sent a proposal to the Parliament of Georgia requesting amendment of the Organic Law of Georgia on the Public Defender of Georgia to avoid any further divergence</p>

			<p>in interpretation of the NPM's right to unimpeded access to all categories of personal data. However, the Parliament didn't support this proposal and it was not officially initiated as a draft law.</p> <p>On December 10, 2018 the Public Defender of Georgia and the Ministry of Justice of Georgia received a letter from the SPT Member and Head of the Regional Team, Ms. Mari Amos. The letter made reference to the previous letter of the SPT dated 25 October 2016 and the reply of the Government dated 17 November 2016 regarding the amendments to the Organic Law on the Public Defender of Georgia and asked for updated information on the process of adoption of the amendments proposed.</p> <p>On January 28, 2018 the Public Defender of Georgia addressed the Parliament with the letter attaching the documents illustrating the obstacles that were created to the Special Preventive Group during their monitoring visits in 2018. The response provided by the Parliament stated that the decision to amend the law, has not been made yet. Obviously, despite all the efforts made by the SPT and the Public Defender of Georgia, the issue has been removed from the legislative agenda and no further steps have been taken, clearly, this constitutes failure to abide by the international obligations under the OPCAT.</p> <p>For eradicating the abovementioned nefarious practice, the Public Defender deems that amending the relevant legislative acts is important. The legislative amendments should specify and clarify the relevant legislative safeguards that are related to the NPM's free and unhindered access to personal information, including special categories of personal data. This is immediately linked with the discharge of the NPM's mandate.</p> <p><b>Disruption of the Georgian National Preventive Mechanism's detention monitoring work</b></p> <p>In July-August 2019 the Special Preventive Group of the Public Defender of Georgia conducted monitoring in 4 Penitentiary establishments (N2, N8, N14 and N15). Following the monitoring visits, the report was drafted by the National Preventive Mechanism. The monitoring results revealed a considerable influence of criminal subculture on the above-listed penitentiary establishments, particularly in semi-open establishments. The report underlines the existence of privileged groups of prisoners openly controlling the penitentiary establishments. Namely, the privileged prisoners and their followers physically and psychologically abuse the prisoners, prevent them from using the right to lodge a complaint and force them to make monthly contributions. The monitoring results reveal that the prison administration deliberately delegates this power to the privileged prisoners to maintain order.</p> <p>Following the report, the Public Defender of Georgia requested the Human Rights and Civil Integration Committee of the Parliament of Georgia to hold committee hearings on the findings of the report.</p>
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			<p>identities of persons met by the Public Defender or his/her representatives shall be confidential and its disclosure represents interference with the Public Defender's activities for the purpose of influencing him/her and hampering his/her work under Article 352 of the Criminal Code.</p> <p>In the letter to the Prosecutor's office it was pointed out that the activities of the Public Defender of Georgia - as a constitutional institution is based on such fundamental principles as full independence from any branch of government, impartiality, objectivity and confidentiality. Furthermore, it was indicated that publicly disclosing the confidential information without legal basis, including the time schedule, inmates' names and other details increases the risk of ill-treatment of prisoners or other illegal actions and results in the deterioration of the human rights situation of prisoners. Circulation of this kind of information may force prisoners to refrain from applying and meeting with the Public Defender in the future.</p> <p>On 31 January 2020, we received a response letter from the Office of the Prosecutor General of Georgia, which underlined that the disclosure of information only about the occurrence of a meeting between the Public Defender of Georgia and a prisoner does not violate the rule established by Article 19 (3) of the Organic Law on the Public Defender of Georgia and thus there is no legal or factual grounds for launching an investigation.</p> <p>These unfortunate developments clearly demonstrate attempted interference with and influence on Public Defender's activities and hence on Georgian National Preventive Mechanism. Since 2009, the Public Defender fulfils the mandate of the National Preventive Mechanism envisaged by the OPCAT. It should be noted that abovementioned acts from the Special Penitentiary Service and the Minister of Justice of Georgia violates national law as well as international obligations of the country. In particular, Article 21 of the OPCAT reads as follows: "Confidential information collected by the national preventive mechanism shall be privileged. No personal data shall be published without the express consent of the person concerned".</p> <p><b>Non Cooperation</b></p> <p>2019 was distinguished with non-cooperative approach from the Ministry of Justice. Despite numerous attempts by the National Preventive Mechanism no responses were received for the most of the letters sent to the Special Penitentiary Service of the Ministry of Justice in September, October and November 2019. Including on the letter by which NPM requested information on the state of implementation of its recommendations, which significantly hampered the process of evaluating the recommendations.</p>
117.32	<b>Ensure effective implementation of the laws on the elimination of all forms of</b>	Slovenia	Particularly important is the tendency that the population lacks the feeling that their human rights situation will improve even if the legislation will be improved. Correspondingly, communication with local communities needs to be improved, gender equality councils need to become more active on existing services and assistance

	<b>discrimination and gender equality, including by putting in place effective enforcement mechanisms and raising awareness about the provisions of the legislation</b>		<p>programs, as their activities planned at this stage do not ensure to advocate or empower women in the political, social or economic contexts.</p> <p>It should be noted that the programmes, developed by local municipalities often fail to address the needs faced by women living in rural areas and, therefore, existing policies are incapable to affect the improvement of women's rights. Particularly notable is the lack of intersectional approaches in policy documents developed by gender equality councils, which adversely affects the legal status of vulnerable groups and cannot ensure their equal participation.</p> <p>It was specifically outlined by the Public Defender office that although necessary legislative amendment were adopted – anti-discrimination law was improved, no efforts were undertaken for effective implementation or awareness raising purposes.</p>
117.33	<b>Include in the implementation of its anti-discrimination legislation effective measures that strengthen religious tolerance, gender equality and equal rights for ethnic minorities, women and lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, so as to increase tolerance and social inclusion in Georgian society</b>	The Netherlands	<p>No such measures have been undertaken.</p> <p>The most vulnerable groups in terms of exercise of the right to equality still include women, persons with disabilities, including children, representatives of LGBT+ community and religious minorities.</p> <p>Insufficient legislative guarantees, wrong opinions deeply rooted in the society and the lack of measures implemented by the state to ensure equality impede the effective enforcement of existing regulations.</p>
117.34	<b>Improve the implementation of the anti-discrimination law, including</b>	Czech Republic	See 117.7

	<b>disseminating the information on its provisions to the public as well as the personnel of the justice and law enforcement systems and strengthen the role of the Ombudsperson in this regard</b>		
117.35	<b>Strengthen efforts towards promotion of gender equality</b>	Greece	<p>Gender equality remains a challenge in Georgia. Despite a number of steps taken in the past few years to enhance legislative and institutional mechanisms, it is still a problem to put gender equality issues on the political agenda. One of the serious challenges is a small number of projects, programs and initiatives designed to empower women both on central and local government levels.</p> <p>Equal participation of women in the decision making process is an essential prerequisite for attaining the gender equality. Unfortunately, women's participation in the political life remains a problem in Georgia, with the lack of state initiatives and reluctance of political parties to support the promotion of women further aggravating the problem. Women's participation in the implementation of local self-governance remains a problem too.</p>
117.36	<b>Undertake further measures to improve the de facto position of women by implementing international commitments from the Committee on the Elimination of Discrimination against Women and the Beijing Platform for Action, through concrete and effective policies and programmes</b>	Island	<p>See 117.35  See 117.38  See 117.40  See 117.100  See 118.38</p>

117.37	<b>Continue to prioritize gender equality and consider the incorporation of international best practices in policies and legislation relating to the employment of women and combating violence against women</b>	Singapore	See 117.6
117.38	<b>Make further efforts to ensure human rights for women and develop effective mechanisms for the monitoring, investigation and punishment of offenders in cases of violence against women</b>	Republic of Korea	<p>Amendments were made in legislation and punishment for domestic violence became stricter. In the Criminal Code of Georgia, premeditated murder of woman on the grounds of gender became stricter as an aggravating circumstance. Following the Public Defender's recommendation, a witness and victim coordinator's service was set up within the Ministry of Internal Affairs. The instrument for assessing risks of violence against women and domestic violence has been implemented in practice, which is a crucial safeguard for victims' security and prevention of reoffending.</p> <p>Judging from the cases studied by the PDO, insensitive attitude of law enforcement officers and the lack of special rules for interviewing victims of violence remain a problem. Often victims speak about offensive attitude from police officers. Such facts are investigated by the General Inspection of the MIA, but establishing misdemeanor becomes difficult in the majority of cases.</p> <p>Cases studied by the PDO show that sometimes women do not arrive at the General Inspection of the MIA for interviews and explain this by mistrust towards the investigative institution or they have problems regarding transportation. An additional problem for female representatives of ethnic minorities is the lack of interpretation service at the General Inspection of the MIA, which further discourages them to apply to and cooperate with the entity.</p>
117.39	<b>Take all necessary measures to promote women's rights and fight domestic violence and forced marriages</b>	France	Despite positive changes in the legislation, the practice of early marriage and engagement remains one of the most important challenges. There is a problem in terms of prevention and managing individual incidents. While the registration of marriage of under-18 persons is not carried out anymore, the problems of actual cohabitation remains problematic.

			<p>In order to prevent the incidents of early marriage/engagement, it is crucial to raise awareness of risks accompanying early marriage by integrating gender issues and vital skills/complex sex education in the system of education.</p> <p>The issue of referrals from establishments of secondary education to competent authorities concerning early marriages/engagements is problematic. The cases examined by the Public Defender's Office show that some schools cover the incidents of marriages/engagements and fail to register adequately those cases when girls did not turn up in the school.</p> <p>The problem of illegal deprivation of liberty to marry girls that takes place in the regions populated by ethnic minorities is still unsolved. The analysis of these cases shows that, when it comes to ethnic minorities, strict policing is not carried out with regard to these particular crimes. There is indignation towards police that operative and investigative measures are delayed which mostly happens because the authorities suppose that families will reconcile and their work will thus be finished sooner.</p>
117.39	<p><b>Take all necessary measures to promote women's rights and fight domestic violence and forced marriages</b></p>	France	<p>Despite positive changes in the legislation, the practice of early marriage and engagement remains one of the most important challenges. There is a problem in terms of prevention and managing individual incidents. While the registration of marriage of under-18 persons is not carried out anymore, the problems of actual cohabitation remains problematic.</p> <p>In order to prevent the incidents of early marriage/engagement, it is crucial to raise awareness of risks accompanying early marriage by integrating gender issues and vital skills/complex sex education in the system of education.</p> <p>The issue of referrals from establishments of secondary education to competent authorities concerning early marriages/engagements is problematic. The cases examined by the Public Defender's Office show that some schools cover the incidents of marriages/engagements and fail to register adequately those cases when girls did not turn up in the school.</p> <p>The problem of illegal deprivation of liberty to marry girls that takes place in the regions populated by ethnic minorities is still unsolved. The analysis of these cases shows that, when it comes to ethnic minorities, strict policing is not carried out with regard to these particular crimes. There is indignation towards police that operative and investigative measures are delayed which mostly happens because the authorities suppose that families will reconcile and their work will thus be finished sooner.</p>

