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ANNEX 1

of the Commission Implementing Decision on the Annual Action Programme 2019 in favour of Georgia

Action Document for EU4 Human Rights in Georgia

ANNUAL PROGRAMME/MEASURE

This document constitutes the annual work programme in the sense of Article 110(2) of the Financial Regulation and action programme/measure in the sense of Articles 2 and 3 of Regulation N° 236/2014.

1. Title/basic act/ CRIS number	EU4 Human Rights in Georgia CRIS number: 2019 / 041-936 financed under the European Neighbourhood Instrument	
2. Zone benefiting from the action/location	Georgia The Action shall be carried out at the following locations: countrywide, including Georgia's breakaway regions of Abkhazia and Tskhinvali region/South Ossetia	
3. Programming document	Single Support Framework for EU support to Georgia (2017-2020)	
4. Sustainable Development Goals (SDGs)	SDG 3: Good Health and Well-being SDG 5: Gender Equality SDG 10: Reduced Inequalities SDG 16: Peace, Justice and Strong Institutions	
5. Sector of intervention/ thematic area	Human Rights	DEV. Assistance: YES ¹
6. Amounts concerned	Total estimated cost: EUR 11 000 000 Total amount of EU budget contribution EUR 11 000 000	
7. Aid modality(ies) and	Project Modality Direct management through:	

¹ Official Development Assistance is administered with the promotion of the economic development and welfare of developing countries as its main objective.

implementation modality(ies)	<ul style="list-style-type: none"> • Grants • Procurements Indirect management with the entrusted entities to be selected in accordance with the criteria set out in sections 5.3.3, 5.3.4 and 5.3.5			
8 a) DAC code(s)	15160 Human Rights 15170 Women's Equality organisations and organisations 15180 Ending Violence against women and girls			
b) Main Delivery Channel	41000 Multilateral Organisations (International Organisations and/or Member State Donor Agencies)			
9. Markers (from CRIS DAC form)	General policy objective	Not targeted	Significant objective	Main objective
	Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	X
	Aid to environment	X	<input type="checkbox"/>	<input type="checkbox"/>
	Gender equality (including Women In Development)	<input type="checkbox"/>	X	<input type="checkbox"/>
	Trade Development	X	<input type="checkbox"/>	<input type="checkbox"/>
	Reproductive, Maternal, New born and child health	<input type="checkbox"/>	<input type="checkbox"/>	X
	RIO Convention markers	Not targeted	Significant objective	Main objective
	Biological diversity	X	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification	X	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change mitigation	X	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change adaptation	X	<input type="checkbox"/>	<input type="checkbox"/>
	10. Global Public Goods and Challenges (GPGC) thematic flagship	n/a		

SUMMARY

The proposed Action will on the one hand support the implementation of obligations under the Association Agenda between the EU and Georgia 2017-2020, the Single Support Framework 2017-2020, the Eastern Partnership 20 Deliverables for 2020, the EU Action Plan on Human Rights and Democracy 2015 – 2019 (and respond to the new National Action Plan once adopted), and of specific recommendations of the United Nations and other bodies². On the other hand, this Action will be grounded in the Georgian Governmental Programme 2018-2020³ which defines human rights as its priority, committing to strengthening human rights policy, mechanisms and institutions, the National Human Rights Strategy and Action Plan and further relevant policies.

² Association Agenda between The European Union and Georgia 2017-2020, page 18 (2.1, section 3)

³ Action Programme of the Government of Georgia 2018-2020, page 50, chapter 5, priority area 5.1

Based on a gap analysis and assessment of the previous phase (2014-2020), a new Human Rights Strategy with a corresponding Action Plan will be developed for the period beyond 2020 to reflect the new vision and priorities of the Georgian Government including for strengthened human rights monitoring mechanisms and improved implementation. These documents will constitute the basis of the country's actions and initiatives in advancing the protection and promotion of human rights and in further complying with international human rights obligations in line with the relevant human rights agreements Georgia is signatory of.

The Action will support the further development and adoption process of these documents in case not yet adopted at implementation start of the Action. In accordance with the Strategy and Action Plan, the proposed Action then seeks to, firstly, further improve human rights observance in Georgia through adopting/revising legislation and, secondly, to continue support to line ministries and coordinating bodies, independent bodies and civil society organisations in order to develop, implement and monitor effectively national human rights policies and actions.

Institutions and bodies with a key role for the coordination, implementation and monitoring of policies and actions will be further strengthened, in particular the Human Rights Council as an Inter-Agency Council for the National Human Rights Strategy Action Plan and its Human Rights Secretariat, the Public Defender's Office, the Human Rights Protection and Quality Control Department of the Ministry of Internal Affairs as well as the newly established State Inspector's Service. Other Inter-Agency Commissions (such as Inter-Agency Commission on Gender Equality, Violence against Women and Domestic Violence; Inter-Agency Commission on the Implementation of the Convention on the Rights of the Child, Criminal Justice Council, Migration Council, Persons with Disabilities Council), as well as the Gender Equality Council of the Parliament and the Parliamentary Committees on Human Rights and Civic Integration and Legal Affairs will benefit from the support to play a more active and coordinated role in the protection and promotion of human rights.

Human rights awareness will be further institutionalised through the further promotion of the rights-based approach reaching into all policy areas and will require awareness and capacity strengthening of both rights holders and duty bearers, focusing also on local levels.

Legislative gaps will be addressed through providing legislative bodies with research and expertise on compatibility of Georgian legislation with universal and regional human rights standards, and in particular through support to the revision of the obsolete Administrative Offence Code. Where further relevant legislation will be updated, for example the laws on access to information or on the rights of persons with disabilities, the Action will support preparatory activities such as expertise, analysis and trainings for relevant authorities and judges and awareness raising for citizens. If required, the Action will support the legislative processes.

In line with the Human Rights Strategy and Action Plan, targeted assistance in priority areas will contribute to a stronger and more inclusive society. Consolidating achievements of previous assistance, protection and prevention mechanisms as well as support for women victims (survivors) of domestic violence and support against violence against women will be further strengthened. Children's rights and education as well as social protection of children will be further advanced to sustain recent juvenile justice reform efforts and to address latest challenges (such as growing violence in schools, insufficient services for street children).

Work on combating discrimination will be consolidated, focusing on marginalised, minority and vulnerable groups of society, including persons with disabilities. A set of awareness raising activities will be implemented among public officials and society representatives to promote a culture of tolerance and diversity. In line with EU-Georgia priorities and complementing actions on stronger economy, the links between business and human rights will be further addressed.

In line with the EU non-recognition and engagement policy towards Georgia's breakaway regions of Abkhazia and Tskhinvali region/South Ossetia and taking into account the recent peace initiative "A step to a better future" launched by the Government of Georgia, the potential, opportunity and feasibility of extending further actions to these regions will be assessed during the implementation of the Programme, in accordance with the crisis declaration.

1 CONTEXT ANALYSIS

1.1 Context Description

Georgia is an upper-middle income country with a population of 3.7 million, 57% live in urban areas, 13% are national minorities. The country has a gross national income per capita of EUR 3498 (2015) and ranks 70 out of 194 countries/territories in the UN Human Development Index, categorising it as highly developed.

However, economic growth has been very unevenly spread, mainly occurring in urban areas—particularly the capital, Tbilisi. About one-fourth of the population (21.9%) lives in absolute poverty. Women account for a significant proportion of the poorest; for example, women comprise the bottom 40% of the income distribution, and female-headed households are overrepresented among the poor. Although overall poverty levels dropped from 42.7% to around 20% between 2010 and 2015, they remain among the highest in the Eastern Europe and Central Asia region. According to the most recent Global Gender Index figures, women's labour force participation rate was 57.3%, compared to 78.4% for men⁴.

Politically, the country is a stable representative democracy with fair, free, transparent and accountable elections. General parliamentary elections took place in October 2016, with the constitutional majority gained by the ruling party⁵. Commitment to the EU approximation agenda is likely to remain strong (currently around 80 % of the population consistently supports the pro EU course of the Government⁶). Even though the number of female parliamentarians has been rising in the last few years, women still hold only 16% of seats in the Parliament in 2017. Georgia ranked 114th of 144 countries for women's political empowerment in the 2017 WEF GGI⁷.

⁴ Georgia. Country Gender Assessment. December 2018, Asian Development Bank, <https://www.adb.org/sites/default/files/institutional-document/479186/georgia-country-gender-assessment.pdf>

⁵ In the meantime, the ruling party has lost its constitutional majority as several Members of Parliament have left the party.

⁶ www.ndi.org/georgia-polls (83% in December 2018 and 77 % in April 2019)

⁷ Georgia. Country Gender Assessment. December 2018, Asian Development Bank: <https://www.adb.org/sites/default/files/institutional-document/479186/georgia-country-gender-assessment.pdf>

A series of radical reforms from the 2000s led to the de-facto abolition of petty corruption and violent crime. Georgia has made progress in areas of human rights and good governance, such as penitentiary reform, juvenile justice and children's rights. The challenges stemming from the conflicts of the 90s and the 2008 conflict in Georgia remain high.

The EU has pledged to continue work to deepen and entrench democracy. Cross cutting issues, notably environmental protection and climate change, gender, digital and human rights will be mainstreamed in the priority sectors, together with the key principles of Public Administration. Particular attention will be paid to support women youth and vulnerable groups such as people with disabilities, internally displaced people (IDPs), conflict-affected population and persons belonging to minorities.

1.2 Policy Framework (Global, EU)

The framework for the EU-Georgia relations is embodied in the Association Agreement/DCFTA, which illustrates a deep mutual commitment based on shared values and interests in the areas of democracy and the rule of law, human rights and fundamental freedoms, good governance, economy and sustainable development.

The European Neighbourhood Policy (ENP) review conducted in 2015 set out a new framework for building more effective partnerships between the EU and its neighbours, as further reiterated in the 2017 implementation report.

The EU's 2016 Global Strategy pledges that the EU will strengthen the resilience of states and societies by supporting good governance and accountable institutions and by working closely with civil society, in particular in the EU's surrounding regions in the East and the South.

Furthermore, visa-free travel to the Schengen area for Georgian citizens holding a biometric passport entered into force on 28 March 2017. Fulfilment of visa liberalisation requirements including those on human rights obligations and in particular related to anti-discrimination legislation and implementation are being monitored under the Visa Suspension Mechanism.⁸

The EU's second Action Plan on Human Rights and Democracy⁹, covering the period 2015-2019, aims at keeping human rights at the heart of the EU agenda by reinforcing the implementation of the EU's human rights policy in all activities. It focuses in particular on empowering local institutions and civil society organisations. Early detection, prevention and conflict mediation are guiding principles. It sets out that the EU will continue to promote and defend the universality and indivisibility of all human rights in partnership with countries from all regions, in close cooperation with international and regional organisations, and with civil society. It further emphasises the key contribution that civil society actors and human rights defenders make to peace and security, stability and prosperity.

