

**Activity Reports of Public Defender
(Ombudsman) of Georgia**



 [OmbudsmanofGeorgia](https://www.facebook.com/OmbudsmanofGeorgia)

 ombudsman.ge

 [ombudsman.ge](https://www.whatsapp.com/channel/00299a60000000000000/ombudsman.ge)

 info@ombudsman.ge

This report was made possible by the Public Defender's Office with the support from the USAID Rule of Law Program. The Program is implemented by the East-West Management Institute (EWMI) funded by the United States Agency for International Development (USAID). The contents of the report is the sole responsibility of the Public Defender's Office and does not necessarily reflect the views of the above-mentioned organizations.



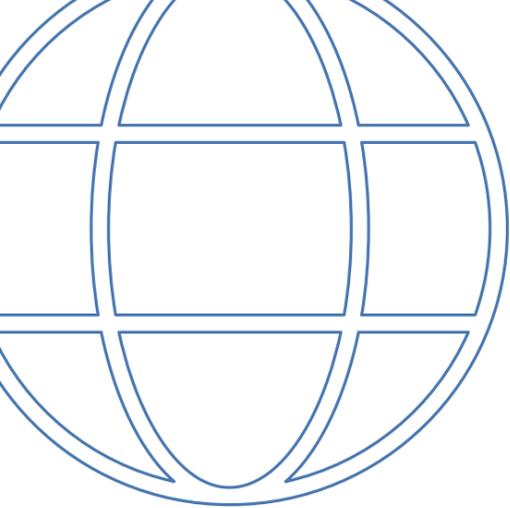
USAID სავარსებოების უზენაესობის პროგრამა
USAID RULE OF LAW PROGRAM

EAST • WEST
MANAGEMENT
INSTITUTE



Public Defender (Ombudsman) of Georgia

**Five-Year Activity Report of the Sixth
Public Defender of Georgia**



Public Defender of Georgia is an A-Status NHRI (national human rights institution) operating in full compliance with the Paris Principles. The status was granted to the Public Defender's Office in late 2018. The Public Defender of Georgia is an active member of many international or regional associations, including the Global Alliance of National Human Rights Institutions (GANHRI), the European Network of National Human Rights Institutions (ENNHRI), the European Network of Ombudspersons for Children (ENOIC), International Ombudsman Institute (IOI), the European Network of Equality Bodies (Equinet), and others.



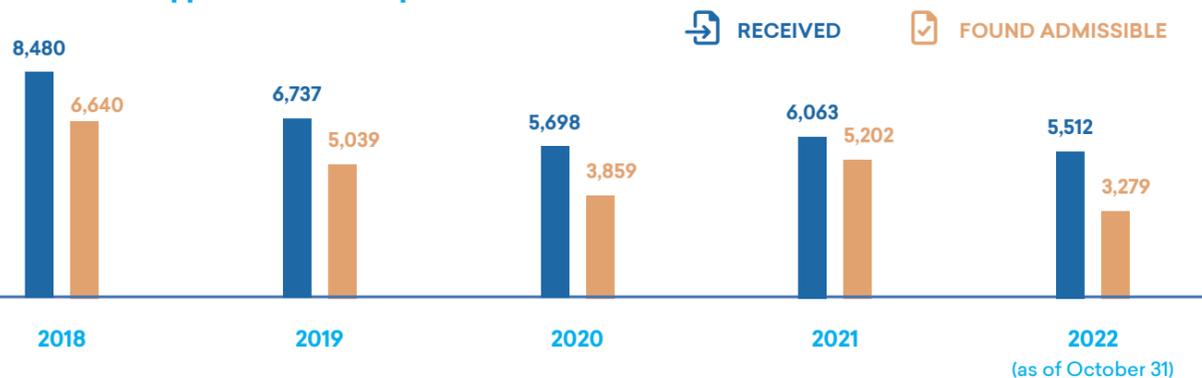
In 2018-2022, as a result of organizational changes at the Office of the Public Defender, citizen communication channels were improved: official PDO website was updated and it became accessible for users who are visually impaired. Since 2020, news published on the website has been available in Armenian and Azerbaijani languages. A unified protocol for communicating with citizens has been implemented. Prior to this reform, average time spent on providing remote services to citizens was 45 minutes, which has now been reduced to 7 minutes. Citizens now receive initial answers to their applications within 2 working days, instead of 5. Implementation of the new service standards has allowed operators to manage several calls at the same time. For the first time in many years, IT system audit was conducted at the Office. Based on subsequent recommendations, both infrastructure and software were updated. A new central office of the Public Defender is currently under construction at the following address: #6 Paghava Str., Tbilisi. In 2019, the PDO received a land for the construction of its central office. Currently, the construction is underway and it is scheduled to be completed in the second half of 2023, according to the agreement signed with the provider.