117.40	<b>Continue to implement measures to promote the participation of women in society</b>	Japan	<p>Unfortunately, the analysis of information obtained in the reporting period makes it clear that women's participation on a decision-making level remains a challenge. The indicator of women in decision-making positions, including in executive, legislative and local self-government bodies, is critically low.</p> <p>It is noteworthy that On July 3, 2020 the Parliament of Georgia supported the amendments to the Code of Elections regarding gender quotas. The Public Defender of Georgia had pointed out numerous times to the importance of the gender quotas being instrumental for equal political participation in those circumstances, where the existing political stereotypes, invisible social, cultural or individual barriers significantly hamper women's political participation.</p> <p>In the reporting period, the situation has been more complicated with regards to women's participation in areas populated by ethnic minorities, where the language barrier is an additional challenge. Other reasons for women's inactivity at public meetings is also caused by the feminization of migration and the family business, which is also accompanied by responsibility for domestic affairs.</p> <p>A problem faced by rural women is the shortage of vocational retraining programs. Yet another challenge is the absence of transportation, further complicating the access of rural women to education.</p> <p>One of the important persisting barriers for women is the burden of family responsibilities. Taking a leave for parenting by men remains a problem, which is associated with deeply rooted stereotypes about men's role and prejudices whereby men do not participate in the upbringing of children. Women employed in the private sector face problems in taking pregnancy, childbirth and parental leave because in contrast to the public sector, the legislative framework does not provide for mandatory remuneration of pregnancy, childbirth and parental leave in the private sector, leaving it up to a goodwill of an employer.</p> <p>It remains a problem to reflect different needs of regions in the gender policy and to develop systematized, needs-based action plans and programs by local self-government units. An especially serious problem is to raise gender sensitivity of members of gender council and equip them with knowledge on basic gender topics.</p> <p>Knowledge of gender budgeting issues and their practical application remain problematic for self-government bodies. It is worth noting that 61% of operating gender equality councils do not have a relevant budget for the action plan.</p> <p>Apart from political participation, accommodating women's needs in policy documents and target programs is a challenge. In this respect, the main problem is a negative experience of women in interacting with</p>
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117.43	<b>Address violence and hate speech against religious minorities</b>	Nigeria	Efforts undertaken by the Human Rights Protection and Quality Monitoring Department at the Ministry of Internal Affairs (MIA) have led to the improvement of the quality of investigation into crimes committed on the ground of religion and of the attitude of police officers to victims. In terms of qualification, the MIA applies the Criminal Code provisions specifically prohibiting hate crimes more frequently than in previous years. Nevertheless, problems remain in regard with timely and effective conduct of investigation, granting of a status of victim, charging of a person with an offence even when the victim names a concrete person or a video record of incident or other evidence is available.
117.44	<b>Take all necessary measures to effectively fight against discrimination, including against religious minorities and LGBTI persons</b>	France	<p>The state of equality of vulnerable groups remains critical. Despite improving material and procedural legal aspects of prohibition of discrimination, various groups still cannot achieve substantial equality, which negatively impacts their daily life. Apart from legislative safeguards, it is vital for the community and the State to understand and accept the values of democracy and human rights in the process of fighting for equality. The lack of the above significantly delays the achievement of practical equality.</p> <p>Achieving transformative equality is related to substantial difficulties in Georgia, since inequality is largely based on the stereotypes still existing towards specific groups, especially the LGBT+ community and religious and ethnic groups. In view of this, the strengthening of far-right groups and the indifferent position of the State in response to this problem greatly encourage rights violations based on discrimination, including the cases of violence. Such situation often has a retrograde effect and even makes certain achievements pointless. In this respect, e.g. year of 2019 was distinguished by the violation of freedom of expression and freedom of assembly of the LGBT+ community by private groups, during which, the State failed to fulfill its positive obligation to protect the community's fundamental rights. During the same year muslims faced obstacles when crossing the border of Georgia, both in terms of delays and confiscation of religious literature.</p>
117.46	<b>Provide appropriate services with the necessary resources, including to train and raise the awareness of the judiciary and the public, in order to</b>	Belgium	See 117.44

	<b>ensure that these new measures adopted to fight racial discrimination or gender/sexual identity discrimination are effective</b>		
117.47	<b>Combat social stigmatization, hate speech, discrimination and violence motivated by sexual orientation or gender identity</b>	Argentina	<p>Establishing and maintaining prejudices against vulnerable groups are significantly facilitated by the sexist, homo/transphobic or xenophobic statements made by politicians and other public figures. Hate crimes are motivated by these very stereotypes. Most of the victims of hate crimes are still Jehovah's Witnesses and members of the LGBT+ community. It can be said that the right to equality is guaranteed only on the formal level in Georgia. Significant efforts of the State are required for achieving substantial and transformative equality in the country.</p> <p>Step up in the activity of ultra-right groups took on alarming dimensions in the reporting period. One of main targets of their aggression was the LGBT+ community. Public Defender notes the lack of adequate attention to causes of intensification of anti-democratic political movements and of analysis of political and social effects of homophobia.</p> <p>It is indicative that several institutions refused to provide a venue to the community representatives for the conduct of public or/and closed events, according to applications of LGBT+ community to the Public Defender.</p>
117.48	<b>Improve implementation and enforcement of the Law on the Elimination of All Forms of Discrimination, particularly in its application towards the protection of individuals belonging to sexual and religious minority groups</b>	Canada	<p>See 117.47.</p> <p>Discrimination on the grounds of sexual orientation and gender identity remains a very serious challenge in Georgia. Equality of LGBT+ community is violated in almost all spheres of public life. Phobias and stigmas existing among a segment of society nourish discriminatory attitudes towards representatives of the community.</p> <p>In the reporting period, the situation was especially grave in terms of exercise of freedom of expression and assembly by LGBT+ community. the rights are mainly restricted by private persons, the state remains largely inactive and fails to fulfill positive obligations.</p>
117.49	<b>Support public education campaigns to combat hate</b>	Brazil	No such campaigns have been supported or conducted.

	<b>speech, discrimination and violence related to sexual orientation and gender identity, as well as social stigmatization of LGBT persons</b>		
117.50	<b>Strengthen its policy aimed at preventing torture, ill-treatment and other cruel or inhumane treatment by the sentence-execution officers in Georgian penitentiary establishments</b>	Bulgaria	<p>In 2019, similar to the previous years, torture and other ill-treatment by the sentence-execution officers was not a large-scale problem. However, there were isolated incidents of ill-treatment.</p> <p>In the annual reports, the Public Defender has been continuously pointing out those factors that give rise to risks of ill-treatment of prisoners. In particular: documenting injuries found on persons deprived of their liberty and reporting them to independent investigative authorities; documenting injuries found on persons deprived of their liberty and reporting them to independent investigative authorities irrespective of the prisoner's informed consent, whenever a doctor suspects the prisoner could have been subjected to torture or other ill-treatment; the practice of placing prisoners in de-escalation rooms and solitary confinement cells for a long time; obstructing prisoners' right to appeal; maintaining order and security in penitentiary establishments; ensuring adequate conditions of imprisonment; shortage of activities aimed at prisoners' rehabilitation and resocialisation and lack of their contact with the outside world; shortcomings in medical care and preventive health care; mental health care; etc. In 2019, the Public Defender was particularly concerned about the informal rule existing in penitentiary establishments. The criminal subculture poses danger to the safety of prisoners in penitentiary establishments and it is important to fight it with effective means.</p> <p>Personnel related problems still pose obstacles in terms of the fight against ill-treatment such as the lack of penitentiary establishments' personnel, heavy work schedules and lack of adequate qualifications. There is a need to enhance the personnel's skills in terms of communication with prisoners, conflict management, mediation and action in accordance with the Code of Professional Ethics.</p> <p>Violence among prisoners, the problem of criminal subculture and informal rule in prisons remain as considerable challenges. In 2019 the Special Preventive Group of the Public Defender of Georgia conducted monitoring in 4 Penitentiary establishments (N2, N8, N14 and N15<sup>2</sup>). The monitoring results revealed a considerable influence of criminal subculture on the above-listed penitentiary establishments, particularly in semi-open establishments. The report underlines the existence of privileged groups of prisoners openly</p>

<sup>2</sup>The Special Report of the National Preventive Mechanism on Monitoring Visits to Penitentiary Establishments nos. 2, 8, 14 and 15. Available at:<  
<https://bit.ly/3dyXXMY> >

			controlling the penitentiary establishments. Namely, the privileged prisoners and their followers physically and psychologically abuse the prisoners, prevent them from using the right to lodge a complaint and force them to make monthly contributions. The monitoring results reveal that the prison administration deliberately delegates this power to the privileged prisoners. In the opinion of the Special Preventive Group, it is necessary to develop a relevant strategy and carry out targeted, complex measures for overcoming the informal rule of the criminal subculture.
117.51	<b>Enhance efforts to ensure compliance with international standards as set out in the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</b>	Hungary	<p>For years, the Public Defender has been pointing out that the investigation of alleged possible ill-treatment remains a major challenge for the investigative authorities. Fight against ill-treatment is considerably impeded by the impunity of law enforcement officers for such crimes. The systemic problem of delay in investigating such crimes is still clearly challenging. We hope that newly created State Inspector's Service created to solve this systemic problem will eliminate all those shortcomings related to the investigation of cases of ill-treatment accumulated before its creation.</p> <p>For the purpose of effectively documenting and investigating torture and other cruel, inhuman or degrading treatment or punishment, it is necessary to ensure that forensic examinations are conducted in the country in compliance with the Istanbul Protocol. Therefore, the Government of Georgia should elaborate a plan that would be aimed at the practical implementation of the guidelines of the Istanbul Protocol in forensic examinations.</p> <p>The Public Defender of Georgia maintains that the faulty practice of identifying and documenting incidents of alleged violence in penitentiary institutions, among other factors, is preconditioned by the inadequate qualifications of doctors, absence of confidential environment for doctor-prisoner meetings; the duty to obtain informed consent from a prisoner and other normative shortcomings. Among these shortcomings is also Article 6.1 of Order no. 131 according to which a doctor reports a suspicious case of torture or other ill-treatment to the Investigative Department of the Ministry of Justice – an agency institutionally linked with the Special Preventive Service and not to the State Inspector's Service, which undermines the effective investigation of alleged incidents of ill-treatment. It should be noted that, since the monitoring carried out in 2017 to date, not in a single case of documenting injuries in accordance with the Istanbul Protocol, an investigator of the Investigative Department of the Special Penitentiary Services of the Ministry of Justice has extracted the filed documentation or photographs taken; photo cameras which are used to document injuries are kept in a specially allocated metal safe, which was sealed on 30 March 2017 and the seal has not been broken from the start of the monitoring to this date.</p>

			<p>Identification of an incident of ill-treatment within the system of Ministry of Internal Affairs is faulty as well. Based on the analysis of the processed information, it can be said that, in most cases, circumstances about sustaining injuries (the situation and the method) is described in an incomprehensive manner or not described at all. It is noteworthy that a doctor sometimes establishes consistency between the actual injury and the circumstance in which it was inflicted so that the circumstances are not fully described or not described at all.</p> <p>As regards photographing injuries, out of 351 cases of documenting injuries in accordance with the Istanbul Protocol that were examined by the Special Preventive Group, photographs are taken in 56 cases. The Special Preventive Group examined 40 cases; photographs were of unsatisfactory quality in 36 cases. It is also noteworthy that the Temporary Detention Isolators visited by the Special Preventive Group did not have a uniform procedure for storing photographs.</p>
117.52-117.53	<b>Adopt the necessary measures to improve the living conditions of detainees and avoid prison overcrowding</b>	Andorra Austria	<p>The Public Defender welcomes determining capacity limits for remand and sentenced prisoners in the penitentiary establishments by Order no. 106 of the Minister of Corrections of 27 August 2015. The Public Defender, however, stresses that the standards determined by the order are not followed in some cases which causes overcrowding in establishments. For instance, the number of sentenced prisoners considerably exceeds the determined limit in establishment no. 15, although there are sufficient places within determined limits in other semi-open prison facilities (the situation remained the same in 2018).</p> <p>The size and architectural design of the operational establishments are problematic. There still are old so-called barrack type dormitories in establishment #17. It should be noted that according to action plan of the Ministry of Justice, it plans to divide the system into smaller establishments and set up a balanced infrastructure. That is one of the recommendation of Public Defender issued towards the Ministry for years.</p> <p>The Public Defender deems it impermissible that the Imprisonment Code determines the minimum living space of 3m<sup>2</sup> per remand prisoner, as, stemming from presumption of innocence, remand prisoners should not be kept in worse conditions than convicted persons. Provision of each convicted/arrested person with the minimum living space of 4m<sup>2</sup> remains a challenge in penitentiary establishments nos. 2, 8, 12, 14, 15, and 17 as well as in temporary detention isolators.</p> <p>The space in the buildings of the closed type prison facilities and special risk prison facilities is practically fully taken up by cells; there is no requisite infrastructure allocated or arranged for daily activities. Strict regime of being locked up in a cell for 23 hours a day, without any recreational activities, is not conducive to positive changes in convicted persons' behavior.</p>