The EU and Georgia have engaged in a policy dialogue in the frame of annual Human Rights Dialogues since 1997. These are taking place as an open and constructive exchange on the human rights situation in Georgia and the EU, on the country's commitment to achieving

⁸ https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20181219_com-2018-856-report_en.pdf

⁹ <https://www.consilium.europa.eu/en/documents-publications/publications/eu-action-plan-on-human-rights-democracy/>

sustainable progress in this area and on the EU's commitments and policies for the promotion of democracy and human rights. The dialogue also plays an important role in monitoring the implementation of the EU-Georgia Association Agreement.

The Single Support Framework (SSF) for EU Support to Georgia 2017-2020 sets out four priority areas: economic development and market opportunities; strengthening institutions and good governance, including the rule of law and addressing security; connectivity, energy efficiency, environment and climate change; and mobility and people-to-people contacts. It underlines that the EU needs to continue its work to deepen and entrench democracy and respect for human rights in Georgia, paying particular attention to support women, youth and vulnerable groups such as people with disabilities, IDPs and persons belonging to minorities.

Equality between women and men, girls and boys, is one of the European Union's fundamental values since the 1957 Rome Treaty that stresses that EU shall tackle gender-based discrimination and to defend their right to equal opportunities in the public and private spheres. The EU is dedicated to promote gender equality within the Member States and across the world. In October 2015 the EU adopted Council conclusions on Gender Equality and Women's Empowerment: Transforming Lives of Girls and Women through EU External Relations (the Gender Action Plan II for 2016-2020). The Action Plan focuses on taking action and transforming lives in four pivotal areas among which one specifically calls for ensuring girls and women's physical and psychological integrity.

The European Neighbourhood Policy (ENP) which was launched in 2004 allows for bilateral programmes, multi-country programmes and regional and sub-regional cooperation to deliver on the commitments made under the Gender Action Plan II and the universal 2030 Agenda. Moreover, in November 2017 the 5th Eastern Partnership summit resulted in a set of key objectives which were decided upon to guide the future cooperation ("20 Deliverables for 2020"). One of the 20 objectives of the policy framework concerns gender equality and non-discrimination with a number of targets that concern combatting gender based violence both in terms of strengthening the referral system for victims of violence but also to ratify the Istanbul Convention. Georgia has already been able to fulfil the latter, yet more is needed to ensure alignment to all areas of the Convention.

1.3 Public Policy Analysis of the partner country/region

Since the Revolution of November 2003, Georgia has undertaken an impressive range of reforms aimed at establishing a fair and democratic society respectful of human rights. After some harsh setbacks experienced under the previous government, in 2012 the Georgian Dream party and its coalition partners came to power pledging to give a new impetus to such efforts. The following year, the new government set up an Inter-Agency Council for Human Rights and tasked it with developing a national human rights strategy.

The first National Strategy for the Protection of Human Rights for 2014 - 2020 was adopted by the Georgian Parliament in April 2014. This landmark text envisages "a systematic approach to the realization of human rights by all Georgian citizens and the timely rendering of the duties related to these rights by state authorities". Particular attention had been given to formulating a strategy that would allow "the consistent and effective application of appropriate measures, independent of external forces, such as changes in government administration and order". 23 priority areas were identified for action. To give effect to the

objectives of the Strategy, the Government has adopted three detailed Action Plans since, detailing concrete actions, timeframes, indicators and bodies responsible for implementation. The latest Action Plan 2018-2020 has 27 chapters covering close to all relevant areas; it is not yet budgeted. Also, an announced separate chapter on gender including gender identity issues has not yet been added to the Action Plan.

The Inter-Agency Human Rights Council, chaired by the Prime Minister, was charged with coordinating and monitoring implementation of the Strategy and Plans. In this work, the Council is supported by a five-person Human Rights Secretariat, which is part of the Government Administration and funded by the state budget.

The line ministries and other bodies responsible for the different elements in the Action Plans prepare annual reports on progress made in implementation. On the basis of these, the Human Rights Secretariat draws up a report for consideration by the Georgian Parliament.

A number of sectoral strategies add further human rights obligations such as the Criminal Justice Reform Strategy, the Action Plan Against Torture and Ill-treatment 2017-2018 (a new one is under development by the Interagency Council on Combating Torture and Other Forms of Degrading and Inhuman Treatment or Punishment), the Equality and Integration Strategy and its annual Action Plans, the IDP Livelihoods Action Plan and others. The different policy documents are not always aligned and would benefit from stronger coherence.

The Georgian Government's commitments to gender equality is expressed in three strategic documents:

- the Human Rights Strategy (2014-2020) and relevant Action Plan (2018-2020), which includes a section on gender equality and women's empowerment;
- the Action Plan on Women, Peace and Security (2018-2020);
- the National Action Plan on Combating Violence against Women and Domestic Violence and Measures to be Implemented for the Protection of Victims (Survivors) (2018-2020), which constitutes the national framework document that aims at eliminating and preventing violence against women and domestic violence.

The current Action Plan on Combating Violence against Women and Domestic Violence and Measures to be Implemented for the Protection of Victims (Survivors) is already the sixth action plan in this area and therefore has been developed taking into account previous experience. Furthermore, it sets out objectives and activities that are in line with international human rights instruments such as the UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and the Istanbul Convention as well as the United Nations Sustainable Development Goal 5. The latest Action Plan on Combating Violence against Women and Domestic Violence was developed with wide participation of civil society organisations and donors. It covers a number of key aspects that are considered critical for combating domestic violence and violence against women, and contains indicators with quantified targets. The Action Plan focuses on three areas: (1) legislative and policy measures, (2) access to and use of quality protection and assistance services for victims of domestic violence and violence against women, (3) strengthening capacities of relevant agencies to perform their prevention and protection duties (e.g. introduction of GPS electronic monitoring

system for perpetrators (ankle bracelets)) and awareness raising. Moreover, the Action contributes to the consequent fulfilment of the Universal Declaration of Human Rights, adopted in 1948 by the United Nations, which provides the most fundamental international agreement for combating violence against women, as it declares the equal rights of women and men, including the right to personal security.

In 2018 the Ministry of Internal Affairs established a Human Rights Protection and Quality Control Department with the mandate to monitor investigations in certain areas, such as on hate motivated crimes, in order to improve actions on domestic violence and violence against women, and on juvenile justice. In line with the reform of the criminal police, the Ministry of Internal Affairs is committed to improving investigations through a broad re-training programme of 1300 investigators. Dedicated actions have already shown improvements in raising trust towards police authorities as expressed in the number of applications to review police decisions and an increased number of restraining orders and detentions for perpetrators of domestic violence and violence against women. The Department has been actively pursuing numerous actions to improve the dealing with crimes committed on the basis of discrimination and intolerance. Among those actions are the enforcement of a strict policy against violent police officers, increased identification of signs of discrimination and further qualification of the police. First achievements have been recognised, including a close cooperation with civil society organisations.

The Ministry of Internally Displaced Persons of Occupied Territories, Labour, Health and Social Affairs (MIDPSLHSA) has prioritised reform as regards targeted social assistance including cash benefits for children, introduction of a social model of disability, continuation of de-institutionalisation reform and the fight against violence against children.¹⁰ In February 2019, the Deputy Minister committed to the Global Manifesto Safe to Learn within the framework of the Global Partnership to End Violence against Children. The Ministry requires capacity strengthening in order to fulfil the newly assigned functions and policies.

The Ministry of Justice continues to be committed to the juvenile justice reform, encompassing rights of children in conflict with the law and children victims and witnesses of crime. It still needs capacity strengthening for continuation of the reform.

An Action Plan against Torture and Ill-treatment for 2017/2018 was approved in May 2017 by the Inter-Agency Council on Combating Torture and Other Forms of Degrading and Inhuman Treatment or Punishment. No implementation report was developed by the authorities. A new Action Plan 2019-2020 was adopted in May 2019 bringing the definition of torture in the criminal code in line with international standards. A number of issues require focused attention such as the effective functionalisation of the State Inspector's Service investigation mandate from July 2019, the reduction of the administrative detention period to 72 hours in line with recommendations of the Council of Europe Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) or the independence of medical staff.

The long awaited independent investigation mechanism which will address grave violations of law enforcement officials was established by law but the entry into force of the investigation mandate has been postponed for the second time due to insufficient allocation of budget.

¹⁰ It should be noted that this Action will not support institutional care of children.

The proposed Action has been developed based on regular analysis of the human rights situation taking into account assessments by the Public Defender and international treaty bodies, Special Rapporteur reports as well as government priorities as expressed in their various strategies and action plans. It is furthermore grounded on continuous discussions both with rights-holders, for example through regular civil society consultations, and with duty-bearers. A draft of the Programme has been shared with the main stakeholder partners and comments have been taken into account.

1.4 Stakeholder analysis

Main stakeholder partners

Duty-bearers: The Inter-Agency **Human Rights Council**, chaired by the Prime Minister, was charged with coordinating and monitoring implementation of the National Human Rights Strategy and Action Plans and was established in 2014. It consists of government representatives, NGOs and other members with voting rights and other institutions with consultative status. While the Council was active in 2014 and 2015, it only took up work again in April 2019 when a meeting was convened with the intention to reinvigorate this body. Amendments adopted by the Government in December 2016 and in 2018 to increase the effectiveness of the Human Rights Council (supported through EU assistance) have not yet been used and are subject to further adaptation following a further review of the structure in January 2019.

The Council is supported by a five-person **Human Rights Secretariat**, which is part of the Government Administration and funded by the state budget. It drafts an annual implementation report for consideration of the Parliament, based on inputs from respective line ministries and other bodies. The Secretariat is capacitated but will require some strategic guidance in supporting the further reforms of the Human Rights Council.

The Public Defender's Office (PDO) is the national human rights institution under the Constitution of Georgia tasked to oversee the observance of human rights and fundamental freedoms in the country. The PDO is one of the most credible public institutions, both on the national and international level. It has recently undergone an accreditation process under the Global Alliance of National Human Rights Institutions (GANHRI) and was granted "A" status confirming full compliance with the Paris principles which constitute the international standard for the credibility, independence and effectiveness of national human rights institutions. The PDO employs 150 staff and receives sufficient budget for the execution of its mandate.¹¹ The Law on the Elimination of All Forms of Discrimination of May 2014 determines the Public Defender as an equality mechanism, responsible for monitoring the effective implementation of the anti-discrimination legislation.¹² It also hosts the National Preventive Mechanism (NPM), the mandated monitoring body under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT).

¹¹ In 2018, the PDO received 8480 complaints of which 2498 were assigned to the Criminal Justice Department, 460 to the Department for Civil, Political, Economic and Cultural Rights, 110 to the NPM, 776 cases to the Department for Child's Rights, 1630 to the Regional Department and 367 to the Equality Department.

¹² In its latest equality report covering the period from 1 September to 31 August 2018 the Public Defender reported 159 (201 in the previous period) applications processed. The largest portion of the cases considered by the Public Defender (16%, compared to 6 % in the previous period) concern alleged discrimination on account of sex, including applications on sexual harassment.