The Public Defender's Office has 10 offices, including 1 in Tbilisi and 9 regional offices. There are two advisory councils operating under the PDO. Reports about possible violations can be submitted to the PDO by visiting its field offices, by e-mail, social media, landline, hotline and the following communication channels available on the PDO website: web-call, online chat, Viber.

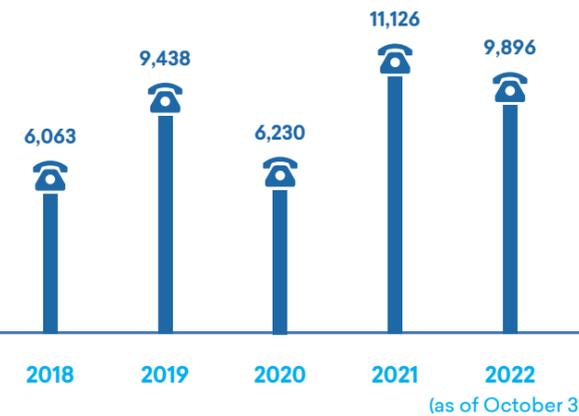


A DESIGN OF THE NEW PDO BUILDING

Total number of applications and reports



Reports made by calling the PDO hotline number



Meetings held by Eastern and Western Georgia divisions



From 2018 to October 2022, the PDO filed a total of 50 constitutional suits in the Constitutional Court of Georgia, exceeding the total number of constitutional suits filed by the PDO institution in 1996-2017.

Constitutional suits of the Public Defender

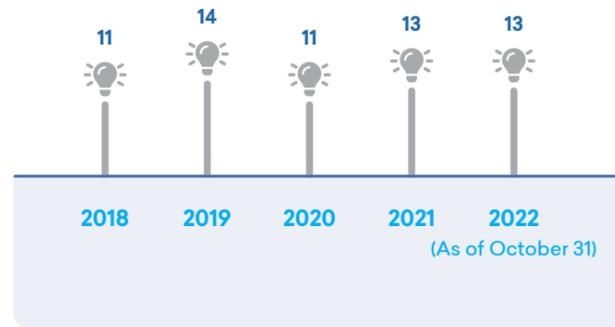


The status of implementation of individual recommendations/proposals submitted by the public defender of Georgia by years (2018-2022)

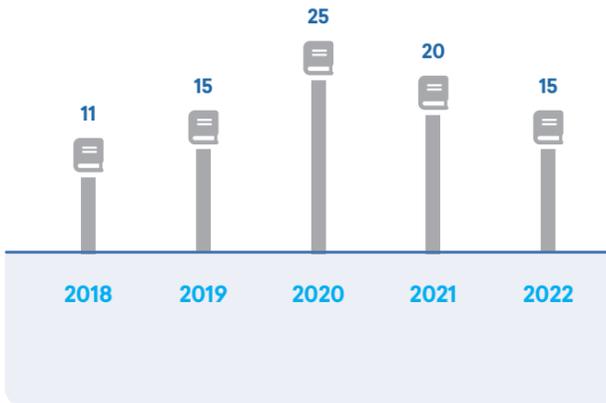


During the reporting period, the PDO submitted to the European Court of Human Rights a request to be involved as a third party/amicus curiae brief in 8 cases, and it submitted 18 communications to the CoE Committee of Minister, which oversees implementation of the ECtHR judgments. 10 alternative reports and 4 alternative opinions were submitted on the list of issues prepared by relevant UN committees for reporting by Georgia. The PDO submitted a total of 30 written documents to the Parliament of Georgia, involving legislative proposals, general proposals and opinions about legal drafts. 86 special reports were prepared at the Public Defender's Office in 2017-2022.