			<p>The Public Defender commends the efforts of the ministry towards improving the infrastructure of penitentiary establishments. However, problems remain in terms of ensuring in cells sanitary and hygienic conditions (in penitentiary establishments nos. 2, 5, 7, 8, 12, 14, 15, 17, 18, and 19), adequate ventilation (in penitentiary establishments nos. 2, 3, 5, 6, 7, 8, 9, 14, 15, and 17) and sufficient lighting (in penitentiary establishments nos. 3, 7, 8, and 14). Similar problems also exist in some temporary detention isolators.</p>
117.54	<p><b>Develop a high standard of human resource management to avoid administrative infractions and human rights violations in prisons</b></p>	Bosnia and Herzegovina	<p>The penitentiary system faces the problems of adequate remuneration and creating favorable working conditions for the personnel of penitentiary establishments. Along with other problems, these issues constitute reasons due to which the ministry is unable to staff penitentiary establishments with qualified personnel, whereas those establishments face serious necessity for additional human resources. In this regard, inadequate staffing of medical personnel is noteworthy. The ratio of numbers of prisoners and nurses is quite high in some penitentiary establishments. On-duty doctors and nurses have to work busy night shifts. Paramedics have low remuneration. Psychologists and social workers also have to work in hard conditions, considering the existing high demand and volume of work. It should be noted that, from May 2020, the medical staff in prisons was even more decreased as a result of reorganization in the Medical Department of Special Penitentiary Service of Georgia.</p> <p>The Public Defender negatively assesses the fact that, despite a stressful working environment, there are no measures in place to avoid professional burnout of penitentiary establishments' staff. Furthermore, some staff member are assigned on 24 hour shift and due to the tough work schedule they are unable to take their vacation days.</p> <p>In the view of the Special Preventive Group, due to the lack of staff and overcrowding of establishments, adequate supervision is not ensured. The insufficient number of staff members undermines the security of both prisoners and officers. There are incidents where one officer was unable to diffuse inter-prisoner conflict in a timely manner as he was waiting for his colleague for a long time.</p>
117.55	<p><b>Continue the efforts to strengthen human rights protection in penitentiary establishments</b></p>	Bulgaria	<p>Despite the reforms implemented in the penitentiary system for the past few years, the system needs significant fundamental reforms that will aim at developing a system that is based on human rights, positive changes in the behaviour of convicted persons, their rehabilitation and their reintegration into the society. The following remains to be a challenge in the penitentiary system: lack of procedural and institutional safeguards against ill-treatment; large penitentiary establishments where it is more difficult to maintain order and security; ensuring adequate conditions of imprisonment; the problem related to providing adequate rehabilitation services; the lack of such services increases the influence of the criminal subculture and risks of ill-treatment; the established approaches based on maintaining order and security in a penitentiary establishment which are based on</p>

			negative aspects of managing prisoners' behavior and diminishes the feeling of fair treatment and increases the likelihood of violent incidents; the legislation governing risk-assessment of convicts and the existing practice of risk-assessment which cannot ensure reduction of risks from convicted persons and un conducive to their rehabilitation; the lack of activities aimed at rehabilitation and resocialisation and lack of contact with the outside world; infrastructural conditions in penitentiary establishments; shortcomings in medical care and preventive health care; mental health care; creation of penitentiary establishments based on equality; and lack of personnel and their working conditions.
117.56	<b>Continue improving the conditions in prisons, particularly to focus on conditions around pretrial detention</b>	Australia	The Imprisonment Code currently in force does not guarantee a remand prisoner's right to a long-term visit. The Public Defender recommends allowing long-term visits for remand prisoners with due account for interests of investigation. The Public Defender deems it unjustified that the Imprisonment Code determines 3 m <sup>2</sup> as the minimum standard of living space for remand prisoners, while the code sets 4m <sup>2</sup> minimum living space for convicts. As, stemming from presumption of innocence, remand prisoners should not be kept in worse conditions than convicted persons. Therefore, NPM of Georgia calls for amending the Imprisonment Code to the effect of determining the obligation of providing a minimum living space of 4 m <sup>2</sup> for remand prisoners.
117.57	<b>Provide female prisoners with long-term visits, especially taking into account the best interest of their children</b>	Croatia	The Public Defender welcomes the amendments made to the normative basis governing contacts between mothers and minors, which take into account the best interests of the child.  According to the changes made to the Code of Imprisonment on June 1, 2017, female inmates are allowed to leave the institution for meeting with a child. In particular, a female convict whose 3-year-old child leaves a special women's facility shall, by the decision of the Director General of the Special Penitentiary Service, be allowed to leave the establishment during weekends within one year after the child leaves the institution for the purpose of meeting with the child.
117.58	<b>Take the necessary measures to fight violence against women and domestic violence</b>	Algeria	See 117.6
117.59	<b>Step up awareness-raising and preventive measures on the issue of domestic violence</b>	Belarus	See 117.6
117.60	<b>Take measures to prevent domestic</b>	Slovenia	See 117.6

	<b>violence, including by raising awareness, encouraging women to report acts of sexual and domestic violence, protecting the victims and ensuring the effective investigation, prosecution and punishment of perpetrators</b>		
117.61	<b>Improve protections for victims of domestic violence, including by ensuring timely investigations, prosecuting perpetrators, and training police in risk-based assessments</b>	Canada	See 117.6
117.62	<b>Establish centres supporting women and girl victims of gender violence</b>	Spain	Monitoring carried out by the Public Defender in shelters and crisis centres identified that these facilities offer a supportive and reassuring atmosphere to beneficiaries and they are safe there. However, there is still the problem that victims/affected persons have limited psychosocial rehabilitation, education and employment programmes available. Sometimes there are no such programmes at all. The provision of victims with accommodation and financial support after they leave the shelter is problematic. Among others, the provision of socially vulnerable victims with timely subsistence allowances is still problematic. Furthermore, it is important that local self-government authorities should be more active and elaborate special supporting programmes.
117.63	<b>Redouble its efforts in the fight against domestic violence by ensuring effective investigation into</b>	Macedonia	See 117.6

	<b>incidents of domestic violence and providing adequate support and assistance to victims</b>		
117.64	<b>Take steps to address reported allegations of child and early and forced marriages</b>	Ghana	<p>See 117.17.</p> <p>There is a need to raise awareness of risks associated with early marriage through mainstreaming gender education and a complex life skills/sexual learning in the education system.</p> <p>The analysis of cases studied by the Office of Public Defender shows a weak coordination among general educational institutions, law enforcement agencies and the Social Service Agency on cases of early marriage.</p>
117.65	<b>Prevent the practice of child marriage among all ethnic groups</b>	Portugal	See 117.17 – 117.64
117.66	<b>Implement the recommendations of the Committee on the Elimination of Discrimination against Women for better observance of its obligations under the Convention on the Elimination of All Forms of Discrimination against Women, in particular effectively apply the ban on early and forced marriages, including through the adjustment of the national legal</b>	Switzerland	See 117.17- 117.64

	<b>framework, by paying particular attention to vulnerable groups</b>		
117.67	<b>Increase efforts to eliminate early marriages through, implementation of the relevant recommendation made by the Committee on the Elimination of Discrimination against Women</b>	Macedonia	See 117.17  See 117.64
117.68	<b>Reinforce the capacities of professionals in the identification, referral and protection of victims of gender-based violence and provide legal and medical support to victims</b>	Republic of Moldova	<p>The awareness of issues of violence against women and domestic violence is low among representatives of law enforcement agencies. Victims of violence often speak about the barriers they come to face when interacting with law enforcement agencies. In particular, these are bureaucratic rules and procedures of police departments, which are not tailored to needs of female victims as well as prejudices of law enforcement offices that increase the risk of secondary victimization of the victims of violence.</p> <p>As a result, the tendency of victims reporting about the violence but refusing to continue the consideration of a case persists; a reason behind this is distrust in existing services and protective mechanisms and the absence of future prospects. Ensuring all victims with the medical services remains problematic.</p> <p>The results of the monitoring conducted by the PDO in shelters and crisis centers in 2019 show that the environment in shelters is favorable for beneficiaries and their safety is protected there; however, a medical examination of victims before admitting them to a shelter is a persisting problem. Yet another serious challenge is the management of beneficiaries suffering from mental disorders. A limited number of programs of psychosocial rehabilitation, education and employment as well as recreational, sportive and cognitive activities represent a problem too.</p> <p>As regards the physical environment, problems remain in regard to infrastructure, observance of sanitation and hygiene norms and access of shelters for PWDs. An especially serious problem is the support and assistance of beneficiaries after they leave shelters due to shortage or total absence of relevant programs.</p>

117.69	<b>Develop prevention strategies on gender-based violence and establish rehabilitation services for victims of violence</b>	Norway	See 117.62  See 117.68
117.70	<b>Continue to implement the legislation on domestic violence and ensure training of law enforcement officials to identify all forms of domestic violence</b>	Slovakia	The cases examined by the Public Defender show that lack of sensitivity on the part of the law-enforcement officials and absence of special procedures for interviewing victims of violence in police stations remain problematic.  Furthermore, there are frequent cases where victims allege offensive and ridiculing attitude from police officers. The insensitive attitude of law-enforcement officials and lack of adequate infrastructure in police stations make it impossible to offer friendly services to victims of violence and, therefore, victims refuse to re-apply to police in a number of cases. This adversely affects their legal status.
117.71	<b>Implement policies for the effective combating of domestic violence, including information and awareness-raising programmes to prevent this scourge</b>	Chile	See 117.6
117.73	<b>Increase training of teaching staff throughout the country, so that they are better prepared to identify situations of abuse or domestic violence against children</b>	Paraguay	Throughout the years, protection of rights of minors in state care still poses a problem. The monitoring undertaken by the Public Defender's office demonstrates that protection of children in the State Care from violence and their rehabilitation, care for their mental health, protection of right to education, preparation for independent life, improvement of qualification of care-taking personnel and allocation of sufficient human and financial resources still pose a challenge.  The issue of the protection of the beneficiaries living in the small family-type homes from sexual violence is critical. There were cases when LEPL Social Service Agency, as well as service providers were informed about the signs of the sexual violence amongst juveniles. In spite of this not only the alleged child victim did not receive appropriate support, in certain cases the victim and the offender were left to live together in the same house. This should be considered as a total neglect of the needs of child victims of violence from the state. In a number

			<p>of cases personnel working with the children in the small family-type homes were informed about the violence, but they did not refer these cases to the Ministry of the Internal Affairs of Georgia.</p> <p>Teachers of small family-type homes, as well as foster parents fully or partially lack the knowledge and skills to handle the children with behavioral problems or children victims of violence, due to which in certain cases they change the type of care received by child. This is the source of additional stress for a child and worsens the existing situation further. In 2019 63 children were transferred from foster care to the other types of services, 130 children changed the foster family and 12 juveniles were transferred from small family-type homes to foster care, based on various grounds.</p> <p>From the perspective of protection from violence, minors with disabilities present a vulnerable group because the services for protection from violence, preparation for independent life, protection of right to education and health are not oriented at addressing their individual needs. The trend of placement of children with behavioral problems or mental health problems together was also identified, which particularly aggravates the existing situation in view of the available sources.</p>
117.75	<p><b>Ensure justice that is independent and transparent, and that respects the right to defence</b></p>	France	<p>The code of administrative offences does not regulate comprehensively the procedural issues of examination of administrative offences. It does not adequately provide an individual with the safeguards of a fair trial. The objective of administrative proceedings on administrative violations is to establish circumstances in a timely, thorough, comprehensive and impartial manner; however, there is no detailed procedure for examination of evidence, when the sanction can be imprisonment up to 14 days. The person imposed with administrative responsibility has the right to adduce evidence; however, there is no reference to the right to adduce evidence on the list of rights of a legal counsel.</p> <p>The code does not provide for safeguards for arrested persons. The law provides for the obligation to read rights to an arrested person; however, there is no reference to explaining rights in writing or confirming the explanation of rights in a report.</p> <p>Problems related to the right to defence were particularly obvious in light of the proceedings against persons arrested on 18 November 2019. The defence side did not have adequate time and facilities to exercise their rights. The judges did not allow the party to obtain evidence on their own</p>

117.76	<b>Pursue its policy of reform towards a fully independent judicial system</b>	Portugal	<p>The Public Defender has been advocating for years to transform the process of appointing judges in a manner that would dispel the public's doubts.</p> <p>In 2019, the selection of the Supreme Court's judges demonstrated the flaws, challenges and problems within the existing system.<sup>3</sup> The process was launched after implementation of constitutional amendments<sup>4</sup> , which re-defined the procedure for the selection of Supreme Court judges. Specifically, earlier, the President used to submit candidates to the Parliament, while the amendments granted this authority to the High Council of Justice. In addition, the amendments increased the number of Supreme Court judges to at least 28, compared to the earlier number of at least 16.</p> <p>Despite the improved transparency, the process enjoyed low public trust due to the secret decision-making, lack of substantiation of decisions and lack of the opportunity to appeal against the decisions.</p> <p>Observation of the selection of Supreme Court judges in the High Council of Justice by the Public Defender identified many problems that had an essential impact on the fairness of the process and its compliance with high standards. In conclusion, it could be said that the process in the High Council of Justice failed to convince an objective observer that ultimately the most competent and conscientious candidates were submitted to the Parliament of Georgia to be appointed to the 20 vacancies in the Supreme Court of Georgia for life. The legislative amendments adopted by the Parliament could not substantially change the practice of decision-making in the High Council of Justice and failed to ensure fair conduct of the process. These amendments allowed the High Council of Justice to speak of the formal legality of the process, although the lack of fairness in its decision-making is evident. To ensure the right to a fair trial and realization of other human rights through this right, it is important that the Parliament draft and adopt amendments, which would eliminate arbitrariness of decision-making in the High Council of Justice, provide for a high standard for avoiding the conflict of interest, ensure transparency and full publicity of the process, including by imposing the obligation of open voting and substantiation of decisions on the Council, and provide the opportunity of appealing against the decisions made by the Council. Only such legislative framework would make it possible to select the best judicial candidates according to the criteria of good faith and competence for the appointment to the Supreme Court of Georgia for life.</p>
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<sup>3</sup>Monitoring Report of the Public Defender of Georgia on the Selection of Supreme Court Judicial Candidates. Available at: < <https://bit.ly/3i1YUB7> >

<sup>4</sup> The Venice Commission, in its urgent opinion on the selection and appointment of judges of the Supreme Court of Georgia, also speaks about this in paragraphs 14 and 63. The report was first published on April 16 2019 and was approved at the Venice Commission plenary session on June 24. Available at: < <https://bit.ly/3807Zpr>>

117.77	<b>Undertake a comprehensive review of arrangements for the appointment, training and transfer of judges, with a view to ensuring their independence and their full understanding and application of human rights obligations</b>	Ireland	See 117.76
117.78	<b>Further strengthen its efforts to combat and investigate ill-treatment of prisoners and detainees</b>	Montenegro	<p>See 117.50-117.51.</p> <p>In recent years, torture, inhuman or degrading treatment (hereinafter “ill-treatment”) by law enforcement officers do not constitute a systemic problem in Georgia anymore; however, an effective investigation of such crimes remains a systemic problem. This is demonstrated by annual reports of the Public Defender<sup>5</sup> as well as reports of local<sup>6</sup> or international organisations.<sup>7</sup></p> <p>In recent years, the number of starting investigations is increasing and there is no problem of the failure to institute proceedings. On the other hand, the effectiveness of investigation is a systemic problem, as a result of which not a single person has been held responsible in criminal cases instituted based on the Public Defender’s 107 proposals submitted to the prosecutor’s office in 2013-2019.</p> <p>Inadequate response of the state to the investigation of ill-treatment gave rise to the need of setting up an independent investigative mechanism. Thus, the State Inspector’s Service was created to eliminate the problem of impunity of law enforcement officers for the crimes of ill-treatment. The service became operational on 1 November 2019.</p>

<sup>5</sup> The 2015 Parliamentary Report of the Public Defender, pp. 402–426; the 2016 Parliamentary Report of the Public Defender, pp. 364– 376; the 2017 Parliamentary Report of the Public Defender, pp. 81–90; the 2018 Parliamentary Report of the Public Defender, pp. 82-85.