It enjoys full access for monitoring of closed facilities.¹³ The majority of recommendations issued to the PDO in its role as the NPM in 2017 have not been or have only been partially addressed by the recipients of these recommendations. In cooperation with the Association for the Prevention of Torture, an international NGO which facilitates the work of NPMs throughout the world, a more effective follow-up mechanism was put in place which allows measuring the success and state of fulfilment of NPM recommendations. The Child Rights Department within the PDO administration is the key unit in the country in charge of monitoring and addressing children's rights violations. With its four staff members, the capacity of the Department is not sufficient to adequately implement its mandate with regard to children's rights oversight, thematic monitoring reports and individual complaints. The PDO's Human Rights Education Department is mandated to raise awareness on human rights of different actors, such as schools. The PDO is also the designated monitoring body for the Law on Freedom of Information which is yet to be adopted. In December 2017 the newly appointed Public Defender undertook a structural reform based on an organisational assessment and requires further support in strengthening the office both on a structural and capacity level; in particular data collection needs to be improved, analytical capacities and better follow-up of all recommendations.

In January 2018, a **Human Rights Protection (and now also and Quality Control) Department** was created in the Ministry of Internal Affairs to monitor investigation of crimes committed by and against juveniles, domestic violence crimes, gender-based violence, trafficking and hate crimes. It has three units covering human rights protection, quality control and analysis and policy recommendations. At the moment, there are 27 staff but recruitments are ongoing to reach 44 staff. The mandate was recently enhanced with regard to crimes committed against life and health. Capacity building is necessary for the Department to be able to exercise quality supervisory and policy functions.

The Office of the Personal Data Protection Inspector of Georgia is an independent state authority established in 2013. The Inspector's Office supervises the implementation of personal data protection legislation and monitors lawfulness of data processing – therefore it is important in the protection of fundamental rights, including regarding access to information. The Law on the **State Inspector's Service**, which establishes the independent investigation mechanism, was adopted in July 2018 and was supposed to enter into force in January 2019. The new body has merged functions of the former Personal Data Protection Inspector and a new investigative agency for crimes committed by law enforcement officials. Its entry into force was postponed for the second time due to insufficient allocation of budget. The success of this new institution addressing the sense of impunity depends on its human capital and its organisation. As a new organisation it will require assistance.

The commitment of Georgia to integrate the gender dimension in national politics and policies was demonstrated by establishing a **Gender Equality Council at the Parliament of Georgia**, which is led by the Deputy Chairman of the Parliament. The aim of this Council is to improve integration of gender equality aspects in national legislation. It works closely with the donors, including the EU, as regards gender sensitive legislative changes.

¹³ In 2018 the Special Preventive Group conducted 167 visits to closed institutions (37 visits to 8 penitentiary establishments; 12 visits to 5 psychiatric establishments; 50 visits to 50 police divisions; 26 visits to 22 Temporary Detention Isolators; 37 visits to 37 small family type homes for children; 2 visits to 2 boarding houses for persons with disabilities. 3 joint operations related to returning migrants from the EU countries were monitored).

On the Government side, the **Inter-Agency Commission on Gender Equality, Violence Against Women and Domestic Violence** was established in 2017. It is led by the Assistant to the Prime Minister of Georgia on Human Rights and Gender Equality Issues. Her role has been to coordinate the integration of a gender perspective in government decisions in line ministries and to monitor the implementation of the government commitments on gender equality as expressed in above-mentioned Action Plans. Since its establishment the donors, in particular the EU, have provided substantial support to the Commission and line ministries involved. Further resources and commitment is needed by the Government to ensure that the work by the Commission delivers more results. In comparison to the Human Rights Council the Inter-Agency Commission does not have a Secretariat to effectively deliver on its decisions as its work has been concentrated to one staff member which is insufficient. Additional staff is needed.

Besides these coordinating bodies, the **Ministry of Internally Displaced Persons of Occupied Territories, Labour, Health and Social Affairs (MIDPSLHSA)**, and **Ministry of Internal Affairs and Ministry of Justice** also play a key role in combatting domestic violence and violence against women. They are responsible for ensuring access to shelters as well as for investigation, issuing restraining orders and imprisonment. The EU will also support further cooperation among local police and court branches, and the municipalities, in particular with those having gender action plans and active gender focal points.

Rights-holders: Civil Society is active in Georgia and plays a fundamental role in human rights advocacy, awareness raising, protection of human rights, including women's rights, and service delivery. Due to insufficient resources and lack of access to core funding, it requires financial support to continue playing its advocacy role in policy formulation and its watchdog role to ensure implementation. CSOs actively participate in and support the implementation of the 2018-2020 National Action Plan on the Implementation of the UN Security Council resolutions on Women, Peace and Security, the National Action Plan on Combating Violence against Women and Domestic Violence and Measures to be Implemented for the Protection of Victims (Survivors), as well as the Human Rights Action Plan and the Criminal Justice Strategy. The NGO community is relatively experienced in the provision of social services and children's rights advocacy. The Coalition of Children and Youth unites 41 NGOs and engages in policy dialogue for the improvement of child welfare and children's rights. The NGO sector needs further capacity strengthening for independent monitoring of children's rights, effective policy advocacy and quality social service provision. State and regional universities are key for the Programme given the importance of human resource development. National and regional media outlets are important actors to show sensitivity and interest in sensitive topics such as violence against vulnerable groups of society.

Duty-bearers benefitting directly from the Action:

The Interagency Commission on the Implementation of Convention on the Rights of the Child (CICRC) is an overall coordination and monitoring mechanism related to the implementation of children's rights and operates under the umbrella of the Human Rights Interagency Coordination Council at the **Government Administration**. In addition to the actions in the frame of the children's rights chapter of the Human Rights Action Plan, the Commission is committed to coordinating the development of a national strategy on prevention of violence against children. The Commission is also a focal point under the Global Partnership to End Violence against Children, which Georgia joined in January 2018 as a "Pathfinding" country. The secretariat of the Commission is a very small unit, which

needs further capacity building in order to perform the coordination and monitoring functions as defined by law.

The MIDPSLHSA is in charge of social policy, provision of cash benefits, provision of social programmes and social services to children at risk, children with disabilities and victims of violence, management of alternative care (foster care and residential care), monitoring of quality of services and care. Its legal entities **Social Service Agency (SSA)** and the **State Fund for Protection and Assistance of Victims of Human Trafficking (ATIP Fund)** have the legal functions to manage the state programmes in the social sphere, to manage the cases of children at risk and victims of violence, and to provide social services for vulnerable families with children. Capacity at local level of social workers and services, however, is quite insufficient in terms of number, geographical distribution, quality and qualification and needs strengthening. The MIDPSLHSA is also in charge of health care policy and will be a key counterpart in the interventions related to strengthening the capacity of the health care system to provide support to parents and caregivers in positive parenting and early identification of violence, developmental delays and disability.

The Ministry of Education, Science, Culture and Sport manages educational policies, including for pre-school education, inclusive education and introduction of social work in the educational system.

The **Ministry of Justice** is the leading institution in the area of Justice for Children Reform since 2009. The reform is coordinated by the Criminal Justice Reform Interagency Coordination Council and is chaired by the Minister of Justice.

The **Ministry of Internal Affairs** is one of the stakeholders involved in the administration of juvenile justice. Capacity of police units need further strengthening for effective child protection and respect of children's rights.

The Parliament, and in particular its Parliamentary Committees on Human Rights and Civic Integration as well as on Legal Affairs, play an important role not only in legislative initiatives and legal control, but also in holding the Government accountable for the implementation of human rights actions. The Parliamentary Committees on Human Rights and Civic Integration adopt recommendations of the Public Defender as legally binding resolutions, with relevant line ministries having then to report on the implementation before the Committee. In the last couple of years, Parliament took the lead in drafting and adopting key laws related to children's rights and child welfare such as the Law on Social Work, the Law on Adoption and Foster Care, the Law on Early and Preschool Education, draft Code on the Rights of the Child. With the recent changes in the Constitution of Georgia, the role of Parliament in policy development and monitoring is even further strengthened so that there is an identified need for additional expertise in certain areas, including on children's rights policies.

Various other agencies and bodies address human rights related issues with separate strategies and action plans which are partly overlapping, such as the **Inter-Agency Commission on Gender Equality, Violence against Women and Domestic Violence, the Interagency Commission for the implementation of the Convention on the Rights of the Child and Children's Rights under the Council, Criminal Justice Council, Migration Council, Persons with Disabilities Council.**

Municipal authorities in the country currently have functions related to education, health and social support. The draft strategy for de-centralisation envisages delegation of state functions to local authorities. The Law on Social Work also provides for the development of social work at municipal level. With limited financial resources and experience, local authorities need significant capacity building and strengthening in order to become key agents in child welfare and children's rights.

At local level, directly benefitting duty-bearers will be regional and municipal authorities. Key partners and rights-holders for this programme are also NGOs, universities, religious institutions and media. As part of the community engagement, religious institutions are important stakeholders and might take on an important role as agents for change of social norms.

The private sector, and in particular private businesses, is also an important stakeholder in the system of duty bearers of human rights. This is especially the case in areas of anti-discrimination and gender equality with regard to employment policies. The action will seek to engage more with the private sector, in particular in raising knowledge and awareness of underlying policies and legislation. Further entry points to engage on business and human rights could be sought.

Main rights-holders of this Action are **all the people of Georgia** as this action aims to increase the rights-based approach of all public institutions. **Especially women living in vulnerable situations and women survivors of domestic violence and violence against women, vulnerable children and minority groups** will benefit from improved protection and inclusive actions. CSOs will represent rights-holders of different groups, particularly those living in vulnerable situation.

Attention will be paid to involving gender focal points/units of indicated stakeholders whenever possible/applicable.

During an inception phase, a further analysis will be conducted of the stakeholders as duty-bearers (government, public institutions, etc.) and rights-holders (whole population, including women, people living in vulnerable situations, such as persons with disabilities, LGBTI+ community, conflict-affected population, minorities, etc.). During this analysis and where relevant, the capabilities will be assessed, i.e. the capabilities of duty-bearers to fulfil their obligations towards rights-holders (regulations, systems, monitoring mechanisms etc.) and rights-holders' capacities to claim their rights (access to information, justice, services, income, time, transport, free movement, negotiation skills etc.).

1. 5 Problem analysis/priority areas for support

Georgia continues implementing the EU-Georgia Association Agreement including its extensive commitments in the areas of democracy, human rights and the rule of law. Human rights and fundamental freedoms are generally respected but significant challenges still remain. Recent developments such as the reinvigoration of the Human Rights Council, the establishment of the Human Rights Protection and Quality Control Department in the Ministry of Internal Affairs, the adoption of the Istanbul Convention or the establishment of the State Inspectorate are fertile grounds for consolidation of reform processes. They offer an excellent momentum for the institutionalisation of human rights mechanisms and for further

tangible progress in specific human rights areas, including in the regions. Strong institutional support might be crucial in line with opportunities and challenges due to the general elections as foreseen in 2020.