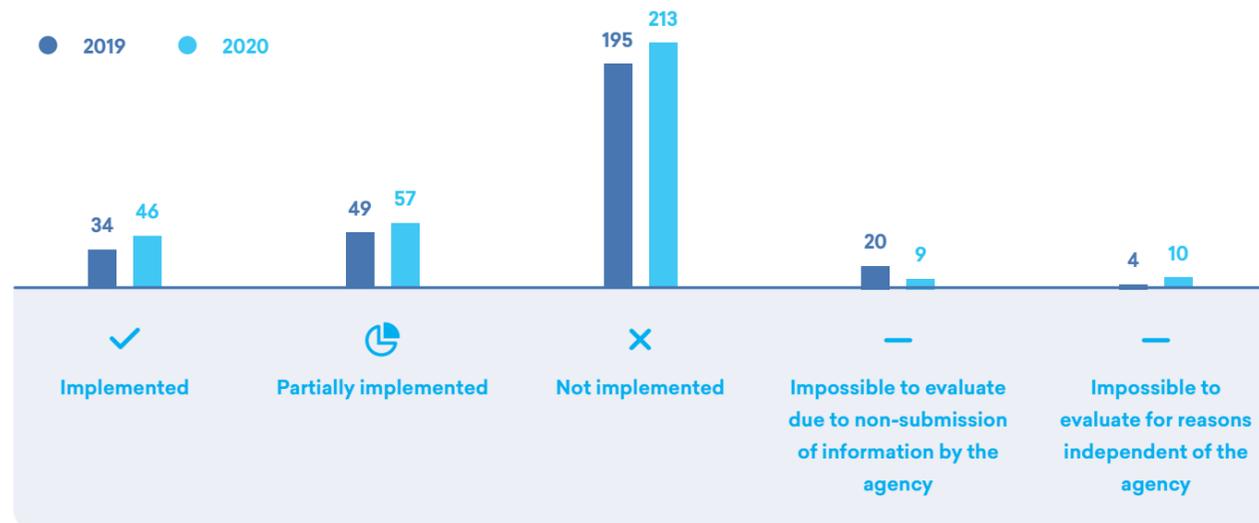
PDO amicus curiae briefs



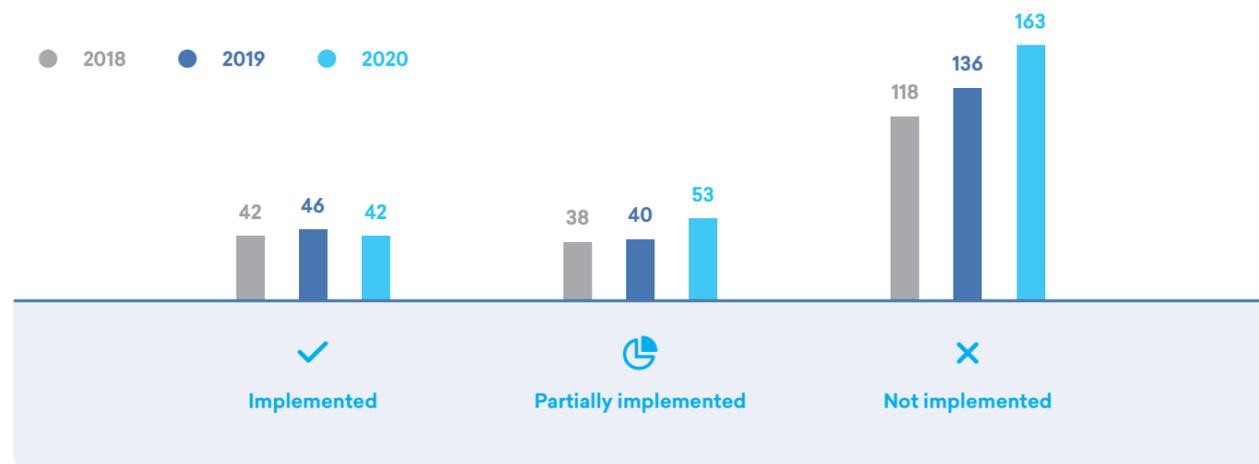
Special reports of the PDO in 2018-2022



The status of implementation of recommendations provided in parliamentary reports



The status of fulfillment of assignments provided by the Parliament of Georgia



According to a survey published by the International Republican Institute (IRI) in 2022, the Public Defender's Office ranks fourth among national institutions that public trusts the most, after the Georgian army, the police and the Ministry of Justice. In addition, positive assessments about activities of the PDO were reflected in statements and activities of different organizations at local and international level.