<sup>6</sup> Preventing Ill-Treatment and Responding to Actual Incidents, the Georgian Young Lawyers’ Association (GYLA), 2019; Preventing Ill-Treatment in Policing, Human Rights and Monitoring Centre (EMC), 2019; Shortcomings of Investigating Ill-Treatment by Law Enforcement Officers and Legal Status of Victims in Georgia, the Georgian Democracy Initiative (GDI), 2018.

<sup>7</sup> The Report to the Georgian Government on the visit to Georgia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 21 September 2018, (CPT/Inf (2019) 16), paras. 13-15, available at: <http://bit.ly/38p44kK>, the 2019 Report on Georgia by the Human Rights Watch, available at: <http://bit.ly/2Q4VOA7>, the 2017-2018 Report on Georgia by the Amnesty International, available at: <http://bit.ly/2Ind9A0>,

			Because investigation of ill-treatment cases has been a systemic problem for years in Georgia. In 2019, PDO set a task to study closed criminal cases and make a systemic analysis of those challenges that were identified in this regard as of 2019. It is important for the State Inspector's Service and the public to identify those initial problems with which the newly established agency will deal in years to come. <sup>8</sup> PDO will actively monitor the work of State Inspector Service and will provide respective assessment in following years.
117.79	<b>Adopt measures providing for independent and effective investigation and prosecution of all cases of alleged ill-treatment of persons in detention facilities as well as for remedies for victims</b>	Czech Republic	See 117.50-117.51, 117.78
117.80	<b>Ensure that instances of ill-treatment of prisoners and detainees are eliminated and that proper and thorough investigations are conducted in such situations in order to hold perpetrators accountable</b>	Ireland	See 117.50-117.51, 117.78
117.81	<b>Ensure that all allegations of torture and ill-treatment are thoroughly investigated by an</b>	Turkey	See 117.78

<sup>8</sup> The Special Report of the Public Defender of Georgia on the Effectiveness of Investigation of Criminal Cases of Il-Treatment, 2019, Available at: <<https://bit.ly/3ePglxs>>

	<b>independent mechanism</b>		
117.82	<b>Ensure the effective investigation of cases of violence against women; prosecute and punish perpetrators</b>	Estonia	See 117.6
117.83	<b>Ensure the effective investigation of episodes of violence against women and domestic violence, to bring perpetrators to justice and provide victims with adequate compensation, protection and assistance</b>	Italy	See 117.6, 117.62
117.85	<b>Undertake effective measures to guarantee access to education for juveniles in the penitentiary system</b>	Croatia	<p>Majority of juvenile convicts placed in the Penitentiary Facility N11 of the Special Penitentiary Service are enrolled in public schools. However, flaws in the process of submission of required documents that is caused by the problems of communication with the legal representative hinders timely enrollment of each juvenile convict in general educational facility. In such cases there also might be neglect of educational needs of a juvenile by their legal representative.</p> <p>According to the amendments adopted in 2019 to the Imprisonment Code of Georgia the convicted persons placed in a pre-release facility, convicted persons of low risk serving their sentence in a low risk prison facility, and convicted persons placed in a juvenile rehabilitation facility may enjoy the right to receive education at the first stage of academic higher education (Bachelor's degree).</p> <p>In addition, as per amendments, if the convicted person whose behaviour and attitude has been changed to radically negative behaviour and attitude in the penitentiary institution, and/or whose leaving in the same penitentiary institution is unjustifiable, is transferred to a closed type prison facility or if a convicted person fails to fulfill undertaken obligation, violates the requirement determined by the penitentiary institution and/or if his/her behavior in the penitentiary institution has significantly worsened, is transferred the to another penitentiary</p>

			<p>institution, the convicted person shall be restricted the right to participate in the first stage of academic higher education (Bachelor's degree) process until relevant grounds for such restriction are eradicated.</p> <p>Moreover, it should be noted that the cooperation of Penitentiary Facility with the State Agency for Child Care is not efficient.</p> <p>Furthermore, identification of educational needs of juveniles through multidisciplinary approach is malfunctioning. Involvement of a special teacher, particularly in cases when child has experienced early dropping out of school and has no knowledge appropriate for his/her age and class, etc. is also weak.</p> <p>Process of rehabilitation of juvenile convicts remains to be a problem, as it does not include diverse developing activities, which would be adjusted to individual needs and interests of a child. For years, the juvenile convicts have no access to the professional courses that would be adjusted to their needs and would facilitate the process of preparation for release. Therefore, individual plans for serving the sentence are mostly bland and activities planned for each child are not adjusted to their individual interests and needs.</p>
117.90	<p><b>Take measures for deinstitutionalization of child-care institutions and development of alternative, family-type services for deprived children</b></p>	Ukraine	<p>Functioning of the boarding schools run by religious confessions remains to be a problem and it involves the issues related to licensing of the boarding schools, failure of state control and orientation of the learning environment at the individual needs of beneficiaries. The majority of religious boarding schools are large institutions, which does not comply with the goals of the deinstitutionalization process. Up to now State has no complete information about the religious boarding schools operating in the country. Out of this boarding schools only three of them - Ninotsminda, Bediani and Feria boarding schools are licensed. The Public Defender's office enquired and found out that there are 101 minors registered in the Feria Boarding School, 73 - in Ninotsminda Boarding School and 6 beneficiaries in Bediani Center.</p> <p>Religious boarding schools cannot provide family like environment for children. They fail to duly identify children's needs and have no individualized approach to them. There are high risks of institutional violence. Moreover, in certain cases social worker is only formally involved and cannot ensure protection of interests and needs of each beneficiary.</p> <p>Issue of licensing of boarding schools run by muslim denomination is problematic. In this respect it is particularly important to have efficient communication between the State and the boarding school administration and to inform them about the licensing standards in view of the interests of minor beneficiaries.</p>

			<p>It is alarming that the representatives of The N(N)LE Saint Nino Boarding School in Javakheti, Ninotsminda of Orphans, Waifs and Children in Need of Care of the Patriarchate of the Orthodox Church of Georgia do not allow representatives of the Public Defender to carry out monitoring in the boarding school, while the Public Defender has emphasized the particularly grave situation of rights of children living in this boarding school in several of its reports. Nevertheless, involvement from the State is minimal in the process of working with this particular boarding school. It is impossible to carry out that kind of monitoring which would allow detection of each fact of violation of children's rights and in particular timely detection of incidents of child abuse.</p> <p>In general, small family-type homes provide a positive, comfortable, family-type environment which is conducive to emotional and social development of children. It should be noted, however, that this picture of the environment is not uniform and varies from home to home. Often persons engaged in child care fail to prevent bullying, overcome crisis, timely detect psychological and mental problems and manage a case in a multidisciplinary way; all this negatively affects the provision of adequate assistance to children.</p> <p>The level of academic knowledge of beneficiaries of small family-type homes does not correspond, in the majority of cases, to their biological age. Beneficiaries are not motivated to obtain knowledge. The monitoring conducted in the reporting period showed that, compared to previous years, a greater amount of attention is paid to the involvement of small family-type home beneficiaries in the inclusive education; however, the inclusive approach needs to be strengthened.</p> <p>Problems existing in small family-type homes notably impede the process of preparation of beneficiaries for independent living. When beneficiaries leave a small family-type home, especially after turning 18, they often come to face same problems that became a ground of their placement in alternative care. This largely results from the absence of support system - and when needed, a relevant service - for persons having withdrawn from the system after attaining the legal age.</p> <p>The engagement of minors in informal education, their vocational or other education largely depends on geographic location and available funding of a small family-type home as well as the existence of relevant institution in a region. When engaging children in additional activities it is important to take into consideration their interests and desires; this, however, is often not the case due to abovementioned reasons.</p> <p>The level of awareness of their rights as well as feedback and complaint procedures is very low among minors living in small family-type homes. Minors are not encouraged to engage in discussions of problematic issues that arise in the process of care. Employees of small family-type homes need to raise their level of awareness of child's rights, especially, the protection of children from violence.</p>
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117.91	<b>Protect minorities and ensure the full enjoyment of their freedom of religion or belief in accordance with international human rights law</b>	Ghana	See 117.43
117.94	<b>Ensure the enjoyment of the right to freedom of religion by everyone, including persons belonging to religious minorities, by punishing those who harass or incite hate speech against religious minorities</b>	Botswana	See 117.43
117.95	<b>Fully respect freedom of expression and media pluralism</b>	Portugal	<p>According to surveys of leading international organizations in recent years Georgia's media landscape is pluralist but rather polarized. In the reporting period Rustavi 2, the main national opposition TV channel, was restored to a previous owner. Two new pro-opposition TV channels emerged as a consequence of the conflict. Adjara TV, a regional public television channel, has meanwhile suffered from repeated pressure to support a particular party.</p> <p>In Georgia there are two Public Broadcasters - the Georgian Public Broadcaster (GPB) and Adjara Public Broadcaster (APB), both are publicly-funded and founded with the aim to air impartial and diverse programmes that would be free of influence and would serve public interests. In order to ensure this function, they have a number of obligations under legislation, full fulfillment of which is essential given the polarized media environment in the country.</p> <p>Georgian Public Broadcaster (GPB), which by law is required to offer balanced views, discontinued major talk shows open to opposition voices in 2016. GPB also received much criticism for non-transparent hiring and procurement practices.</p>

			<p>In contrast, the APB (Adjara TV) has been distinguished by a free and impartial editorial policy for a long time, which has been repeatedly confirmed by the reports issued by local and international authoritative organizations.</p> <p>PDO expresses extreme concern with regards to the new director's decisions noticeably aimed to weaken the criticism and activities of the unique professional union in the Broadcaster, and to have a numbing impact on other employees who criticize management. The regulations and control practices of this degree fundamentally opposes an idea of a Public Broadcaster, which is built on the principles of pluralism, democracy, and makes it impossible to create independent content and editorial policies.</p> <p>Taking into account the polarized media environment in the country the developments around the impartial and balanced broadcaster is particularly alarming during the election year, when media should act as a crucial watchdog to democratic elections, safeguarding the transparency of the process.</p>
117.96	<b>Institute measures that guarantee a free and independent media environment</b>	Ghana	See 117.95
117.97	<b>Continue to prioritize safeguarding media freedom</b>	Australia	See 117.95
117.98	<b>Bolster respect for pluralism and open debate by fostering a non-violent environment tolerant of dissenting voices, including those of the opposition, and avoiding politically motivated actions against critical media outlets</b>	United States of America	See 117.95
117.99	<b>Refrain from interfering in the activities of human</b>	Estonia	In recent years number of statements were made by high ranking officials to discredit non-governmental organizations and their managers working on topics necessary for the democratic development of Georgia, such as prevention of corruption, protection of human rights, monitoring of proper functioning of state institutions

	<p><b>rights defenders and non-governmental organizations and ensure a safe and enabling environment for their work</b></p>		<p>and elections. This was accompanied by a large-scale smearing campaign, in particular on social networks, against chairpersons of non-governmental organizations. Head of one of the leading NGOs in the country, for example, has pointed to the likelihood of involvement of the ruling political party in the attacks.<sup>9</sup></p> <p>Defamatory and insulting posts are spread on social media, in particular on Facebook, by a number of individuals and groups, although these come from seemingly fake accounts preventing the identification of specific individuals. Despite the diversity of the authors, the posts are very similar in content and a large part of them seem to be sponsored. In April 2020 Facebook removed 511 Pages, 101 Facebook accounts, and 122 Groups, and 56 Instagram accounts for engaging in coordinated inauthentic behaviour in Georgia.<sup>10</sup></p> <p>It should also be noted that women and those LGBT+ rights defenders who self-identify with the LGBT+ community are under increased risk of violence. The analysis of the cases examined by the PDO shows that cyber-threats and cyber-bullying are the major forms of violence. The response of law-enforcement agencies to these crimes is not effective and fails to respond to the scale of the problem. According to the information supplied by the Prosecutor's Office of Georgia, in 2018-2019, criminal prosecution was instituted against 4 persons for alleged crimes committed against human rights defenders.</p>
117.100	<p><b>Develop a strategy to increase the participation of women in decision-making positions in all branches of the Government</b></p>	Austria	<p>The index of women's political participation and their involvement in the decision-making process is directly linked with the quality of democracy in the country. According to the Global Gender Gap Index 2019, based on the political empowerment and women in parliament, Georgia is ranked 94 among 153 countries; whereas according to the data of the Inter-Parliamentary Union, with 22 women in the parliament, Georgia is ranked 140 among 189 countries.</p> <p>Observing the two rounds of presidential elections was also important for assessing women's political participation in 2018. Unfortunately, the election process was punctuated with hate speech and was not gender-balanced. In particular, despite the fact that one of the major presidential candidates was male politicians mostly discussed a woman, the future visions and possible solutions of problems.</p> <p>The problem of equal participation is even more visible on the level of local municipalities in Georgia. Moreover, women are mostly not inclined to attend the meetings, planned by municipal governments on different issues, including the projects and programmes directly affecting gender equality in the community (financing and</p>

