

Approved by:

Order number #243 of the Public Defender of Georgia of
15 December 2014

Appendix #1

Statute of the Advisory Council of the National Preventive Mechanism

Article 1. General Provisions

1. This statute determines the status, structure, rule of operation, and competencies of the Advisory Council of the National Preventive Mechanism (hereinafter –“Council”), and issues related to its activities.
2. While implementing its activities, the Council is guided by the Constitution of Georgia, international treaties and agreements, the Organic Law of Georgia on the Public Defender of Georgia, other legislative acts and bylaws of Georgia, and this statute.
3. The Council presents a consultative body to the National Preventive Mechanism.

Article 2. Goal and Competencies of the Council

1. The goal of functioning of the Council is to foster an effective functioning of the National Preventive Mechanism.
2. The Council presents its opinions to the Public Defender on the following issues:
 - A) on the plan of activities that should be implemented by the National Preventive Mechanism;
 - B) on the working methodology;
 - C) on thematic research;
 - D) on professional training of members of the National Preventive Mechanism;
 - E) on other strategic documents of the National Preventive Mechanism;
 - F) on other important issues for the efficient functioning of the National Preventive Mechanism.

3. The opinion of the Council is of a consultative nature.
4. The invited members of the Council facilitate communication of the National Preventive Mechanism with academic circles, donor organizations, and other stakeholders.
6. Without permission of the Public Defender, a member of the Council is not allowed to:
 - A) make public statements that will damage the reputation of the National Preventive Mechanism and/or hinder its activities;
 - B) disclose any confidential information obtained while discharging functions as a member of the Council.

Article 3. Composition of the Council

1. The Council is established by the order of the Public Defender of Georgia.
2. The Council consists of:
 - A) the Public Defender
 - B) First Deputy Public Defender
 - C) Deputy Public Defender
 - D) Head of the Criminal Justice Department of the Public Defender's Office
 - E) Head of the Child's Rights Center of the Public Defender's Office
 - F) Head of the Department of the Rights of Persons with Disabilities of the Public Defender's Office
 - G) Head of the Gender Equality Department of the Public Defender's Office
 - H) Invited members of the Council whose composition is approved for one year by the Public Defender of Georgia
3. An invited member of the Council can be:

A) a person who conducts educational/academic activities in the field related to the mandate of the National Preventive Mechanism;

B) a member of an international organization who works in the field of prevention of torture and criminal justice;

C) a member of an international non-governmental organization who works in the field of prevention of torture and criminal justice;

D) a member of a local non-governmental organization who works in the field of prevention of torture and criminal justice.

4. While inviting a member to the Council, his or her experience, reputation, and impartiality should be considered.

5. Powers of a member may be terminated by the decision of the Public Defender of Georgia.

6. The grounds for termination of the powers of members of the Council are:

A) personal application;

B) failure to appear on three consecutive meetings of the Council without a respectable reason;

C) he or she is employed in public service;

D) he or she has become a member of the advisory/consultative body of any Ministry of Georgia and is remunerated for it, and/or there are circumstances that raise questions with regard to the impartiality of a member.

E) violation of the requirements of this statute;

F) recognition as being incapable, missing, or dead, according to the rule prescribed by legislation;

G) judgment of conviction, that has entered into force;

H) death.

7. The termination of powers of a member of the Council, under sub-paragraph “D” of paragraph 6 of this article, is discussed by the Council, and the decision is made by majority vote to refer to the Public Defender with the motion for terminating the powers of the Council member.

Article 4. Rule of Operation of the Council

1. The Council operates through meetings. A meeting of the Council is held if it is attended by half of the members of the Council, including at least two invited members of the Council.

2. The meeting of the Council is presided by the Public Defender of Georgia and in his/her absence, by the Deputy Public Defender of Georgia.

3. The operation of the Council is coordinated by the head of the Prevention and Monitoring Department of the Public Defender’s Office of Georgia.

4. The Council meets as often as necessary, but at least once in a trimester. The Public Defender is authorized to summon *ad hoc* meetings.

5. Invitation to the meeting of the Council should be communicated to members of the Council no later than seven days earlier through means of communication (written, electronic, and so forth).

6. The minutes of the Council’s meetings are drafted and describe the opinions presented during the meeting. The minutes are made by the Prevention and Monitoring Department of the Public Defender’s Office. Members of the Council who participated in the meeting sign minutes of the meeting.

7. The Council prepares its advisory opinions on the following issues:

A) on the plan of activities that should be implemented by the National Preventive Mechanism;

B) on the working methodology;

C) thematic research;

D) on professional training of members of the National Preventive Mechanism;

E) on other strategic documents of the National Preventive Mechanism;

F) on other important issues for the efficient functioning of the National Preventive Mechanism;

8. Work of the members of the Council is not remunerated.

9. The Head of the Prevention and Monitoring Department of the Public Defender's Office presents a report to the Council every trimester on the undertaken work, main trends revealed as a result of the monitoring, needs and challenges facing the National Preventive Mechanism, and plan of activities that should be undertaken.