The Human Rights Strategy 2014-2020 together with the three corresponding Action Plans (the current plan covering 2018-2020) provide an elaborate framework for the implementation of Georgia's human rights agenda. Considerations among relevant stakeholders have started on developing the next Human Rights Strategy beyond 2020 including its first Action Plan with the explicit commitment to align these documents with the Sustainable Development Goals (SDGs) and to emphasise the rights-based approach in all government actions, including on local level. It is planned to be done in the frame of an inclusive process with consultations of all relevant stakeholders including civil society. While work on its development is bound to start, the proposed Action might have to finalise it targeting relevant government and parliamentary bodies as well as independent institutions and Civil Society Organisations. Once adopted, awareness raising and implementation efforts will be supported.

The coordination of human rights issues and overall policy guidance lies with the Human Rights Council but its recent long non-functioning negatively affected the implementation of its key functions, such as the determination and scope of relevant thematic working groups or oversight over their activities. The Government has committed to its restructuring into a National Mechanism for Reporting and Follow-up institution (NMRF). The restructuring will require organisational assistance, targeting new working groups (to be created) and the Human Rights Secretariat itself. Changes to the Human Rights Council should also be addressing coherence gaps in the coordination with different strategies and action plans tackling areas also covered in the National Human Rights Strategy and Action Plan. Further political will is needed to put the Council operationally back on track and make it effective.

The implementation of human rights policies will need to be supported particularly on local levels where citizens are in direct contact with local duty bearers. Pilot trainings conducted by the Human Rights Secretariat with the support of ongoing assistance have shown great interest and need for further capacity building on human rights matters, especially with regard to discrimination and promotion of equality of vulnerable and minority groups.

The PDO has become a credible and robust human rights institution, not least through substantial EU support. The PDO remains ambitious and has undertaken an organisational restructuring to improve effectiveness of the office. A new strategy and action plan were developed which include revised and new tasks of restructured departments. To give these full effect, further capacity needs have been identified in different fields. The current practice on follow-up of the PDO's recommendations is deficient and needs to be improved. There is no adequate system of data collection. The re-structured Analytical Department requires further assistance in analytical work, legislative reform, strategic litigation and annual report writing. Monitoring related to the implementation of the UN Child Rights Convention, the UN Convention on the Rights of Persons with Disabilities, the UN Convention against Torture as well as on national labour conditions and rights will require further support. The draft Freedom of Information Act of Georgia (FOI) requires public authorities to respond to freedom of information requests promptly, and the PDO is considered to operate as a national monitoring mechanism. Capacities need to be built given the new provisions embodied in Article 18 of the Constitution on accountability, transparency and good governance and also to reveal and prevent alleged human rights violations (this became a critical function based on the recent structural review of the PDO).

The creation of the Human Rights Protection and Quality Control Department at the Ministry of Internal Affairs has been a welcome step in promoting human rights compliance. Its mandate is to ensure an effective response and investigation of crimes committed on the grounds of discrimination against women, domestic violence, trafficking, and crimes committed against or by minors. Effective identification of hate motivation during the investigation still remains a challenge and should therefore be further supported. However efforts by the Department and the Prosecutor's Office to increase awareness and investigation capacities of their investigators to qualify properly hate motivated crimes show positive signs. Also, the Council of Europe's European Commission on Racial Intolerance (ECRI) noted positively that the Ministry of Internal Affairs cooperated with the PDO to train police officers, who are designated to be specifically in charge of investigating alleged hate motivated crimes in the future. However, it also holds that the Ministry's Human Rights Protection and Quality Monitoring Department was not a substitute for a specialised investigative unit within the police, as recommended by ECRI. Even more so, the re-training of 1300 investigators as part of the criminal police reform is an ambitious undertaking which requires support. Capacities of staff of the Department need to be strengthened in order to be able to adequately execute its supervision functions.

The Law on the State Inspectorate Service, which establishes the independent investigation mechanism, was adopted in July 2018. The new body merges functions of the former Personal Data Protection Inspector and a new investigative agency for serious crimes such as torture and ill-treatment committed by law enforcement officials. Its entry into force was postponed for the second time due to insufficient allocation of budget. given that the hiring of around 80 investigators and support staff, the refurbishment of the dedicated building in Tbilisi and possibly a second in the Western part of Georgia upon the allocation of requested funds appears to be taking longer than expected. Support to this new institution on organisational and procedural aspects also with a view to safeguard the achievements of the Personal Data Protection Inspector and trainings of investigators will be required among others.

In some areas, legislation has not yet been aligned with EU and international standards. With regard to the **rights of persons with disabilities**, Georgia's legal framework and implementation mechanism is not yet fully aligned with standards established under the UN Convention of the Rights of Persons with Disabilities although relevant legislation has been drafted. Georgia has not yet ratified the optional protocol of the Convention (obligation for the ratification is included in the Human Rights Action Plan 2018-2020). Further needs exist and need to be addressed on policy level, namely with regard to rehabilitation measures of therapeutic interventions and inclusive labour market actions.

Georgia's Code of **Administrative Offences** dates back to 1984 and fails to meet universal standards and requirements of due process where certain rights are restricted. It includes heavy penalties, including administrative detention, without granting full procedural safeguards, such as respecting the presumption of innocence or requiring judges to follow the standard of evidence beyond reasonable doubt. Penalties for administrative offenses range from a fine to imprisonment of still up to 15 days. Administrative imprisonment is intended for misdemeanours that cannot be qualified as criminal offense. Previous attempts to revise the Code have not been successful and stopped at the legislative drafting stage. The adequate usage of body cameras during the interaction between police and civilians in case of administrative offence is not defined and should be regulated in order to allow for the possibility to obtain neutral evidence. The Ministry of Internal Affairs is in the lead of initiating this legislative process.

In complementarity to the structural support of national mechanisms, certain specific rights, as defined in the Human Rights Action Plan, will require further support for their effective implementation, as outlined below.

Important progress is being made in the realisation of **children's rights** in Georgia. This progress has been possible with political will of the Ministry of Justice and more recently from Parliament. Among the main achievements, one could name the intersectorial cooperation in policy development and monitoring through the establishment of the Children's Rights Commission (CRC) and the adoption of a Children's Rights Chapter in the Human Rights Action Plan 2018 – 2020; considerable progress towards the development of a child-sensitive social protection system based on solid evidence generated; improved regulatory framework in the area of juvenile justice, child care and referral of children victims of violence; strengthened institutional and professional capacities in the area of protection of children victims of violence; work with children in conflict with the law; identification of developmental delays and support to children with disabilities; generation of evidence on particularly vulnerable children such as street children, as well as monitoring reports on children's rights and the reduction of stigma against disability among the population from 41.5% to 28.3% and increased awareness on violence against children.

Despite this progress, the situation of children's rights in Georgia remains however of concern. UNICEF's Welfare Monitoring Survey (WMS) 2017, showed an increase in child poverty rates, especially in households with children, and even more in households with three or more children.

Violence against Children (VAC) in families, residential care, foster care and educational institutions remain another significant problem due to social norms and beliefs that the use of physical violence against children is acceptable and that physical forms of punishment are more effective than non-violent parenting techniques. At the same time, the confidence of the public to report cases of violence to competent authorities is on the rise. According to the Social Service Agency and General Prosecutor's Office, the number of children victims of violence reached by social or justice services increased as compared from 1,595 in 2017 to 2,156 in the first 9 months of 2018. There is an urgent need to improve the capacity of Government and non-governmental partners to respond appropriately to this increasingly complex caseload. In January 2018, Georgia joined the Global Partnership to End Violence against Children as a "pathfinding country" and committed itself to intensify the work to combat violence against children.

80 children, mostly with multiple and severe disabilities, remain in the two remaining state-run institutions. Children in alternative public care continue to be mostly in family-based care. Out of a total number of 2,105 children in public state care, 1,483 are in foster care while 622 children are in different types of residential and institutional care. In September 2018, the licensing regulation for 24-hour care facilities for children was extended to all types of service providers (state and non-state). It is expected that this change will lead to a reduction of the number of children in small and medium un-regulated institutions, mostly boarding schools, run by municipalities, religious communities and the Ministry of Education (around 900) and will positively impact the quality of care provided. However, the capacity of the reformed childcare system to protect and support children and families who have experienced violence abuse and exploitation is inadequate. A cross-cutting priority for addressing the complex needs of the childcare and protection system in Georgia is the planning and development of the social work and social service workforce. In June 2018, the Parliament of Georgia adopted

a Law on Social Work, which defines the principles of social work practice, as well as functions, rights and obligations of social workers and areas of their work, including work at the municipal level. The law related action plan foresees to increase the number of social workers over the next 5 years by 560.

Since the adoption of the Juvenile Justice Code, the number of children with alternative sentencing to deprivation of liberty and diverted from the criminal proceedings have been continuously increasing. 912 children were diverted during 2017 and 482 children in the first half of 2018 as compared to 297 in 2015. However, the Ministry of Internal Affairs states that recent statistics indicate increased crime rates among children above and below the minimum age of criminal responsibility, which raises concerns about the crime prevention mechanisms and capacities¹⁴.

Further opportunities to strengthen Georgia's response to children's rights are currently being debated and discussed. In February 2019 the Parliament's Human Rights Committee presented a draft Code on the Rights of the Child for consultation with stakeholders. The development of the draft Code was supported by UNICEF in partnership with the EU. The Code will considerably improve the legal and policy space to advance the rights of children in Georgia. The draft code contains legally binding regulation for all state agencies, local self-governments, other administrative bodies, common courts, public and private organizations, as well as citizens in their work and decision-making process with and for children and on all other matters directly or indirectly concerning children's rights. It incorporates all provisions of the United Nations Convention on the Rights of the Child (UNCRC) and its optional protocols and introduces a number of changes aiming at strengthening the support to families, involvement of the courts in all decisions for placement of children in alternative care, empowerment of children and continuation of the juvenile justice and access to justice reforms.

Despite continuous efforts of state institutions of Georgia to combat domestic violence and violence against women, there is still a long way to go. The results of the national study of 2017 on violence against women in Georgia carried out with the support of UN Women demonstrates that domestic violence and violence against women is accepted and justified by society in Georgia. 41% of people in Georgia think that domestic violence is a private matter. 22% of women and 31% of men believe that wife beating is justified under certain circumstances. 23% of women and 42% of men believe that a wife should obey her husband even if she disagrees with him. 33% of women and 50% of men think that intimate partner violence is a private matter and that others should not intervene.

According to the same survey, 14% women have indicated that they have experienced violence by an intimate partner, among them 31% experienced physical violence, 13% sexual violence, 73% psychological violence and 54% economic violence. 20% of women have experienced sexual harassment by non-partners and over 40,300 women (3%) have experienced stalking in the last 12 months. 9% of women indicated that they have experienced childhood sexual abuse. It may be expected that the number of victims reporting to the police may further increase in the coming years as a result of government actions to increase awareness and understanding of women's human rights in society. The number of restraining orders for victims of domestic violence and violence against women has already increased by

¹⁴ <http://agenda.ge/en/news/2019/353>

75 percent from 2017 to 2018, and the number of convictions has also increased by 65 percent during the same period¹⁵. Child/forced marriages are still occurring.