<sup>9</sup> Available at: <<https://bit.ly/2tRPPTw>>

<sup>10</sup> Available at: <<https://about.fb.com/news/2020/05/april-cib-report/>>

			<p>development of transportation and childcare system, for example). Alternatively, even if they attend, they do not have decision-making capacity due to the stereotypical attitudes towards women.</p> <p>It is noteworthy that On July 3, 2020 the Parliament of Georgia supported the amendments to the Code of Elections regarding gender quotas. The Public Defender of Georgia had pointed out numerous times to the importance of the gender quotas being instrumental for equal political participation in those circumstances, where the existing political stereotypes, invisible social, cultural or individual barriers significantly hamper women's political participation.</p>
117.101	<b>Continue working to boost the participation of women in political and executive positions under principles of equality without discrimination, particularly guaranteeing the participation of rural women</b>	Colombia	See 117.100
117.102	<b>Increase efforts and allocation of necessary resources to guarantee greater participation of women in political and leadership positions</b>	Costa Rica	See 117.100
117.103	<b>Undertake further measures for the integration of minorities and the promotion of their representation in Georgian political and public life</b>	Albania	There is a low level of national minority participation in decision making both at the national and municipal levels.

117.104	<b>Improve access to health services for socially vulnerable persons</b>	Algeria	<p>As a result of changes to the state program on universal health care, the service packages have become differentiated by citizens' incomes since May 2017. The state replaced the principle of universality with a targeted approach and determined the amounts of services to be rendered under the program in accordance with individual incomes. The reasons cited behind this change were the optimization of costs and the creation of social justice.</p> <p>It must be noted that the universal healthcare program was extended to include a medication component which is aimed at financing medicines for citizens suffering from chronic diseases and registered in the database of socially disadvantaged people with the rating score of up to 100 000. It is a commendable step that in the interest of health of program beneficiaries and in view of their social and economic condition, the state has extended the list of financed diseases and medications.</p>
117.105	<b>Improve women's access to high quality health care and health-related services</b>	Rwanda	<p>In 2018, the Public Defender's Office, with the support of the Country office of the United Nations Population Fund (UNFPA), held a national survey of sexual and reproductive health and rights. Service receivers and service providers, relevant NGOs and decision-making persons were involved in this survey. The survey covered issues of complex education on mothers' health, modern methods of family planning and accessibility of respective information, and human sexuality. The monitoring revealed a number of problems and obstacles that various groups of women encounter in terms of accessibility of services. The absence of a systemic approach towards postnatal care remains problematic, including integration of family planning in this service. The monitoring also revealed problems concerning breach of confidentiality by healthcare service providers as well as obtaining informed consent. Adapting the buildings of healthcare service providers for disabled women is also problematic. Women who are representatives of ethnic minorities and cannot receive services in their native language and do not have the command of the state language also encounter problems when receiving services.</p> <p>The survey showed that the family planning services are not fully integrated at the level of primary healthcare. Therefore, there is a need of comprehensive and systemic approach towards family planning in terms of providing information, education and services. This creates serious problems in terms of accessibility. Furthermore, in villages and mountainous regions, there is a limited number of clinics and consultation centres for women. In order to receive services, women have to go to a neighbouring settlement or go down to the city. The problem of the absence of services also implies limited resources of adequate equipment and required utensils.</p> <p>Particularly noteworthy are those problems which are encountered by girls when family planning and receiving non-surgical induced abortion (medical abortion). The monitoring showed that providers of medical assistance, often without the wish of the girl, not only notify the parent about the service but even request informed consent for it in advance. Such a practice significantly damages the right to healthcare of the girls as it virtually limits</p>

			<p>their access to reproductive health services. This practice also encourages girls to seek illegal means to obtain medical services which pose risk to their life and limb. It is problematic to take into account women’s sexual and reproductive health at the stage of determining treatment in psychiatric facilities.</p>
117.106	<p><b>Consider improving and promoting education at all levels of public education</b></p>	Oman	<p>Full-fledged process of Human Rights Education as a core component of a right to education is still a challenge in a reporting period. In fact, the country does not have human rights education strategy and action plan. Additionally, there is no school subject specifically about human rights and democratic values for the first two years of Georgian primary education [I-II grades]. For the last two years of Upper secondary education [XI-XII grades] “Civic Education” is an elective subject and relatively low number of students prioritize it (6.9% of students).</p> <p>The “Civic Education” designed for IX-X graders is still taught with textbooks not being updated in line with new legal amendments. It is noteworthy that the content of some of those books goes against the standards of Human Rights Education. This issue is especially problematic as the baseline study conducted at schools in 2018 shows that the values of a 23% of surveyed students are inconsistent with human rights principles. Moreover, a full-fledged process of human rights education is being seriously hindered by the state organized continuous educational activities that created a significant risk of religious proselytism in public school system.</p> <p>In the mentioned context it is unfortunate that Human Rights knowledge of those involved in teaching process is very low. In fact, as the mentioned baseline study indicates, 48% of teachers did not receive any human rights training. However, it is important to note that in 2019-2020 PDO prepared questions related to human rights issues for the official exams of those who seek to become headmasters of schools. The PDO also introduced online training modules for public school teachers. However, the latter has not yet been implemented by the state institutions.</p> <p>Moreover, it should be noted that the realisation of the right to education on the occupied territories of Abkhazia and South Ossetia is faced with multiple challenges. Restriction imposed for ethnic Georgians in obtaining education in the native language considerably worsened Georgians’ legal status, their knowledge of the native tongue and the quality of education in general.</p> <p>This restriction was introduced in 2015 in Gali district and in 2017 in Akhalgori Municipality. Nowadays, instruction in Georgian language is completely banned in all preschool establishments and primary classes, and Georgian as a foreign language is only taught in senior classes and only in schools. Despite numerous calls, negotiations or offering various models of instruction in the native tongue according to other countries’ practices, the de facto authorities are not considering to change the decision. Furthermore, the quality of education is worsening. There is a shortage of Russian-speaking human resources; therefore, there are</p>

			<p>frequent occasions when persons with no relevant education, specialisation or working experience, although speaking Russian, are designated as educators in kindergartens and schools.</p> <p>Existing situation forced many parents to transfer their children to Georgian controlled territory schools and therefore the number of first-graders is decreasing annually in breakaway regions.</p>
117.107	<b>Further improve the accessibility and quality of education, and increase the enrolment rate of vulnerable children, including girl children and children of ethnic minorities</b>	China	<p>See 117.106</p> <p>In the field of higher education, the Law of Georgia on Higher Education prohibits all forms of discrimination, including ethnic discrimination. The same law defines a favourable policy towards ethnic minorities, according to which only national exams have the possibility to enrol Georgian citizens in different universities of Georgia with only one exam. Under this system (1 + 4 program), universities implementing Georgian language training program (for national minorities) are obliged to allocate of the total number of students designated for their educational institution to 5-5% Armenian and Azeri, and 1-1% to Abkhaz and Ossetian students.</p> <p>In 2015-2016 academic year, small ethnic groups residing in compact settlements (Ossetian, Kist / Chechen, Assyrian, Khundar / Avar, Kurdish / Kurmanji, Udinese) started teaching their mother language in the public schools, in result of implementation of the Public Defender's recommendation and active involvement of representatives of the Council of National Minorities.</p> <p>Also from 2017, following the recommendation of the Public Defender of Georgia, teaching of the Abkhaz language in two schools of the compact settlement of Abkhazians has started in Batumi.</p>
117.108	<b>Consider promoting access to education for girls from ethnic minorities and remove barriers that impede access to education by Roma children</b>	Nigeria	<p>The situation of the Roma community in Georgia is particularly dire in terms of education, health care, social security, integration and employment. According to the 2014 census, 604 Roma people live in Georgia. The Roma are concentrated in Tbilisi, Kobuleti, Kutaisi and the village of Tchoeti in Dedoplistskaro. Most of the Roma do not have permanent residence, or even if they have, due to their activities, they often have to change it and rent a residence. This, in turn, negatively affects Roma children's schooling and academic progress. It is also problematic that a very small percentage of Roma children go to kindergartens and preschool centres. According to the Ministry of Education, 263 Roma children study in different schools throughout Georgia.</p> <p>The above statistics is alarming since most of the Roma pupils abandon studies after finishing primary classes. This is mainly caused by the dire social situation of the Roma community and the low level of academic</p>

			<p>performance. This is, in turn, caused by dire social conditions and the absence of the environment required for obtaining education.</p> <p>It is noteworthy that, according to the information supplied by the Ministry of Education and Science, there have been special programmes implemented for bringing Roma children into educational field and their full participation in social life. Overall, 63 Roma children took part in this programme.</p> <p>The universal electronic registration of first graders at public schools poses additional obstacles for Roma children in obtaining school education. The great majority of Roma are computer illiterate and are unable to register their children and family members electronically.</p> <p>In individual cases, like Kobuleti School, there are positive measures taken by the principal of the Kobuleti School, who is personally engaged in supporting the Roma children in receiving education.</p> <p>In Kakheti region, specifically Dedoplistskharo, the village of Tchoeti, a school bus was designated in the area where Roma children live in order for them to have easier access to the school.</p>
117.109	<p><b>Continue to pursue policies that will expand opportunities for all children of school-going age to access high quality education, in particular those with special-education needs</b></p>	Singapore	<p>See 117.106.</p> <p>The amendments made to the Law of Georgia on General Education in 2018 create additional safeguards for facilitating inclusive education. Under the amendments, it was determined as a duty, instead of a right of secondary education establishments, to create conditions for inclusive education. It should be noted that special (education) teachers were given the status of a teacher, which will enable them to exercise the rights determined for other professional teachers.</p> <p>Problems arise in practice due to the failure to amend the legislation in order to eliminate barriers to interagency exchange of information on children with disabilities, to develop a mechanism for monitoring children at risk of dropping out and a strategy for the prevention of dropping out.</p> <p>Meetings on preschool education held with municipalities during 2018 and received information demonstrated that the process of implementation of the obligations under the Law of Georgia on Early and Preschool Education is hindered. The needs existing in inclusive preschool education are not adequately studied and the results are not reflected in the municipality programmes and financial plans. Indicator of involvement of children with disabilities in preschool education is extremely low. There are serious problems in terms of accessibility of external and internal infrastructure in kindergartens; namely, out of 1,488 preschool establishments of 59</p>

			<p>municipalities, 523 are partly adapted. Apart from number of problems, there are significant shortcomings also in terms of human resources. In particular, there is a need to involve inclusive education specialists in the process of preschool education and to retrain the existing personnel. The statistical data on children with disabilities engaged in preschool and general education is still missing. The Ministry of Education and Science is not aware of the number and the needs of children with disabilities who are left beyond the formal education. The absence of this information makes it difficult to plan and implement relevant interventions.</p> <p>The monitoring conducted by the Public Defender's Office in educational establishments revealed significant shortcomings, inter alia: absence of the action plan to introduce inclusive education; insufficient mechanisms for protecting students from violence and management of behavioural problems; absence of accessible external and internal infrastructure and study resources; insufficient number of additional specialists of inclusive education and individual assistants; insufficient readiness of school teachers to meet the educational needs of students with special educational needs/disabilities; inadequate implementation of individual study plans and absence of effective internal monitoring of establishments. Insufficient resources (funding) allocated by the administration to the schools is cited as one of the reasons for the enumerated problems.</p> <p>As regards the stage of vocational education, despite involvement of PWDs in the existing educational programmes their subsequent employment remains to be a challenge. The limited choice of professions to study is also problematic.</p> <p>The situation has remained largely unchanged on the level of higher education. PWDs still have no access to infrastructure of educational institution, educational materials and programs.</p>
117.110	<p><b>Take further steps for the implementation of the Convention on the Rights of Persons with Disabilities</b></p>	Myanmar	<p>No significant steps have been taken to implement the UN Convention on the Rights of Persons with Disabilities. The official agency responsible for coordination of this process has still not been designated. Within the reporting period the Optional Protocol of the Convention has not been ratified.</p> <p>Harmonization of national legislation with the UN Convention is still an issue. In February 2020 the draft law on the Rights of Persons with Disabilities was proposed to the Parliament. The document sets forth main principles and mechanisms of equal, non-discriminatory access for PWDs, including women, girls and children with disabilities, in various spheres. In June 2020 the draft law was adopted by the Parliament of Georgia on second hearing. The Public Defender applied to the Parliament of Georgia with the proposal on this draft law and related legislative amendments. Some comments of the Public Defender were reflected in the draft law, however, the involvement of civil society organizations working on PWDs issues was not ensured in the drafting process. Despite the flaws pertaining to the draft law, it's adoption will be still a positive step from the standpoint of implementation of the Convention on the Rights of Persons with Disabilities.</p>