Activities of the PDO in Georgia in many different areas became the basis for improvement of human rights protection. An example of a successful advocacy is rehabilitation of Surami Psychiatric Clinic, where patients were subjected to degrading conditions, and improvement of infrastructure in many psychiatric facilities in that regard. As a result of the Public Defender's advocacy, it became possible to identify facts of systemic human rights violations at Ninotsminda Children's Boarding School, initiate the process of deinstitutionalization of the boarding school and substantially improve rights of children who were there. Following the PDO recommendation, in 2021 the process of deinstitutionalization began in v.Peria Boarding School and majority of children who were there were placed in other forms of state guardianship and in families.

Clear examples of effective advocacy also include:

- ▶ increasing financing for mental health program;
- ▶ determining the need to revise a patient's legal status with regards to using a coercive method towards a patient undergoing a voluntary treatment;
- ▶ adoption of the Law of Georgia on the Rights of Persons with Disabilities and inclusion of important provisions in it, including on considering denial of reasonable accommodation as discrimination, etc.;
- ▶ adoption of the National Accessibility Standards;
- ▶ amendments to the Civil Code of Georgia allowing blind people to place a signature independently;
- ▶ improvement of documenting bodily injuries of persons placed in temporary detention isolators;
- ▶ training staff of temporary detention isolators according to the Istanbul Convention;
- ▶ improving maintenance of logbooks of persons in police custody;
- ▶ creation of the witness and victim coordinator institution and human rights protection department at the Ministry of Internal Affairs in 2018;
- ▶ closure of the penitentiary facility N7 with deplorable living conditions;
- ▶ reducing from 20 to 15 years the term of using the power to pardon persons serving lifetime imprisonment;
- ▶ changes introduced in the Resolution of the Government of Georgia on Determination of Social Package to ensure that persons with severe and moderate disabilities employed in civil service are entitled to a social package;
- ▶ as a result of amendments introduced in the labor law, male and female parents are now entitled to equal, paid and non-transferrable parental leave;
- ▶ determining harassment and sexual harassment as forms of discrimination;
- ▶ implementing labor law reform to allow, beginning from 1 Jan 2021, LEPL Labor Inspection Office to inspect workplaces without employer's consent, for identification of violation of labor law, and apply corresponding sanctions in response to labor rights violations;
- ▶ broadening criteria for eligibility of veterans' allowance.

In addition, starting from 1 Nov 2019, an independent investigating institution – the State Inspector’s Service became operational in Georgia, after the PDO and civil society had been constantly highlighting the need to create such institution since 2014. Notably, the Constitutional Court ruled in favor of the PDO and found the provisions of the Code of Imprisonment to be incompatible with the Constitution, which imposed a blanket restriction on defendants/convicts serving a disciplinary sanction and held in solitary confinement to prohibit making a call to the PDO hotline.

Examples/results of effective advocacy also include:

- ▶ changes in the Law of Georgia on Legal Aid allowing at any stage of criminal proceedings, a victim of domestic violence and/or domestic crime found to be insolvent, to use free legal aid;
- ▶ introduction of legal amendments, according to which if in administrative proceedings a judge becomes suspicious that the accused has been subjected to torture, degrading and/or inhuman treatment, or if the accused reports such treatment to the judge, the latter will bring this to the attention of investigating authorities for further actions;
- ▶ the authorities have taken measures to import quality and cheap medicines from abroad;
- ▶ according to PDO recommendation, “Dialysis and kidney transplantation state program” was introduced in hospitals in highland municipalities of Georgia;
- ▶ changes were made in February 2020 to allow non-citizens with temporary residence permit to register in the database of socially vulnerable families to receive benefits.

Creating a multi-profile group of medical experts for monitoring adequacy and timeliness of medical services provided to defendant/convict Mikheil Saakashvili by the Ministry of Justice/Special Penitentiary Service, their findings and recommendations played an important role in safeguarding Mikheil Saakashvili’s health.

And lastly, we must especially note innovative research implemented by the Public Defender during the reporting period for the first time. In particular, the Public Defender looked into shortcomings in the administration of justice in connection to crimes of sexual exploitation and sexual violence against children; innovative methods were used to assess regulatory impact on children’s rights and understand effects of the government’s decisions on protection of children’s rights. In addition, a thorough assessment of LGBT+ persons’ rights was prepared for the first time and a special report was created for assessing criminal procedures related to sexual violence crimes against women in the context of the Istanbul Convention. Further, for the first time a monitoring was conducted on issues of reproductive health and rights of women with psycho-social needs. Notably, within the special report, the PDO analyzed freedom of assembly legislation and studied trends and challenges related to its implementation, and a guide for working on issues of human rights defenders was developed. The document was innovative and was later used by ENHRI and GANHRI to create training programs.