The state authorities in Georgia are further taking steps that aim at reducing gender based violence. For example, in addition to the hot line, recently the mobile application of 112 for domestic violence cases has been launched, which will allow the victims to send the messages unnoticed, without calling. As regards perpetrators, the Georgian Government has recently taken over an NGO run violence rehabilitation programme for perpetrators in two prisons. Furthermore, the Government will soon launch a pilot GPS electronic monitoring system for perpetrators (ankle bracelets). However, further efforts are needed to strengthen the support and protection of victims of gender-based violence as well as work with perpetrators preventing further violence and supporting behavioural changes.

Efforts should be made to eliminate human rights violations deriving from prostitution and to protect sex-workers in Georgia, as an element of gender based violence. The Government should introduce systemic reforms in terms of law, policy and practice. Administrative punishment of sex-workers alienates them from the police, eliminates their chances to receive public services and leaves them alone when it comes to violent behaviour against sex workers.¹⁶

Qualitative and quantitative surveys commissioned by the EU Delegation show that the public perception of the human rights situation is rather pessimistic, revealing some frustration among citizens. Also, a need for more information on certain rights has been expressed.

Members of the LGBT+ community are facing discrimination and violence, including domestic violence, on various levels caused by prevalent non-acceptance of different forms of sexual orientation in a large part of society. Civil society has reported homophobic statements during political campaigning by political parties or media in many cases and without being publicly reprimanded.¹⁷ The Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (IE SOGI), appointed by the UN Human Rights Council, issued a number of recommendations to improve the situation for LGBT+ community members.¹⁸ Targeted measures should be implemented to raise awareness of public officials and society in all regions, to develop a spirit of tolerance and diversity and to ensure effective protection of marginalised groups by law enforcement authorities while exercising their constitutional rights, including the right to freedom of expression and freedom of assembly and manifestation.

2 RISKS AND ASSUMPTIONS

Risks	Risk level (H/M/L)	Mitigating measures
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¹⁵ UN Women implemented project "Unite to Fight Violence against Women" progress report of March 2019.
¹⁶ <https://bit.ly/2DvoUCB>;
¹⁷ Monitoring of Hate Speech and Anti-Western Sentiments in Pre-Election Discourse, Media Development Fund, 2017
¹⁸ <https://www.ohchr.org/en/issues/sexualorientationgender/pages/index.aspx>

<p>External political tensions, social or economic problems in Georgia or a further downturn in the global economy divert the Government's attention and resources away from human rights principles</p> <p>Lack of access to breakaway regions during implementation of the Action and risk that people living in vulnerable situation in those areas are left behind</p>	M	<p>Continued policy dialogue with the Georgian authorities; monitoring and supporting implementation of EU-Georgia agreements</p> <p>Do-no-harm principle and impact on the conflict will be carefully analysed during the inception phase.</p>
<p>Weakening of Government's commitment to reforms related to EU-Georgia agreements</p>	L	<p>Continued political and policy dialogue with the authorities, at all levels; information campaigns to the institutions and the general public</p>
<p>High turnover of staff in public institutions and associated loss of institutional memory</p>	M	<p>Continuous policy dialogue with the Government, Parliament and other relevant bodies; efforts aimed at sustainable institution building rather than exclusive training measures for individuals</p>
<p>Limited capacity of Government to effectively perform functions of policy coordination, policy analysis and impact assessments, inter-ministerial coordination and public consultations</p>	M	<p>Policy dialogue and assistance to ensure strengthening of policy coordination function and improve evidence-based policy and legislative development</p>
<p>Deterioration of trust in Government and justice institutions responsible to protect human rights</p>	M	<p>Intensified dialogue with Government; information campaign geared towards general public</p>

Assumptions

The Government of Georgia remains committed to the fundamental values of democracy, rule of law and human rights. Georgia continues to support and pursue actions for political, economic and trade integration with the EU. Also, the Government pursues public administration reform in line with international and EU good practice.

The EU and the Government maintain their high level of cooperation and continue to communicate and coordinate reform efforts in the framework of the Association Agreement commitments.

The beneficiary institutions are willing and able to implement and benefit from the proposed actions. The institutions' capacity in maintaining staff, planning and coordination is sufficient for a sustainable implementation of the actions.

The Government of Georgia will continue its commitment to reinvigorate the high level human rights coordination mechanism of the Human Rights Council.

Adequate budgetary allocations will be made to ensure the proper functioning of the State Inspector's Service.

The Freedom of Information Act will be adopted, determining the Public Defender's Office as monitoring mechanism.

3 LESSONS LEARNT AND COMPLEMENTARITY

3.1 Lessons learnt

- The need for projects that produce tangible and sustainable results for citizens and provide adequate visibility for the EU, contributing to strategic communication on EU policies and support;
- The importance of a sustained policy dialogue accompanying assistance programmes to ensure actions match political priorities and obligations;
- The importance of Government capacity to coordinate external assistance, ensure coherence between the budgetary processes and policy agenda, and to monitor the implementation of the AA/DCFTA, also to avoid duplication and uncertainties of mandates of different organisations;
- The importance of mainstreaming cross-cutting issues, notably civil society engagement, youth, gender, a rights-based approach, social inclusion, environment and climate change, key principles of public administration including on inclusive and evidence-based policy and legislative development and of employing confidence building measures in potential and post-conflict situations, taking into account the condition of Internally Displaced People (IDPs) and other conflict affected persons;
- Given regional disparities in Georgia at all levels, the need to focus external support across the country in regions outside Tbilisi in order to produce sustainable change;
- The need to step up the EU's policy of non-recognition and engagement towards the breakaway regions of Georgia and to promote confidence and peace building measures, as well as to mainstream this engagement throughout the different programmes where relevant.

3.2 Complementarity, synergy and donor coordination

Assistance will build on achievements of the ongoing key assistance on human rights implemented through the **Human Rights for All Programme** (ENI) under the 2014 Special Measures for Georgia and Moldova Programme (EUR 10 million) which complements the Georgia-EU policy dialogue. The overall objective is to strengthen human rights protection in areas prioritised by EU-Georgia agreements, including the rights of minorities and vulnerable groups, internal and external oversight of law enforcement, protection of privacy, labour rights, freedom of expression and information. Through various modalities, including through indirect management with UN agencies, direct grants and grants to civil society, a range of relevant duty bearers are receiving assistance. These include the Human Rights Secretariat, the Public Defender, the Data Protection Inspector, the Ministry of Internal Affairs, the Parliamentary Committees on Human Rights and Civic Integration as well as on Legal Affairs, universities and local authorities.

The visible **communication programme EU4Georgia** increases awareness, understanding, and support for the EU and its activities in Georgia, and communicates effectively to the

Georgian public about EU values. It has dedicated components on human rights and justice reform and their short and long-term practical impact on people's lives and the country's development.

The **European Instrument for Democracy and Human Rights (EIDHR)** programme has been implemented in Georgia since 2003. 160 projects have been implemented for a total amount of EUR 13 856 126. Recent projects are supporting elderly people in Georgia, health rights of children with disabilities; trainings of school teachers from regions of Georgia to promote cooperation between public schools and CSOs to reduce incidence of early marriages, child labour and school drop-outs and the deinstitutionalisation process of children. Complementarity will be sought especially with the 2019 Call for Proposals targeting minorities and vulnerable groups, labour rights and electoral support. Relevant projects from the reserve list may be used for the grant scheme foreseen under this Action.

As regards **Gender Equality and Women's Rights**, the EU supports the Inter-Agency Gender Equality Commission with an approximately EUR 2 million service contract, to advance gender sensitivities in national policies, human resources' management in public administration and dialogue between main policy makers and civil society actors. The support focuses on introducing gender responsive budgeting in Zestaponi, Gori and Tbilisi. In addition, UN Women is funded with EUR 1.5 million to create an enabling legislative, policy and service delivery environment in line with internationally binding standards on eliminating violence against women and girls at national and local levels (Guria and Kvemo Kartli regions). Furthermore, eight ongoing civil society projects address the needs of women in vulnerable situations. This includes support services for women offenders in prison and their children, support to monitoring of violent crimes against women, facilitation of social integration of domestic violence victims as well as awareness raising activities across the country (approx. EUR 3 million). This new EU4 Human Rights Programme will further build on the results achieved beyond their completion by the end of 2019. During its implementation phase, the new programme will create synergies with recently started programmes where gender equality has been mainstreamed. For example, the Skills Development and Matching for Labour Market Needs (Skills 4 Jobs) Programme will provide grants to CSOs with gender equality related objectives being integrated in particular as regards access to education and jobs; the EU4 Economic Governance and Fiscal Accountability Programme under which gender based budgeting and gender mainstreaming in budgetary process are included and other programmes such as the EU4 Security, Accountability and Fight against Crime in Georgia (SAFE) Programme and the EU4 Integrated Territorial Development. Furthermore, synergies will be created with the Regional Action Programme 2019 on Gender Equality, which will be supporting piloting early intervention violence prevention programmes for perpetrators.

The Programme will build on milestones achieved under the ongoing **Justice Programme** which is addressing a range of human rights related topics including juvenile justice, penitentiary and access to justice. Through grants to civil society organisations, the resocialisation of (ex) prisoners and probationers has been upgraded and the oversight role in justice reform strengthened.

Since 2008, the PDO has been receiving EU support to effectively implement its mandate, including in its capacity as National Preventive Mechanism, through technical assistance and grant projects as well as through the inclusion of conditions linked to the PDO under Budget Support Programmes in the judiciary sector.

A global EIDHR Programme on Capacity Development of National Human Rights Institutions will offer support to regional networks of national human rights institutions (NHRI) to support capacity building for the NHRIs. The PDO is further involved in the regional action on the role of NHRIs in (post) conflict situations. Strong coordination will be sought to create synergies and to avoid overlapping activities.

The **Civil Society Facility** 2015 includes support action to the sustainability of Civil Society Organisations (CSOs) through significant technical assistance and various grant schemes, focusing on policy involvement of local NGOs and Local Authorities (LAs). Further support to civil society will help it remain an independent actor in democratic processes. The Eastern Partnership Civil Society Facility 2019-2020 is under development and will include support to strengthening capacities and sustainability of civil society, including in the breakaway regions of Georgia.

Under **SAFE**, actions will be implemented as of 2019 to strengthen resilience of citizens against criminal engagement and to improve state and external oversight of security sector actors.

Bilateral actions with the Council of Europe under the **Partnership for Good Governance** initiative (PGG) have targeted the implementation by courts of the ECHR judgements, civic integration of national minorities, prison healthcare, money laundering, free and professional media, internet freedom, electoral assistance as well as support to the bar association until 2017. The second phase of PGG started in 2019 and is addressing women's access to justice, access to justice through non-judiciary redress mechanisms for victims of discrimination, hate crime and hate speech.