			During 2019 the process of revision of national legislation regulating space arrangement for persons with disabilities and its harmonization with the Convention has been active. In June 2020 the legislative amendments were adopted to the Law of Georgia on Psychiatric Assistance, which is regarded as a positive step.
117.111	<b>Advance the implementation of the Convention on the Rights of Persons with Disabilities by improving the inclusion of children and persons with disabilities in education and employment</b>	Austria	<p>See 117.109.</p> <p>In the reporting period there were not any notable improvements with regards to the protection of the rights of persons with disabilities (PWDs). Challenges existing for years persisted in the reporting period too, including regarding the proper realization of the rights of PWDs to education, health, habilitation-rehabilitation, labor and employment, access, participation in political and social life. Despite the positive changes in the legislation at the level of general education, it is still a challenge in practice to fully involve children with disabilities in the education process.</p> <p>With six years having passed since the ratification of the UN convention, the state still lacks an effective mechanism of enforcement, hindering the coordination of issues related to the implementation of the convention.</p> <p>It is noteworthy that the parliament of Georgia has not ratified the Optional Protocol to the UN Convention on the Rights of Persons with Disabilities yet. This prevents interested persons from using an individual mechanism of application to relevant UN committees on violations of rights.</p> <p>Fulfillment of the right to quality inclusive education still poses a challenge at all levels of education, including the level of early and preschool education, as well as, at the levels of general, vocational and higher education.</p> <p>Information obtained from local self-governments shows that the comprehensive assessment of the needs existing in the sphere of inclusive preschool education, mobilization of appropriate funds, access to infrastructure/learning resources, involvement of supporting personnel required in the process of preschool education, training of the existing personnel are problematic.</p> <p>In 2018 the Order of the Minister of Education and Science of Georgia approved the “Mechanism for introduction, development and monitoring of inclusive education, as well as the mechanism for identification of students with special educational needs”. Article 2 of this order sets out the definitions of specialists involved in inclusive education. Including a sign language interpreter and a sign language specialist. According to the Order school is obliged to hire these specialists if necessary. However, in 2018 monitoring conducted in 15 pilot schools of inclusive education by the Public Defender of Georgia identified a problem of inadequate remuneration of specialists (as recommended by the Ministry, the salaries of the sign language Interpreter and</p>

			<p>sign language specialist are GEL 4 per hour, with a maximum workload of 25 hours per week). And shortage of inclusive education specialists in schools.</p> <p>As for the employment, due to the lack of appropriate legal safeguards, practical facilitation and effective mechanisms of implementation, PWDs ' right to work is not adequately exercised. The provisions in the domestic legislation and strategic documents are declaratory, which in turn, hampers their effective implementation and monitoring. Besides, the measures determined in state programs fail to meet the existing needs.</p>
117.112	<b>Take further steps to ensure the protection of persons with disabilities</b>	Greece	<p>The Public Defender and the Special Preventive Group welcome the steps made in 2018 and 2019 to improve conditions in psychiatric establishments. In this regard, various infrastructural facilities of several psychiatric establishments were refurbished. However, it should be noted that the situation has been improved for only a part of patients and providing quality food, personal hygiene items, clothing and linen for patients in some facilities remains problematic.</p> <p>The increase in the funding of the 2019 programme of mental health care should be noted positively. The budget of each component of the programme increased accordingly. Unfortunately, despite the increase in the funding, the price of a bed-day for patients receiving long-term treatment has not been changed.<sup>11</sup></p> <p>According to the existing situation, similar to the previous years, the following issues remain problematic in some psychiatric establishments: overcrowding in wards; the absence of private space for patients and the failure to respect their privacy; inadequate environment for patients; the failure to uphold sanitary and hygienic norms of buildings and personal hygiene of patients; the existing practice of physical and chemical restraint; lack of access to timely and adequate treatment of somatic diseases; absence of appropriate psychosocial rehabilitation and supporting services; lengthy hospitalization, neglecting patients' will and involuntary medical intervention.</p> <p>Similar to the previous years, the conditions and therapeutic environment existing in some operational facilities do not ensure patients' dignified life and protection of their rights and the situation in this regard remains a serious challenge in the country. In previous parliamentary reports, the Public Defender assessed the above as inhuman and degrading treatment of patients and the position of the Special Preventive Group remains the same in this regard.</p>

<sup>11</sup> It's worth mentioning that 2020 State budget allocations for mental health care programme is also increased. The Public defender of Georgia assesses positively the increase of daily expenditure for shelter beneficiaries. From 2020 it equals to the price of the bed-day for patients receiving long term treatment.

			<p>The Public Defender emphasizes that placement of persons with mental health problems in large establishments cannot be seen as a high level of protection of their rights. Therefore, the Public Defender calls on the agencies in charge of determining the state policy to take effective steps to facilitate the deinstitutionalization process and the development of community-based services in the shortest possible time. Inter alia, active steps should be taken to build group homes in order to facilitate the integration of beneficiaries into the community.</p>
117.114	<p><b>Adopt the necessary measures to protect ethnic and religious minorities from all forms of violence and discrimination</b></p>	Costa Rica	<p>The state does not demonstrate the will to resolve the systemic problems linked with freedom of religion and right to equality of religious minorities. Accordingly, many recommendations made by the Public Defender regarding these issues are reiterated in the reports each year.</p> <p>The recommendations made to the Ministry of Internal Affairs of Georgia and the Chief Prosecutor's Office concerning investigations delayed for years are still unfulfilled. Namely, during 2012-2014, numerous incidents of violation of Muslims' rights were identified in various geographic areas of Georgia. In two cases, the law enforcement authorities themselves allegedly used excessive force. Investigation has been pending to this date without any results. Not a single person has been prosecuted or charged with alleged crimes against Muslims in any of these cases. Besides, not a single Muslim person has been given the victim status. Also, no legal result has been secured in violations against Jehovah's Witnesses that took place in 2016.</p> <p>The issue of returning religious buildings that were nationalised during the Soviet period to respective religious associations remains unresolved. The Armenian Apostolic Church, Evangelical and Lutheran Church, Muslim and Jewish communities have been requesting the state for years to have the nationalised religious buildings returned to them. Many religious buildings remain in state ownership. Apart from the fact that it is a problem to return the property to their historical owners, the nationalised religious buildings (many of them are monuments of cultural heritage) are not given any attention from the state and are being destroyed.</p> <p>Religious minorities face obstacles in the process of constructing new religious buildings. The local self-government bodies responsible for issuing construction permits often refuse to grant such permits to non-dominant religious associations without giving any reasons, without following the principle of separation of state from religion and manifest their partial approach towards the dominant religious group.</p> <p>Those provisions in Georgian legislation that place non-dominant religious associations in unequal positions remain intact. The state still carries out unequal policies in terms of funding religious associations and restitution for damages inflicted in the Soviet period.</p>

			<p>The environment in public schools is discriminatory. The Law on General Education prohibits unequal treatment in schools, display of religious symbols without academic use, indoctrination and proselytising. However, the law is not upheld comprehensively. Despite the recommendation made by the Public Defender, no special monitoring group has been set up and no action plan has been developed that would facilitate eradication of discriminatory practices in public schools.</p>
117.115	<b>Improve the education of persons belonging to minority groups</b>	Macedonia	See 117.107
117.116	<b>Ensure teaching and preservation of minority languages, by providing adequate general education to students in their native language</b>	Austria	<p>See 117.107</p> <p>For the past few decades, textbooks for Armenian and Azerbaijani languages and literature have been imported from Armenia and Azerbaijan and therefore do not conform to learning standards of the Georgian education system. It should also be noted that while Armenia has only recently introduced a 12- grade system, Azerbaijan continues to offer 11-year schooling which means that there are no textbooks for grade 12 which in turn hampers education process.</p> <p>Public Defender welcomes a decision of the Ministry of Education and Science to uphold Public Defender's recommendation and open a bid for textbooks for Armenian and Azerbaijani languages and literature. At the same time, it is important that new textbooks be in line with teaching standards recognized by the Georgian education system and contains elements and language standards pertaining to respective language, culture and literature.</p> <p>In spite of numerous efforts there is still no policy document which would provide conceptual framework and in-depth analysis of the situation, challenges existing in the country's education system and way to address these challenges and contribute to inter-agency cooperation for greater quality of education for ethnic minorities. Importantly, in 2015 the Georgian Ministry of Education and Science started developing a policy document to cover the issues of professional staff at every grade of minority schools. Experts of the field, representatives of non-governmental and international organizations participated in the development of the document. Sadly, for unknown reasons, the document was never approved. In view of existing challenges, Public Defender believes that the work on the document needs to continue in order to develop a holistic approach.</p> <p>Issues related to ineffectiveness of so called bilingual textbooks for non-Georgian language schools have been repeatedly highlighted in reports prepared by Public Defender and Public Defender's Council of Ethnic</p>

			<p>Minorities. 70% of contents of these textbooks which were introduced in 2010, is in minorities' native language (Armenian, Azerbaijani, Russian) while remaining 30% is provided in the state (Georgian) language.</p> <p>The use of bilingual textbooks in most schools with minority languages as the language of instructions is infeasible as teachers' command of Georgian language is not sufficient to explain lesson materials while students cannot comprehend materials for the same reason.</p>
17.117	<p><b>Take the necessary steps to address concerns over the rights of vulnerable groups, including internally displaced persons, refugees and migrants, and carry forward measures to integrate them effectively into the broader social and political systems</b></p>	<p>Republic of Korea</p>	<p>Pursuant to the Law of Georgia on International Protection, the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia in cooperation with other state agencies shall develop local integration programs for internationally protected persons and facilitate their participation in such programs. Local integration is a legal process, whereby refugees are granted a progressively wider range of rights and entitlements by the host State that are broadly commensurate with those enjoyed by its citizens. These include freedom of movement, access to education and the labor market, access to public relief and assistance, including health facilities, the possibility of acquiring and disposing of property, and the capacity to travel with valid travel and identity documents.</p> <p>Realization of family unity is another important aspect of local integration.</p> <p>According to the information provided to Public Defender's Office involvement of refugees and humanitarian status holder remains quite low. For instance, In 2018, the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia was designated as the responsible agency for integration of foreigners, inter alia, persons granted international protection. Under Article 65 of the Law of Georgia on International Protection, the said ministry shall work out and/or implement programmes for the integration of persons granted international protection. According to the information supplied, refugees and persons with humanitarian status are registered in the information system of labour market management (<a href="http://www.worknet.gov.ge">www.worknet.gov.ge</a>); they are beneficiaries of subsistence allowance – monetary social assistance based on the unified databases of socially vulnerable families; However, the level of participation of the said persons in the integration programmes is low. This issue was also addressed in the report of the previous year.</p> <p>One of the key challenges of local integration is the language barrier. The majority of beneficiaries do not have the command of Georgian and therefore educational, employment and health care programmes are less accessible for them. The lack of information concerning enjoyment of these services is also noteworthy. Language courses are available to persons falling under certain categories. For instance, language learning course for asylum seekers is available only in a reception center and therefore, only those who reside in the center can access the service. There are courses available to persons with international protection; however, the number of participants of the courses is limited.</p>