As other donors, the EU has phased out its targeted support to **IDP** housing and other issues. However, support to vulnerable IDPs and their socio-economic integration is mainstreamed in thematic programmes.

In addition to EU programmes in all these areas, there are numerous and substantive bilateral Member States' assistance programmes. Donor coordination takes place on a more informal basis and could be stepped up by engaging further with relevant coordinating structures in the Government.

4 DESCRIPTION OF THE ACTION

4.1 Overall objective, specific objective(s), expected outputs and indicative activities

Objectives/results

The overall objective of the proposed Action is to contribute to developing a more inclusive and just society in Georgia.

The specific objective is to further improve human rights promotion and protection in Georgia through continued support to human rights mechanisms, state institutions, independent bodies and civil society organisations to develop, implement and monitor effectively human rights policies and actions, and to enhance human rights awareness of duty bearers and rights holders.

The expected results and corresponding indicative activities of EU4 Human Rights are as follows:

Component 1: Strengthening institutions and mechanisms for more effective human rights policies and actions in the country

Expected results:

1.1 Inter-agency coordination mechanisms are effectively functioning and the development, implementation and monitoring of human rights policies and action plans are improved;

1.2 State and local authorities implement a gender-responsive rights-based approach in protecting and promoting human rights policies and actions (notably the Human Rights Strategy and Action Plan, and the National Action Plan on Combating Violence against Women and Domestic Violence), in particular with regard to non-discrimination of marginalised, vulnerable and minority groups and gender equality;

1.3 The Public Defender's Office is further strengthened to effectively implement its strategy and action plan, and to enhance its monitoring capacity;

1.4 The State Inspector's Office is strengthened to effectively fulfil its mandate.

1.5 Further legislation, including the Law on Administrative Offences, is in line with international standards.

Indicative activities:

1) Technical support for coordination and monitoring mechanisms of human rights policies:

Activities may support, amongst others, the assessment of implementation of policy documents for an improved development of the new human rights strategy and action plan, the monitoring of these national policies and the strengthening of mechanisms to follow up on recommendations of international treaty bodies and national human rights bodies. In addition, a revised set-up of the Human Rights Council should be strengthened and institutionalised. Activities may support the institutionalisation of data collection and synchronisation among different institutions for that purpose.

2) Technical support to state institutions to implement a gender-responsive rights-based approach:

Activities may support, amongst others, awareness raising through training activities of relevant duty bearers, including on local levels on areas of non-discrimination, inclusive and gender sensitive policies, children's rights and other topical areas.

The institutionalisation of adequate trainings to professionals of public authorities may be supported as mandatory courses, in working together with and supporting established institutions mandated in professionalisation, such as the Civil Service Bureau and the PDO Human Rights Academy.

3) Institutional development support to institutions mandated to protect human rights:

Activities may support, amongst others, the improvement of data collection for improved evidence based analysis of human rights developments and for improved formulation of recommendations and policy guidance, an improved follow-up system of recommendations for a more effective oversight.

For the PDO, activities may support the establishment of the oversight department on the Law on Freedom of Information once adopted, the strengthening of analytical capacities, further support to the equality department for stronger anti-discrimination actions, the further follow-up of NPM, CPT and UNCAT/OPCAT (Optional Protocol to the Convention against Torture) recommendations, the strengthening of the human rights education department for quality outreach to further duty bearers and multipliers as well as capacity building in various fields such as on labour rights, alleged human rights violations and on accountability, transparency, and good governance according to Article 18 of the Constitution.

For the Human Rights Protection and Quality Control Department activities may support further capacity building of the department staff in relevant areas and training support to investigators to increase the quality response to incidents of hate crime, domestic violence and juveniles in conflict with the law.

With regards to the State Inspector's Service, activities may support the organisational set-up, the development of standard operating procedures and trainings to investigators.

4) Technical support for improved legislation:

Activities may include, amongst others, supporting legislative drafting processes at different stages and with relevant stakeholders, including line ministries or parliamentary committees. Activities may also support preparatory activities for the effective implementation of new legislation, including for judges, authorities and also for citizens as rights holders. Areas of relevant support may be the Law on Administrative Offence, the Law on Freedom of Information, or legislation on the rights of persons with disabilities.

Component 2: Effective implementation and monitoring of human rights, for the benefit of the citizens in all regions of Georgia

Expected results:

2.1 Childcare and implementation of children's rights is further advanced, including on local level;

2.2 Support action to combat violence against women and girls, domestic violence;

2.3 The implementation of the national Human Rights Action Plan is supported and other fundamental rights and freedoms are better respected and protected/promoted, e.g. ensuring equality and inclusion of vulnerable persons and minority groups, including IDPs and other conflict-affected people and persons with disabilities, freedom of expression, media pluralism, business and human rights in line with the UN Guiding Principles on Business and Human Rights;

Indicative activities:

1) Technical support for a better implementation of children's rights:

Activities may include, amongst others, technical support to all relevant institutions in a multi-agency approach to support the development and implementation of welfare programmes for the benefit of the most vulnerable children and their families. Support may target families and institutions involved in protecting children from violence from different sources. This Action will not support institutional care of children but promote the de-institutionalisation actions. Expertise may target the development of crime prevention and protection strategies and include the further establishment and institutionalisation of child-friendly procedures and the training of specialised staff in the judiciary and law enforcement authorities. Activities may include capacity-building activities for local authorities and communities as well as social workers.

2) Technical support to contribute to the fight against domestic violence and violence against women:

This Action will contribute to the implementation of some measures of the national Action Plan on Combating Violence against Women and Domestic Violence and Measures to be Implemented for the Protection of Victims (Survivors) for 2018-2020 and its following Action Plan. Support will focus on further strengthening the national system and its capacities to provide effective support to potential and actual victims and early stage rehabilitation for perpetrators through support and capacity building of the relevant national institutions, in particular the Gender Commission and its member ministries as well as local authorities complementing other EU funded programmes and other donor activities. Secondly, support to victims and perpetrators will be provided focusing on the specific needs to be further assessed during the implementation of this programme. Indicatively, support to victims would be addressing access and quality of shelter support and post-shelter assistance. Support to perpetrators would complement the actions under the upcoming EU Regional Programme on Gender and may include early stage rehabilitation support. Thirdly, the Action will target local communities to raise awareness on gender equality, women's rights and the serious impact at individual and community levels of gender based violence. Moreover, the Action will aim at changing perceptions and behaviour regarding domestic and gender based violence by piloting and testing various activities, paying particular attention on inclusion of areas and population groups with less awareness and less access to rights, justice and services.

3) Technical and financial support to implement, monitor and advocate for fundamental rights and freedoms:

Technical support will include the further implementation of the Human Rights Action Plan in areas of anti-discrimination, economic and social inclusion of vulnerable groups, freedom of expression, media pluralism, business and human rights, and others. Assistance will be designed to provide expertise to policy makers, such as line ministries and relevant parliamentary committees. Likewise, expertise will address practical implementation issues, including on local level, with close coordination and consultation of right holders. While the assistance will target a maximum amount of issues, it will be designed with a certain degree of flexibility to be able to respond to emerging developments, in particular following the adoption of the new Human Rights Strategy and Action Plan and the parliamentary elections.

Financial support to civil society organisations may complement the areas described above in monitoring the implementation of government policies, for advocacy in policy-making and in service delivery, the latter in particular with regard to support to victims of violence against children, against women and domestic violence. Technical support may include capacity building of civil society organisations in selected areas for quality contributions in policy making and monitoring.

4.2 Intervention Logic

Component 1: Strengthening institutions and mechanisms for more effective human rights policies and actions in the country

Output: Support will be directed towards government and independent bodies and mechanisms to play a strong role in coordinating, monitoring and implementation of human rights policies. This will include knowledge transfer on human rights to public officials including on local levels.

Outcome: On the one hand, capacitated decision makers will not only be able to draft better policies and legislation, but public officials will be able to recognise critical and human rights sensitive situations and apply a gender-responsive rights-based approach in their daily work. Independent and other supervisory bodies will be strong defenders and promoters of human rights observance in the country. Awareness on human rights contributes to the knowledge, skills and understanding of rights and obligations and shapes attitudes and behaviours to empower citizens to shape and promote a universal culture of human rights. Citizens will be in a better position to recognise rights holders and duty bearers to exercise their rights and obligations.

Impact: Better awareness among citizens and knowledge of duty bearers will contribute to more claims and actions for a more inclusive and fair society.

Component 2: Effective implementation and monitoring of human rights, for the benefit of the citizens in all regions of Georgia

Output: Support will be directed to government institutions and social workers mandated to support and protect vulnerable children from poverty, violent criminal activities, in particular on community level.

Support will be directed to state bodies at national and local levels to improve access to and quality of services to potential and actual victims and perpetrators of domestic and gender based violence.

The support will also be provided through CSOs to raise awareness in local communities on gender equality and women's rights aiming at changing perceptions and behaviour regarding domestic and gender based violence.

Support will also be granted to civil society organisations to undertake monitoring and analysis of implementation of human rights policies and actions.

Outcome: Capacitated authorities and social workers are better able to support vulnerable children and their families. Better crime prevention strategies lead to fewer children in conflict with the law. Children in conflict with the law are treated in a sensitive manner

Victims and perpetrators of domestic and gender-based violence have better access to and quality of services provided to them by the state.

Better evidence based policy implementation and analytical reports contribute to a better accountability of duty bearers and strengthen advocacy skills of civil society.

Impact: Vulnerable children and women are better protected and supported and LGBT+, ethnic and religious minorities are better included into society.

4.3 Mainstreaming

All activities under this Programme will be designed and implemented in accordance with principles of good governance and human rights, gender equality, the inclusion of socially or economically deprived groups and environmental sustainability, wherever these issues are of particular relevance to the institutions to be assisted.

This Action has as specific objective the promotion of a gender-responsive rights-based approach which will also be respected in the management of each project. Gender and diversity issues will not only be mainstreamed into the design of projects to be implemented under this Programme but are a specific objective of a few of the actions. By its nature, the Programme design fully targets gender equality and combatting gender-based violence as outlined in section 1.1.3 - Priority areas for support/problem analysis. Therefore, gender mainstreaming will be envisaged both at the policy level as well as through the implementation of the Human Rights Strategy and Action Plan, which contains substantial chapters on gender issues. Furthermore, the gender equality related aspects will be taken into account and targeted where appropriate in the childcare related activities, inclusion of people living in vulnerable situations and minority groups and in the support of victims of domestic violence and gender based violence.

Moreover, gender equality in Georgia is embedded in national policies and international human rights instruments to which the country has subscribed. Gender balance will be safeguarded in the design of the operations and during the implementation stage in order to ensure that services are provided on a rights-based approach. Based on the fundamental principles of promoting and combating discrimination, participation in the activities will be guaranteed on the basis of equal access. In interventions in sectors where women are a minority, specific criteria will be applied to provide for affirmative actions at the operation/project level.

Being one of the leading countries in the Open Government Partnership (OGP), the Government of Georgia has promoted civil society participation in policy planning, implementation and monitoring. During the OGP summit in July 2018, the Government of Georgia once again reiterated its commitment to transparent and participatory policymaking. This participatory practice should guarantee full involvement of civil society in all actions indicated in this document with full accessibility and transparency.

Good governance will be mainstreamed in the future Programme interventions through processes promoting transparency of planning and consultation process, result-based monitoring and increased participation of local residents in the implementation of the Action.

4.4 Contribution to SDGs

This intervention is relevant for the 2030 Agenda. It contributes primarily to the progressive achievement of SDGs 16 on peace, justice and strong institutions, 10 on reducing inequalities and 5 on gender equality (and more specifically its target 5.2 aiming to eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation) while also contributing to SDGs 3 on good health and well-being.

5 IMPLEMENTATION

5.1 Financing agreement

In order to implement this Action, it is foreseen to conclude a financing agreement with the partner country.

5.2 Indicative implementation period

The indicative operational implementation period of this Action, during which the activities described in section 4 will be carried out and the corresponding contracts and agreements implemented, is 60 months from the date of entry into force of the financing agreement.

Extensions of the implementation period may be agreed by the Commission's responsible authorising officer by amending this Decision and the relevant contracts and agreements.

5.3 Implementation modalities

The Commission will ensure that the appropriate EU rules and procedures for providing financing to third parties are respected, including review procedures, where appropriate, and compliance of the Action with EU restrictive measures¹⁹.

5.3.1 Grants (direct management)

(a) Purpose of the grant(s)

(i) The grants will contribute to the implementation of the **result 2.2** Support combating violence against women and domestic violence and will be complementary to the assistance provided through indirect management with international organisations (see below). More specifically the grant support will encourage the initiatives at the local community level as well as piloting and testing innovative approaches towards combating domestic violence and violence against women.

¹⁹www.sanctionsmap.eu Please note that the sanctions map is an IT tool for identifying the sanctions regimes. The source of the sanctions stems from legal acts published in the Official Journal (OJ). In case of discrepancy between the published legal acts and the updates on the website it is the OJ version that prevails.

(ii) Further grant support will contribute to results 1.1, 1.2 and 2.3 through the monitoring of the implementation of the Human Rights Strategy and Action Plan and also through contributing to its implementation.

(b) Type of applicants targeted

The type of applicants will be non-profit-making legal persons falling under the following categories: non-governmental organisations, local authorities, educational institutions, media organisations and public sector operators.

Other essential characteristics of the potential applicants, such as their place of establishment shall be specified in the guidelines for applicants of the call for proposals. The default scope may be narrowed down in terms of nationality, geographical location or nature of the applicant where it is required on account of the specific nature of action.

5.3.2 Procurement (direct management)

The procurement will contribute to the achieving of result 1.3: The Public Defender's Office is further strengthened to effectively implement its strategy and action plan, and to enhance its monitoring capacity.

5.3.3 Indirect management with an international organisation(s) (results 1.1, 1.2, 1.4, 1.5 and 2.3)

A part of this Action may be implemented in indirect management with an entity which will be selected by the Commission's services using the following criteria:

The entity shall have a proven track record in advising and capacity building of state institutions in human rights matters and be reputable and credible among beneficiary institutions. It shall be in a position to prove strong management capacity in Georgia to date, including for ensuring engagement of international agencies that are standard setting bodies in human rights areas covered by this Action, and to have the ability to deploy high-level and technical experts as required. The entity also needs to be able to advise on best international practices, including on EU Member States values and practices. The entity needs to show flexibility to design activities in line with emerging needs and developments. Furthermore, the entity will need to prove a positive record of work with the EU in areas relevant for the present intervention.

In case the selected entity is an international organisation currently undergoing an ex-ante assessment of its systems and procedures, it can also now implement this Action under indirect management based on its compliance with the conditions in force at the time if previously other indirect management actions were awarded to the organisation and based on a long-lasting problem-free co-operation, pending the finalisation of the ex-ante assessment, and, where necessary, subject to appropriate supervisory measures in accordance with Article 154(5) of the Financial Regulation.

The implementation by this entity entails actions contributing to both components, namely the results 1.1, 1.2, 1.4, 1.5 and 2.3, with regard to working with government institutions in policy setting and implementation of human rights actions on a structural level as well as with regard

to promoting the implementation of specific rights. The tasks entrusted to this entity are to implement actions linked to above-mentioned results, to monitor implementation and to propose and introduce corrective measures and deploy needed technical assistance expertise.

It is possible that several international organisations complying with the above established criteria and having similar experience will partner under one agreement and implement the above activities jointly if this is cost effective and suitable.

In case the envisaged entity would need to be replaced, the Commission's services may select a replacement entity using the same criteria.

If negotiations with the above-mentioned entity fail, that part of this action may be implemented in direct management in accordance with the implementation modalities identified in section 5.3.6 below.

5.3.4 Indirect management with an international organisation(s) (result 2.1)

A part of this Action may be implemented in indirect management with an entity which will be selected by the Commission's services using the following criteria:

The entity shall have a proven track record in advising and capacity building of state institutions in all matters pertaining to children's rights protection and promotion and be reputable and credible among beneficiary institutions. It shall be in a position to prove strong management capacity in Georgia to date, be a standard setting body in children's rights issues including child protection and juvenile justice covered by this Action and have the ability to deploy high-level and technical experts as required. The entity also needs to be able to advise on best international practices, including on EU Member States values and practices. The entity needs to show flexibility to design activities in line with emerging needs and developments. Furthermore, the entity will need to prove a positive record of work with the EU in areas relevant for the present intervention.

In case the selected entity is an international organisation currently undergoing an ex-ante assessment of its systems and procedures, it can also now implement this action under indirect management based on its compliance with the conditions in force at the time if previously other indirect management actions were awarded to the organisation and based on a long-lasting problem-free co-operation, pending the finalisation of the ex-ante assessment, and, where necessary, subject to appropriate supervisory measures in accordance with Article 154(5) of the Financial Regulation.

The implementation by this entity entails actions contributing to result 2.1, namely with regard to working with government institutions, both on central and local level, in policy setting and implementation of children's rights actions, in areas related to juvenile crime prevention, a child-sensitive juvenile justice system and the promotion of child welfare supporting the most vulnerable families and children. The tasks entrusted to this entity are to implement actions linked to above-mentioned result, to monitor implementation and to propose and introduce corrective measures and deploy needed technical assistance expertise.

The entity shall also be accepted to work in the breakaway region of Abkhazia to possibly extend implementation of certain activities where possible. These activities should include work with civil society organisations.

In case the envisaged entity would need to be replaced, the Commission's services may select a replacement entity using the same criteria.

If negotiations with the above-mentioned entity fail, that part of this Action may be implemented in direct management in accordance with the implementation modalities identified in section 5.3.6 below.

5.3.5 Indirect management with an international organisation (result 2.2)

A part of this Action may be implemented in indirect management with an entity which will be selected by the Commission's services using the following criteria:

The entity shall have a proven track record in advising and capacity building of state institutions in domestic violence and violence against women matters and be reputable and credible among beneficiary institutions. It shall be in a position to prove strong management capacity in Georgia to date, including for ensuring engagement of international agencies that are standard setting bodies in gender equality related areas covered by this Action, and to have the ability to deploy high-level and technical experts as required. The entity should be capable also to carry out activities in the breakaway regions of Georgia. The entity also needs to be able to advise on best international practices, including on EU Member States values and practices. The entity needs to show flexibility to design activities in line with emerging needs and developments. Furthermore, the entity will need to prove a positive record of work with the EU in areas relevant for the present intervention.

In case the selected entity is an international organisation currently undergoing an ex-ante assessment of its systems and procedures, it can also now implement this action under indirect management based on its compliance with the conditions in force at the time if previously other indirect management actions were awarded to the organisation and based on a long-lasting problem-free co-operation, pending the finalisation of the ex-ante assessment, and, where necessary, subject to appropriate supervisory measures in accordance with Article 154(5) of the Financial Regulation.

The implementation by this entity entails actions contributing namely to the result 2.2. with regard to working with government institutions in policy setting and implementation of domestic violence and violence against women (VAW) actions on a structural level as well as with regard to promoting and supporting the implementation of specific measures and initiatives at local level. The tasks entrusted to this entity are to implement actions linked to above-mentioned results, to monitor implementation and to propose and introduce corrective measures and deploy needed technical assistance expertise.

In case the envisaged entity would need to be replaced, the Commission's services may select a replacement entity international organisation or international non-governmental organisation using the same criteria. The part of this Action may also be implemented in direct management in accordance with the implementation modalities identified in section 5.3.6 below.

5.3.6 Changes from indirect to direct management mode due to exceptional circumstances

An alternative option for implementing the actions described in sections 5.3.3 and 5.3.4 is procurement of services (direct management), if the preferred modality (indirect management) cannot be implemented due to circumstances outside of the Commission's control.

For implementing the actions described in section 5.3.3 the procurement of services would contribute to achieving results 1.1, 1.2, 1.4, 1.5 and 2.3.

For implementing the actions described in section 5.3.4 the procurement of services would contribute to achieving result 2.1.

An alternative option for implementing the actions described in section 5.3.5 is a grant (c.f. section 5.3.1 above), if the preferred modality (indirect management) cannot be implemented due to circumstances outside of the Commission's control.

5.4 Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act and set out in the relevant contractual documents shall apply, subject to the following provisions.

The Commission's authorising officer responsible may extend the geographical eligibility on the basis of urgency or of unavailability of products and services in the markets of the countries concerned, or in other duly substantiated cases where the eligibility rules would make the realisation of this action impossible or exceedingly difficult.

5.5 Indicative budget

	EU contribution (amount in EUR)	Indicative third party contribution, in currency identified
- Grants (direct management) – cf. section 5.3.1 Objectives 1.1, 1.2, 2.2, 2.3	3 300 000	N.A.
- Procurement (direct management) – cf. section 5.3.2 Objective 1.3	1 500 000	N.A.
- Indirect management with international organisations cf. sections 5.3.3, 5.3.4, 5.3.5 Objectives 1.1, 1.2, 1.4, 1.5, 2.1, 2.2 2.3	5 800 000	tbc
Evaluation (cf. section 5.8) Audit/ Expenditure verification (cf. section 5.9)	400 000	N.A.

Total	11 000 000	N.A.
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5.6 Organisational set-up and responsibilities

The Delegation of the European Union to Georgia will be responsible for the management of the Programme and will monitor its overall implementation. It will also be the focal point for any communication with the contractors or the beneficiary institutions.

In addition to steering committees foreseen in the separate contracts, an annual stakeholder meeting including the main beneficiary partners, namely the Human Rights Secretariat, the Public Defender, the State Inspectorate Service, the Human Rights Protection and Quality Control Department of the Ministry of Internal Affairs, the civil society grantees and the contractual implementers of the Action, will be held to discuss progress of the EU4 Human Rights Programme.