			<p>According to the information supplied by the Ministry of Education, Science, Culture and Sport of Georgia, two projects are being implemented in this regard: the programme of Facilitating General Education and its sub-programme – Facilitating Access to General Education for Asylum Seekers, Persons Granted International Protection and Those Placed in the Migration Department of the Ministry of Internal Affairs who are Under 18 Years of Age. It is also noteworthy that, according to the information of the same ministry, information about the students' social status (refugee status, humanitarian status, etc) is not entered in the registry.</p> <p>A significant factor of successful integration is affording resettlement and adequate housing conditions to persons granted international protection. The support rendered by the state in providing accommodation to those persons is crucial.</p> <p>After the status is granted, the asylum seeker has to leave the reception center and face harsh conditions. Refugees are the ones who find themselves in particularly dire situation because of difficulties to find adequate, safe and normal accommodation. Even though the law grants refugees and humanitarian status holders the right to free movement and choice of accommodation, in practice this norm fails to apply to all refugees and persons with humanitarian status. There are no state-funded organizations in Georgia to support asylum seekers and persons with international status in finding suitable accommodation. It is important that the state develop special program/project to contribute to creating suitable living conditions for refugees or persons with humanitarian status.</p>
117.118	<b>Continue to keep the principle of non-refoulement and limit the use and duration of detention for asylum seekers</b>	Republic of Korea	<p>To assess the access to territory and asylum procedure for asylum seekers, realization of confidentiality, exemption from criminal liability, non-refoulement and non-discrimination principles, the PDO carried out monitoring at the state border of Georgia, as well as in penitentiary institutions. It has been revealed as part of monitoring that the MIA representatives are informed about the asylum legislation and responsible authority. At the same time, it should be noted that the bilateral Order of the former Minister of IDPs from the Occupied Territories, Accommodation and Refugees of Georgia and the Minister of Internal Affairs of Georgia governs the cooperation in the field of identification of asylum seekers, their reception at the state border, their transfer and the field of exchange of information. Considering that presently these procedures fully fall under the MIA competence, it is important to enact a new order to stipulate relevant response to these matters within the single agency. As PDO was informed, the draft bylaw is already prepared and will be adopted soon.</p>
117.119	<b>Strengthen measures to protect displaced persons and include them in public social development policies</b>	Chile	<p>The involvement of IDPs in this direction is still problematic. Although the legislation guarantees the involvement and informing of IDPs in the decision-making process, it is not fully implemented in practice. In 2018-2019, the state agency responsible for refugee affairs changed twice, the changes caused uncertainty among IDPs, and they did not have information on which agency to approach. This problem is more acute in the regions. It is</p>

			important to spend more resources on the awareness of IDPs and their involvement in issues that affect their legal status.
118.2	<b>Amend the Law on the Elimination of All Forms of Discrimination to include a mechanism of fines and other sanctions for use by the Public Defender's Office in the event of discriminatory actions</b>	Sweden	2019 was an important year in terms of improving the anti-discrimination law. Since 2015, the Public Defender had been repeatedly emphasizing the need of strengthening the Public Defender's mandate on the one hand and carrying out a number of substantive material-legal changes on the other hand. In response, in May 2019, under the Organic Law on the Public Defender of Georgia, the entities of private law became subject to the same legal regulation as public entities. In particular, the law obligated the legal entities of natural and private law to provide the Public Defender with information necessary for the examination of alleged discrimination. At the same time, the Public Defender has been empowered to apply to courts against the private legal entity or the association of entities, like public agencies, with the request to comply with the Public Defender's recommendation. In addition, the deadline for applying to the court concerning alleged discrimination increased from three months to a year.
118.4-118.5	<b>Prevent child marriage by having a minimum age restriction of marriage at 18 without any exception</b>	Botswana Sierra Leone	See 117.17-117.64
118.6	<b>Establish a mechanism that monitors the implementation of the 2014 anti-discrimination legislation and action-oriented strategies</b>	Iceland	Based on the Law of Georgia on "Elimination of All Forms of Discrimination", the PDO is designated as an Equality body – Anti – discrimination mechanism of the country. The mandate of Equality Body extends to both – public and private sectors.
118.8	<b>Amend the legislation to ensure an effective follow-up instrument for the public defenders and the members of the national preventive mechanism</b>	Andorra	<p>The Public Defender has requested to amend the Code of Imprisonment to ensure an effective follow-up instrument to respond to the alleged violations in the penitentiary. Namely the Public Defender has demanded to ensure that all persons in the penitentiary facilities have access to the Public Defender's hotline without undue, arbitrary and unreasonable restrictions that started to appear in practice. Unfortunately the Parliament of Georgia and the Ministry of Justice refused to guarantee this remedy stating miscellaneous and insufficient arguments.</p> <p>Members of the Special Preventive group are not allowed to access records made through electronic surveillance. These records are important to the extent that they are one of the effective means of identifying cases of torture and ill-treatment and provide an essential evidence. Consequently, restricting the access of</p>

			the National Preventive Mechanism to video recordings impedes the implementation of the preventive mandate guaranteed under the Optional Protocol.
118.9	<b>Redouble its efforts to ensure the rights of LGBTI persons and, in line with the Human Rights Committee's recommendations, combat all forms of social stigmatization of homosexuality, bisexuality and transsexuality, and hate speech, discrimination and violence based on sexual orientation or gender identity</b>	Uruguay	<p>Homophobic and transphobic attitudes existing in Georgia adversely affect the rights of LGBT+ persons and endangers the idea of equal rights. Mainstreaming LGBT+ issues in the gender equality agenda remains a problem and hinders the improvement of the existing situation.</p> <p>The activity of the Public Defender provides the ground to conclude that LGBT+ persons are subject to heightened violence both at home and in public spaces while the measures undertaken by the state to counter the problem are insufficient.</p> <p>In the reporting period the Office of Public Defender studied a number of complaints in which LGBT+ persons speak about alleged violence, homophobic, humiliating attitudes and inadequate response from police officers. Unfortunately, in a number of cases the complainants themselves refuse to continue proceedings and do not cooperate with General Inspection of the Interior Ministry and the Prosecutor's Office because they doubt that the cases will be investigated in a timely and fair manner. Moreover, it is difficult to obtain evidence in a number of cases. To avoid the encouragement of homophobic attitudes and violence of police officers, it is important to apply measures envisaged in the law to each of those cases which contain sufficient evidence of the offence.</p> <p>The Office of Public Defender often receives complaints about violence against transgender women. Unfortunately, the law enforcement agency lacks an effective strategy of regulating hate-motivated violence, limits itself to responding to separate incidents alone and fails to deal with systemic nature of the problem.</p> <p>LGBT+ persons living in Georgia continue to face problems in the exercise of the rights to education, employment, labour, access to various services and safety. Unfortunately, policy documents designed to achieve gender equality often disregard the issue of LGBT+ rights while the community members cannot set the agenda for improving their rights because they are not involved in a decision-making process.</p> <p>It is noteworthy, that in February 2020, the government of Georgia made changes into Human Rights Action Plan for 2018-2020 and added a chapter on equality, aiming to improve the human rights status of LGBT+ persons and combat discrimination on SOGI grounds.</p>
118.12	<b>Increase the budget allocated to social workers responsible for assisting victims of domestic violence, by including the costs of</b>	Paraguay	<p>Social workers still face challenges that negatively affect their service for assisting victims of gender violence. The number of social workers has been decreased in 2019. The costs of travel and minimum safety guaranties are remaining a challenge.</p>

	<b>travel to visits to assess victims and by increasing human Resources</b>		
118.14	<b>Progress in the implementation of the laws against domestic violence by establishing, in the short term, the centres to support women against sexual abuse, harassment and domestic violence provided for in the new law</b>	Honduras	See 117.6
118.15-118.16	<b>Strengthen ongoing efforts against domestic violence by establishing adequate monitoring and investigative mechanisms</b>	Turkey Sweden	See 117.6
118.19	<b>Strengthen the independence of the judiciary and transparency of judicial proceedings and adopt measures preventing political interference in the work of judges</b>	Czech Republic	See 117.76
118.20	<b>Eliminate existing gaps in the legislation governing the work of</b>	Sweden	

	<b>the High Council of Justice in order to make sure that its powers are balanced by adequate guarantees of transparency and accountability</b>		The urgent need for the High Council of Justice (HCoJ) reform apart from the issues regarding transparency and accountability (see rec. 117.76, 117.77) also requires the High School of Justice (HSoJ) to be independent and to be shielded from outside influence.
118.21	<b>Continue strengthening the independence and impartiality of the judiciary to ensure the right to a fair trial, including by increasing the transparency of the working methods within the High Council of Justice, the appointment of prosecutors and the allocation of court cases</b>	Switzerland	See 117.77
118.22	<b>Strengthen respect for the rule of law by promoting judicial independence and transparency through the depoliticization of the judiciary and law enforcement authorities, and by strengthening mechanisms to</b>	United States of America	See 117.77

	<b>investigate human rights abuses or violations</b>		
118.23	<b>Take measures to support and strengthen prosecutions for human rights violations by the judiciary, with reference to the recommendations made by the Council of Europe Commissioner for Human Rights, including with respect to the strengthening of the independence and effectiveness of the Prosecutor's Office</b>	Belgium	<p>The new wording of the constitution<sup>12</sup> established the Office of the Prosecutor General instead of the Office of the Chief Prosecutor of Georgia as an independent constitutional agency, unlike executive authorities. In 2018, the reform of the Office of the Prosecutor General was accomplished. The reform was aimed at ensuring institutional impartiality and independence of the prosecutor's office in conformity with the new wording of the constitution. Within the framework of the reform, an opinion was submitted by the Venice Commission<sup>13</sup>. The Public Defender shares the opinion expressed by the Venice Commission concerning the goal of ensuring the transparency of the prosecutor's office that there is no a provision that expressly sets out or can be interpreted to allow the fulfilment of the task provided in the new constitution.</p> <p>It should also be pointed out in this context that the Organic Law of Georgia on the Prosecutor's Office determines various mechanisms of accountability of the prosecutor's office. Among them is the report to be submitted to the Prosecutors' Council and the report on the activities that is submitted by the Prosecutor General to the Parliament of Georgia. The possibility of submitting additional information concerning a particular criminal case is excluded in both cases. In the light of the above, it is impossible to ensure accountability of the activity of the Prosecutor General of Georgia concerning particular cases.</p> <p>Under the current regulation in force, the Public Defender of Georgia studies criminal case-files after investigation is over. For the purpose of the effective protection of human rights and to ensure accountability of the prosecutor's office, the Public Defender deems it necessary that through legislative amendments she should be able to have access to criminal case-files in ongoing investigations. In this regard, in order to not obstruct investigative authorities in the process of effective investigative activity, it is possible to lay down certain procedural details. It is not the objective of the Public Defender's Office to conduct procedural supervision of an investigation the purpose is to examine and assess those cases which are pending for years, and the public is not informed about the respective investigative and procedural actions taken in this regard.</p> <p>In the 2018 Parliamentary Report, the Public Defender made 25 recommendations to the prosecutor's office. The Public Defender addressed the parliament as well to start the reform of the Office of the Prosecutor General of Georgia and take the prosecutorial council's constitutional role into consideration. The prosecutor's office fulfilled six recommendations of the Public Defender, partially fulfilled two recommendations and did not fulfil</p>

<sup>12</sup> Came into force on 16 December 2018.

<sup>13</sup> Opinion of the Venice Commission of 17 December 2018, CDL-AD(2018)029, para. 31.

			17 recommendations. Unfortunately, the Parliament of Georgia also failed to fulfil the Public Defender's proposal.
118.24	<b>Strengthen mechanisms to guarantee independence and impartiality of the judiciary and law enforcement institutions by implementing precise rules on judicial appointments and police oversight</b>	Canada	<p>See 117.77</p> <p>The Office of the Public Defender conducted research regarding the general inspectorates of the Office of the Chief Prosecutor, the Ministry of Internal Affairs, the Ministry of Corrections and the State Security Service follow up on citizens' complaints.</p> <p>The research indicates that there are insufficient mechanisms to guarantee impartiality and independence of law enforcement institutions. Citizens' applications are not examined in a comprehensive manner; the procedure is not transparent and often protracted. During some of the official inspections, easily accessible information relevant to the case is not gathered, all eye-witnesses are not interviewed, sometimes even an alleged victim is not interviewed, and video recordings are not seized. The reasoning of final decisions hence is inadequate</p>
118.25	<b>Further improve the justice system by fully implementing international fair trial standards such as ensuring adequate access of lawyers to their detained clients and that confidentiality of communication between them is protected, to ensure access to justice to all persons, including women and minorities</b>	Lithuania	<p>Ensuring adequate access to the lawyers is an issue that have been frequently raised in the reports of the Public Defender of Georgia. The Code of Criminal Procedure guarantees the right for the detainee to have a lawyer, however in practice this right is not fully guaranteed. The monitoring visits of the National Preventive Mechanisms conducted in police establishments reveal that the lawyers come into play after several hours of detention when all the core investigative actions are carried out and the detainees are interviewed by the police officers. However, it is commendable that according to the data processed by the National Preventive Mechanisms using statistical analysis programme, the rate of involvement of a lawyer within the first 24 hours considerably improved in 2019. There are cases, when the police officer convince the detainees not to have a lawyer as it might complicate the case. It is also noteworthy that it is still not documented when an arrested person requests a lawyer's assistance and within what time after the request the lawyer gets involved in the case. In 2019, the monitoring results revealed several cases of hindering the lawyers to meet their clients at the Police establishments. Another challenge related to the adequate accessibility to the lawyers is a free legal aid service. Free legal aid service covers only limited number of criminal cases as a detainee should meet very specific requirement to be eligible for free legal aid.</p> <p>As for the confidentiality, no significant problems have been detected throughout 2019 year and confidentiality is largely respected. However, the absolute majority of the police establishment does not possess the separate room for lawyer-client meeting which may create unfavorable environment for the conversation.</p>
118.27-118.28-	<b>Establish an independent</b>	Norway Poland	See 117.78