5.7 Performance and results monitoring and reporting

The day-to-day technical and financial monitoring of the implementation of this Action will be a continuous process, and part of the implementing partner's responsibilities. To this aim, the implementing partner shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final reports. Every report shall provide an accurate account of implementation of the Action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (outputs and direct outcomes) as measured by corresponding indicators, using as reference the logframe matrix (for project modality).

Gender-sensitive evaluation and monitoring, assessment of gender equality results and implementation of rights-based approach working method principles (participation, non-discrimination, accountability and transparency) in terms of implementation of the projects and project outcomes will be applied. Monitoring and evaluation will be based on indicators that are disaggregated by sex and age, and even further when appropriate (disability, minority group, location urban/rural, migratory status (IDP) etc.) with focus on reduction of inequalities. Key stakeholders will participate in the monitoring process whenever possible.

SDGs indicators and, if applicable, any jointly agreed indicators as for instance per Joint Programming document should be taken into account.

The report shall be laid out in such a way as to allow monitoring of the means envisaged and employed and of the budget details for the Action. The final report, narrative and financial, will cover the entire period of the Action implementation.

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

5.8 Evaluation

Having regard to the importance of the Action, a mid-term and an ex-post evaluation will be carried out for this Action or its components via independent consultants contracted by the Commission.

The mid-term evaluation will be carried out for problem solving and learning purposes, in particular with respect to timely considerations on developing a follow-up programme.

An ex-post evaluation will be carried out for accountability and learning purposes at various levels (including for policy revision), taking into account in particular the fact that innovative approaches should be implemented and for a review of sustainability of implemented activities.

The Commission shall inform the implementing partner at least 30 days in advance of the dates foreseen for the evaluation missions. The implementing partner shall collaborate efficiently and effectively with the evaluation experts, and inter alia provide them with all necessary information and documentation, as well as access to the project premises and activities.

The evaluation reports shall be shared with the partner country and other key stakeholders. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the partner country, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.

Evaluation services may be contracted under a framework contract.

5.9 Audit

Without prejudice to the obligations applicable to contracts concluded for the implementation of this Action, the Commission may, on the basis of a risk assessment, contract independent audits or expenditure verification assignments for one or several contracts or agreements.

It is foreseen that audit services may be contracted under a framework contract.

5.10 Communication and visibility

Communication and visibility of the EU is a legal obligation for all external actions funded by the EU.

This Action shall contain communication and visibility measures which shall be based on a specific Communication and Visibility Plan of the Action, to be elaborated at the start of implementation.

In terms of legal obligations on communication and visibility, the measures shall be implemented by the Commission, the partner country (for instance, concerning the reforms supported through budget support), contractors, grant beneficiaries and/or entrusted entities. Appropriate contractual obligations shall be included in, respectively, the financing agreement, procurement and grant contracts, and delegation agreements.

Communication and visibility activities shall be implemented in accordance with the EU communication and visibility requirements in force. This shall also apply to the Communication and Visibility Plan of the Action and the appropriate contractual obligations. With regards to the Neighbourhood East, all EU-supported actions shall be aimed at increasing the awareness level of the target audiences on the connections, the outcome, and the final practical benefits for citizens of EU assistance provided in the framework of this Action. Visibility actions should also promote transparency and accountability on the use of funds.

Outreaching/awareness raising activities will play a crucial part in the implementation of the Action, in the case of budget support the national government shall ensure that the visibility of the EU contribution is given appropriate media coverage. The implementation of the communication activities shall be the responsibility of the implementing organisations, and shall be funded from the amounts allocated to the Action.

All necessary measures will be taken to publicise the fact that the action has received funding from the EU in line with the EU Communication and Visibility requirements in force. Additional Visibility Guidelines developed by the Commission (European Neighbourhood Policy and Enlargement Negotiations) will be strictly adhered to.

Where relevant, the provisions of the Financial and Administrative Framework Agreement concluded between the European Union and the selected international organisations shall apply.

It is the responsibility of the implementing organisation to keep the EU Delegations and, where relevant, DG NEAR, fully informed of the planning and implementation of the appropriate milestones specific visibility and communication activities.

The implementing organisation shall report on its visibility and communication actions, as well as the results of the overall Action to the relevant monitoring committees.

This Action will be communicated externally as part of a wider context of EU support to the country, and where relevant to the Eastern Partnership region in order to enhance the effectiveness of communication activities and to reduce fragmentation in the area of EU communication.

The implementing organisation shall coordinate all communication activities with EU Delegations as well as regional communication initiatives funded by the European Commission to the extent possible. All communication strategies developed as part of this Action shall ensure they are in line with the priorities and objectives of regional communication initiatives supported by the European Commission and in line with the relevant EU Delegation's communication strategy under the "EU4Georgia" umbrella initiative.

APPENDIX - INDICATIVE LOGFRAME MATRIX (FOR PROJECT MODALITY) ²⁰

	Results chain	Indicators ²¹	Sources of Data	Assumptions
Overall objective: Impact	A more inclusive and just society in Georgia	- Improved ratings in human rights indices - Level of awareness on human rights among duty bearers and rights holders	- Freedom in the World report - Human Rights Perception Survey	
Specific objective(s): Outcome(s)	<p>Component 1:</p> <p>1.1 Inter-agency coordination mechanisms are effectively functioning and overseeing the development, implementation and monitoring of human rights policies and action plans;</p> <p>1.2 State and local authorities implement a rights-based approach in protecting and promoting human rights policies and actions</p> <p>1.3 The Public Defender is further strengthened to effectively implement its strategy and action plan, and enhance its monitoring capacity.</p> <p>1.4 The State Inspector's Office is strengthened to effectively fulfil its mandate.</p> <p>1.5 Further legislation, including the Law on Administrative Offences is in line with international standards;</p>	<p># of strategic guidance issued</p> <p>Rate of implementation of the Human Rights Action Plan</p> <p>Rate of implementation of PDO strategy</p> <p>Proportion of law enforcement officers formally investigated for cases of alleged abuse</p> <p># of pieces of legislation amended</p>	<p>Government decrees and reports</p> <p>HR Secretariat implementation reports CSO monitoring reports</p> <p>PDO reports Project reports</p> <p>Official gazette</p>	<p>The government remains committed to the fundamental values of democracy, rule of law and human rights.</p> <p>The EU and the government maintain their high level of cooperation and continue to communicate and coordinate reform efforts.</p> <p>The Freedom of Information Act is adopted determining the Public Defender's Office as monitoring mechanism.</p> <p>The beneficiary institutions are willing and able to implement and benefit from the proposed actions. The institutions' capacity in maintaining staff, planning and coordination is sufficient for sustainable implementation of the actions.</p>

²⁰ Mark indicators aligned with the relevant programming document mark with '*' and indicators aligned to the EU Results Framework with '**'.

²¹ Subject to the availability of data, in particular when it concerns disaggregation by gender, age, location, disability, etc.

	<p>Component 2:</p> <p>2.1 Children’s rights and welfare reforms are further advanced, including on local level</p> <p>2.2 Support combating violence against women and domestic violence</p> <p>2.3 Other fundamental rights and freedoms are better respected and protected/promoted</p>	<p># of children reached through new programmes, disaggregated by sex, age, disability, location urban/rural</p> <p># of victims receiving post-shelter support and/or are economically independent</p> <p>Number of targeted Government measures to better include persons/groups living in vulnerable situations and minority groups in society</p> <p>% of women aged 20-24 who were married or in a union by age 15 (SDG 5.40)</p> <p>Prevalence of girls and women 15-49 who have experienced physical or sexual violence (by an intimate partner) in the last 12 months (SDG 5.38)</p> <p>% of referred cases of gender and sexual based violence against women and children that are investigated and sentenced, disaggregated by age, disability, group, location (SDG 5.39)</p> <p>Measure of sex ratios and comparison of child mortality according to the gender</p>	<p>Shelter records MIDPSLHSA reports Second national attitude study or survey on VAW</p> <p>ECRI report NGO reports HRW Report UN Special Measures Reports UPR Report and recommendations</p>	
<p>Outputs</p>	<p>Component 1</p> <p>1.1 Human Rights Council (HRC) is restructured and following a work plan</p> <p>1.2 State and local authorities are better aware of human rights obligations</p>	<p># of meetings of the HRC Council</p> <p># of Technical Working Groups reporting to HRC</p> <p># of civil servants including on local level trained on human rights, including on elimination of discriminatory practices</p>	<p>HRC reports, minute meetings</p> <p>Government and local authority Activity reports</p> <p>Human Rights Perception Survey</p>	<p>The government will continue its commitment to reinvigorate the high-level human rights coordination mechanism of the Human Rights Council.</p> <p>Adequate budgetary allocations</p>

	<p>1.3 Effective monitoring system is in place for all PDO recommendations</p> <p>1.4. State Inspector's Office is strengthened to effectively fulfil its mandate.</p> <p>1.5. Legislative bodies supported in drafting relevant pieces of legislation</p> <p>Component 2</p> <p>2.1 Child support systems advanced at central and local levels</p> <p>2.2 Support to victims of domestic violence and violence against women</p>	<p># of recommendation monitoring systems in place</p> <p>Proportion of State Inspector's Service (SIS) staff fully trained</p> <p># of legal expert advice provided and discussed</p> <p># of children reached by cash benefit programmes</p> <p># of children and families benefitting from community-based social services, disaggregated by sex, age, location</p> <p>VAC prevention and or capacity building strategies and programmes</p> <p>Recidivism rate of juveniles</p> <p># of victims directly supported under this Programme, disaggregated by sex, age, disability, minority group, location urban/rural</p> <p># of perpetrators received at early stage rehabilitation support</p> <p># of people trained/informed on domestic violence and violence against women under this programme</p> <p># of CSO monitoring reports</p> <p># of recommendations to relevant bodies</p>	<p>NGO reports</p> <p>PDO reports</p> <p>CSO reports</p> <p>SIS reports</p> <p>Prosecutor' reports</p> <p>Official Gazette</p> <p>MIDPSLHSA reports</p> <p>MoJ reports</p> <p>Project reports</p> <p>Shelter records</p> <p>MIDPSLHSA reports</p> <p>Second national attitude study or survey on VAW</p>	<p>will be made to ensure the proper functioning of the State Inspector's Service.</p> <p>The Freedom of Information Act will be adopted, determining the Public Defender's Office as monitoring mechanism.</p>
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	<p>2.3 Support to the promotion of specific human rights under this programme</p>	<p>Proportion of actions against advocacy of national, racial, religious or sexist hatred investigated</p> <p>Reported number of victims of direct or indirect discrimination and hate crimes and proportion of victims who received compensation and rehabilitation, disaggregated by sex, age, disability, minority group, location urban/rural</p> <p>Proportion of information requests by media and citizens responded to effectively by the government</p>	<p>PDO reports ECRI report NGO reports HRW Report UN Special Measures Reports</p>	
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