118.29- 118.30- 118.31	<b>investigation mechanism with the mandate to investigate alleged human rights violations committed by law enforcement officials</b>	Spain United Kingdom of Great Britain and Northern Ireland Belgium	
118.32	<b>Develop and implement a strategy to monitor, investigate, and prosecute hate crimes, giving the Public Defender relevant powers and resources to take action against instigators of hate crime</b>	United Kingdom of Great Britain and Northern Ireland Belgium	<p>Investigation and prevention of hate-motivated crimes remains one of the main challenges. On the one hand, this is due to the low acceptance of certain vulnerable groups by society and negative stereotypes towards them, and on the other hand, due to the inadequate readiness of law enforcement agencies to assess such cases in the context of alleged violation of equality in order to identify during investigation whether or not a crime was motivated by hate. The Public Defender considers that identification of alleged motive of hate in the investigation of a crime is essential not only for the administration of justice in a particular criminal case, but also for the prevention of such crimes in the future. Victims of such crimes for the most part were Jehovah's Witnesses and the LGBT+ community in this reporting period. The cases currently being processed by the Public Defender include, on the one hand, offences allegedly motivated by discrimination, in which no bias motivation was identified during the investigation and then the investigation either continued or was terminated, as well as the cases, in which no investigation was launched due to the lack of signs of the crime. On the other hand, the Public Defender is examining cases of alleged physical and verbal abuse by law enforcement officers.</p> <p>There were also cases, when investigations into alleged hate crime against LGBT+ persons could not identify discriminatory motives despite efforts, or no investigation was launched due to the lack of evidence, according to the investigative agency. Although it remains unclear exactly what investigative actions were carried out to identify the discriminatory motives.</p> <p>Since 2014, the Public Defender of Georgia has been granted a mandate to combat discrimination, within which, the Public Defender shall examine alleged cases of violation of equality and insitment to discrimination and, through educational activities, shall disseminate information on the principle of equality. In the event of identification of discrimination or insitment to discrimination, the Public Defender shall make a recommendation or general proposal to the relevant public authority, natural person or private legal entity.</p>
118.34- 118.35	<b>Strengthen efforts to promote freedom of religion or belief and to protect the rights of persons belonging to religious minorities,</b>	Italy Armenia	<p>See 117,114 and 117.43</p> <p>In the reporting period there have been instances in the practice of Public Defender, where a Latin Catholic Church was deprived of issuing a permission of construction of a church on a land plot owned by the religious association; in another case, the muslim community has rented a building for the purposes to open a boarding</p>

	<b>including by adopting measures both to address episodes of intolerance and hate speech against religious minorities and to solve outstanding issues related to the ownership and maintenance of places of worship and properties belonging to religious minority groups</b>		school for muslim children; however, they are deprived of the possibility to adapt the building to watering system due to the objection of local community.
118.36	<b>Further develop measures to protect freedom of religion, expression and peaceful assembly and continue to build on the progress begun with the establishment of the State Agency for Religious Issues and the amendments to the Law on Broadcasting</b>	Republic of Korea	See 117.18; 117.95
118.37	<b>Ensure the right to freedom of expression, in particular through ensuring plurality and independence of the media as well as protection of media outlets critical to the</b>	Czech Republic	See 117.18; 117.95

	<b>Government harassment and attacks from</b>		
118.38	<b>Adopt concrete measures to encourage stronger participation by women and ethnic minorities in political decision-making processes</b>	Germany	<p>See 117.103</p> <p>Women's equal participation and involvement in decision-making processes is particularly problematic in areas populated by ethnic minorities, where the language barrier is an additional challenge. Other reasons for women's inactivity at public meetings were also caused by the feminization of migration and the family business, which is also accompanied by responsibility for domestic affairs.</p> <p>There is a low level of national minority participation in decision making both at the national and municipal levels.</p>
118.39	<b>Continue efforts to enhance social dialogue, as well as to ensure adequate protection and promotion of economic rights of the labour force, e.g. through the establishment of an efficient labour inspection mechanism with executive powers</b>	Germany	<p>An amendment to the Law of Georgia on Occupational Safety as a result of which the Law now covers all spheres of economic activities and allows labor inspectors to access workplaces without undue restrictions, has clearly been a step forward. However, a recommendation of the Public Defender of Georgia to grant labor inspectors effective oversight on the implementation of other requirements prescribed by the labor legislation, has not yet been considered.<sup>14</sup> A working process on further reforming the labor legislation aiming to authorize the labor inspectors to fully examine effective implementation of norms pertaining to labor rights and conditions and grant the right to impose administrative penalties for violations including those stipulated by the Labor Code and Law of Georgia on Public Service, has been underway and it is important that new law is adopted in a timely manner.</p> <p>Nevertheless, it should be noted that according to the proposed amendments to the Labor Code of Georgia, in addition to the court and the Public Defender's Office, the third mechanism - Georgian Labour Inspection is introduced authorized to study the facts of alleged discrimination in labor and pre-contractual relations. Public Defender wishes to bring attention to the challenges related to this provision:</p> <ul style="list-style-type: none"> <li>• The model proposed by the amendments duplicates the powers of the bodies investigating discrimination cases, which in turn threatens to establish conflicting national standards regarding equality;</li> <li>• Creating an additional mechanism on the same issue will lead to unjustified spending of human and financial resources;</li> </ul>

<sup>14</sup> The 2018 annual report of the Public Defender of Georgia on the situation of Human Rights and Freedoms in Georgia, p. 161.

			<ul style="list-style-type: none"> <li>• The Labour Inspection, as a legal entity under public law, may enjoy less independence, while the functional and political independence of the Public Defender of Georgia is enshrined in the Constitution of Georgia. When assessing possible violations of equality or other fundamental human rights and freedoms, the Public Defender shall make decisions in each individual case only on the basis of national and international law and shall not have any obligation to take into account the policies, practices or references of the State with regards to labour or other issues;</li> <li>• Equipping the Labour Inspection with a penalizing function cannot be a guarantee of the restoration of basic human rights, as the inspection will fine the subject in favor of the state budget and not the victim, thus, in theory, the victim's right may still be irrevocable. In this regard, the effective mechanism - the court already exists, which is authorized, in case of establishing the fact of discrimination, to impose material or moral damages in favor of the victim or to order specific action to eliminate discrimination;</li> </ul> <p>Accordingly, the Public Defender of Georgia urged the Parliament to take into consideration above mentioned provisions before supporting the proposed amendments.</p>
118.40	<b>Continue taking steps to ensure the full realization of the right to safe drinking water and sanitation for all, including through adequate investment in the relevant services infrastructure</b>	Egypt	<p>The availability of safe and harmless potable water, and observance of standards of sanitation and hygiene in public school remains a grave problem, especially in mountainous regions and villages.</p> <p>In some cases, the central water supply system is out of order; internal water supply network is often faulty or inoperative in schools. Potable water is not available in 94 public schools of the Ministry of Education and Science, thereby creating problems in observing hygiene and sanitation.</p>
118.42-118.43	<b>Take steps to ensure that sexual and reproductive health services, including abortion and contraception services and information, are available, accessible and affordable to all women and girls,</b>	Denmark Brazil	<p>A key problem is the low awareness on sexual and reproductive health and rights. Lack of information on SRHR is causing problems such as early marriage, undesired pregnancy, spread of HIV and other sexually transmitted diseases and makes it difficult to eradicate gender stereotypes deeply rooted in society.</p> <p>The Government overall, is so far failing to provide an adequate supportive environment for effective family planning services, largely due to the lack of integration of family planning services into the primary health care system. Other challenges include the low level of public awareness, including inadequate knowledge of the use of the range of contraceptive methods and affordability, as contraceptives are not funded by the State's health programs.</p>

	<b>especially in rural areas and among vulnerable groups</b>		Particularly noteworthy are those problems which are encountered by girls when family planning and receiving non-surgical induced abortion (medical abortion). The monitoring of the Public Defender's Office showed that providers of medical assistance, often without the wish of the girl, not only notify the parent about the service but even request informed consent for it in advance. Such a practice significantly damages the right to healthcare of the girls as it virtually limits their access to reproductive health services. This practice also encourages girls to seek illegal means to obtain medical services which pose risk to their life. <sup>15</sup>
118.45	<b>Ensure full-time school attendance at all levels to children belonging to disadvantaged and marginalized groups</b>	Portugal	Proper realization of the right of PWDs to education remains a serious challenge at all levels of education. Statistical data on children with disabilities engaged in preschool and general education is still unavailable. The Ministry of Education and Science is not aware of the number and needs of children with disabilities who are left out of the formal education system. The absence of this information makes it difficult to plan and implement relevant interventions. Children living and working on the streets, children with disabilities, children married at an early age and engaged in labour are especially vulnerable groups  Harmful stereotypical attitudes in society and shortcomings in inclusive education still have a negative impact on the involvement of children with disabilities in the educational process, especially in the regions.
118.47	<b>Adopt measures that are considered relevant to promote learning support for girl children from ethnic minorities in order to reduce the dropout rate</b>	Colombia	See 117.17
118.49	<b>Ensure the availability of textbooks in their mother tongue for the national minorities</b>	Armenia	For many years, school handbooks have been available in the languages of national minorities and in schools for national minorities. However, there are numerous challenges at the same time. School handbooks are translated from Georgian into minority languages, published and disseminated free of charge (except for the handbooks of Azerbaijani language and literature and Armenian language and literature; despite the Public Defender's recommendation and the readiness expressed by the ministry, these handbooks are still not free). However, the quality of these handbooks is problematic, including the ineffectiveness of the bilingual teaching model and some parts of handbooks as well as the quality of translation.
118.53	<b>Ensure greater participation of internally displaced</b>	Spain	The Public Defender stresses annually the issue of facilities that are in particularly dire conditions. This problem remains to be serious. The monitoring shows that there are numerous facilities on the entire territory of Georgia where IDPs face most dire and dangerous living conditions. In the annual reports, the Public Defender points

<sup>15</sup> The report of Public defender of Georgia on Sexual and Reproductive Health and Rights, 2019, available at: <<https://bit.ly/3aNoKUO>>

	<p><b>persons in decision-making related to projects affecting them, particularly those concerning access to adequate housing</b></p>		<p>out the necessity to treat resettlement of those IDPs, who live in facilities where the conditions pose threat to life, as a priority.</p> <p>Raising awareness among IDPs is one of the most important issues. Numerous steps have been taken in this regard. However, more efforts are required to ensure that IDPs have comprehensive information about their rights and all current IDP related processes. This will empower them in making free and informed choices.</p> <p>Informing and involvement of IDPs is still problematic. This is especially evident during the implementation of certain changes, which include the development or cancellation of various housing projects.</p>
118.54	<p><b>Strengthen protection of the economic and social rights of internally displaced persons, including by protecting against unlawful evictions and resolving issues related to legal ownership of living spaces currently inhabited by internally displaced persons</b></p>	Canada	<p>The process of mass arbitrary occupation of vacant facilities by IDPs and their subsequent eviction started in 2010-2012. The Public Defender of Georgia made numerous statements concerning the eviction processes of IDPs from various facilities in Tbilisi. The Public Defender called upon IDPs to refrain to maximum extent from arbitrary occupation of facilities in order to ensure that the process remained within legal framework.</p> <p>The Public Defender's Office was actively involved in the monitoring of evictions. Accordingly, the reports of 2010-2012 discuss in detail the aforementioned processes. The Public Defender's statements and reports emphasized the problems related with incorrect planning and implementation of the process, especially concerning procedural violations during evictions of IDPs from various facilities.</p> <p>The present situation is radically different in this regard. There are no forced evictions. However, according to the present data, there are facilities that are still occupied arbitrarily by IDPs.</p> <p>In the annual reports, the Public Defender discusses and stresses the issue of IDP facilities that are in particularly dire conditions. Concerning the settlement of IDPs, the Public Defender makes annual recommendations to make it a priority to resettle those IDPs who live in facilities where the conditions pose threat to life.</p> <p>Monitoring showed that there are particularly problematic facilities from where IDPs were resettled in alternative residences. However, IDPs continue to reside arbitrarily in the aforementioned facilities (the issue was discussed in the report of 2016, in a subchapter on particularly problematic facilities). Therefore, it is recommended to have these facilities closed down; IDP resettlement in alternative residences should imply closing down the facilities in its administrative and physical meanings. An authority in charge of a facility should ensure its protection from arbitrary occupation by various persons since these facilities still pose threats to life and limb.</p>

			<p>In the area of the situation with the rights of IDPs, the accommodation of IDPs in the buildings posing increased threat to life or health remains a problem.</p> <p>It has been identified as a result of the examination of individual cases by the PDO that there are no formalized procedures for the resettlement of IDPs from buildings that pose increased threat to life and health, including those for proving that an individual actually lives in such a building, therefore, in some cases, it cannot be established whether an IDP family actually lives in the so-called demolishing building.</p> <p>It is important to stipulate the rule of resettlement of IDPs from the buildings that pose increased threat to life and health in the regulatory act governing IDP accommodation which would set forth all necessary procedures for monitoring in the building and checking the fact whether individuals actually live there. This will ensure that decision would be justified and based on the examination of all important circumstances for the case.</p> <p>It is true that the state exempts a certain number of objects from IDPs every year, but from year to year the condition of the buildings is aggravated and in the end the resources provided are insufficient to protect the rights of families living in such facilities.</p>
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