

**ANNEX I – The Action**

**JOINT PROJECT DOCUMENT**

Country: Georgia

Project Title: Human Rights for All – Support to the Implementation and Monitoring of the National Human Rights Strategy and Action Plan

Joint Project Outcome(s): *Capacities of government institutions and Parliamentary Committees on human rights and legal issues enhanced and mechanisms improved for better protection of human rights in Georgia*, in areas prioritised by EU-Georgia agreements

Project Duration: 2016-2018

Anticipated start/end dates: 01.01.2016-31.12.2018

Fund Management Option(s): Pass-through

Administrative Agent: UNDP

Total estimated budget\*: EUR 4,210,526

Out of which:

1. Funded Budget: EUR 4,210,526

2. Unfunded budget: \_\_\_\_\_

\* Total estimated budget includes both Project costs and indirect support costs

Sources of funded budget:

- EU Delegation to Georgia EUR 4,000,000.00
- UNDP EUR 86,779.02
- UNICEF EUR 54,703.21
- OHCHR EUR 44,044.64
- ILO EUR 24,999.45

**Names and signatures of (sub) national counterparts and participating UN organizations**

**UN organizations**

UNDP

UNICEF

OHCHR

ILO

## 1. Executive Summary

The project "EU/UN Human Rights for All" is a joint initiative of four UN agencies – United Nations Development Programme (UNDP), United Nations Children Fund (UNICEF), Office of High Commissioner on Human Rights (OHCHR) and International Labour Organization (ILO) with UNDP as Administrative Agent and Convening Agent.

This project is funded by the European Union based on the Financing Agreement on "Human Rights for All" signed between Georgia and the European Union in May 2015.

This project responds to the objectives set out therein, and namely seeks to **strengthen human-rights protection in areas prioritized by EU-Georgia agreements**, including the rights of minorities and vulnerable groups, internal and external oversight of law enforcement, labour rights, protection of privacy, freedom of expression and information. The project will mainly support the implementation and monitoring of the National Human Rights Strategy and Action Plan in selected areas prioritized by the EU-Georgia agreements.

Accordingly the overall objective of this project is to enhance capacities of government institutions and Parliamentary Committees on Human Rights and Civil Integration and on Legal Issues and improve mechanisms for better protection of human rights in Georgia.

The specific objective is to enhance capacity for more effective government institutions, mechanisms and Parliamentary Committees (on Human Rights and Civil Integration and on Legal Issues) in implementing the National Human Rights Strategy (NHRS) and its Action Plan (AP), in areas prioritised by the EU-Georgia agreements.

The NHRS and its AP adopted in 2014 are the key reference documents against which progress is measured. Subsequent APs will be also taken into consideration throughout project implementation.

Prioritised areas by European Union (EU)-Georgian agreements include the rights of minorities and vulnerable groups, internal and external oversight of law enforcement, protection of privacy, labour rights, and freedom of expression and information.

This Joint Project (JP) will have the following results/outputs:

1. Developed capacities of the NHRSAP Inter-Agency Council and its Secretariat in policy making, implementation and monitoring of the NHRS and AP;
2. Increased public awareness on NHRSAP (including its implementation) and Georgia-European Union (EU) common values as well as promotion of a culture of human rights in Georgia in general;
3. Strengthened capacities of the Office of the Personal Data Protection Inspector to monitor protection of personal data;

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4. Establishment and effective functioning of labour administration and industrial relations institutions and procedures;
5. Developed capacities of governmental stakeholders regarding the advancement of childcare and protection systems of poorest children;
6. Strengthened capacities of the Parliamentary Committees on Human Rights and Civil Integration and on Legal Issues;
7. More effective investigation mechanisms on violations committed by law-enforcement officers.

To accomplish the above activities, the project will partner with the following institutions: NHR SAP Inter-Agency Council and its secretariat, the Personal Data Protection Inspector, government institutions on labour and child care, Public Defender (Ombudsperson), the Parliamentary Committees on Human Rights and Civil Integration and on Legal Issues, and the Judiciary through the High School of Justice and law-enforcement authorities, as well as high education institutions and media.

The project will be implemented in indirect management - PAGODA – Delegation Agreement - in accordance with Article 58(1) (c) of Regulation (EU, Euratom) No 966/2012.

## 2. Situation Analysis

The new government that came to power after parliamentary elections in 2012 has continued to advance on the path of EU integration, a top national priority. Hence, strengthening human rights protection instruments, reform of the justice system and enhancement of social justice figure prominently on the government's agenda.

In September 2013, former Council of Europe (CoE) Human Rights Commissioner and EU Special Adviser on Constitutional and Legal Reform and Human Rights in Georgia Mr. Thomas Hammarberg published the report "Georgia in Transition" (hereinafter: the report)<sup>1</sup>. In June 2014, he summarised another set of recommendations to the Government<sup>2</sup>. While on the one hand the report noted

<sup>1</sup> "GEORGIA IN TRANSITION - Report on the human rights dimension: background, steps taken and remaining challenges", September 2013;  
[http://eeas.europa.eu/delegations/georgia/documents/virtual\\_library/cooperation\\_sectors/georgia\\_in\\_transition-hammarberg.pdf](http://eeas.europa.eu/delegations/georgia/documents/virtual_library/cooperation_sectors/georgia_in_transition-hammarberg.pdf)

<sup>2</sup> Recommendations to the Government of Georgia By Special Advisor to Georgia on Human Rights, Constitutional and Legal Reforms – Thomas Hammarberg;

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significant achievements in human rights and justice sector, it also identified challenges in reforming and strengthening democratic institutions. At the same time, the report focused on the need for consistent and systematic development of robust state institutions to protect human rights and the rule of law.

In response to this, the Government has undertaken a number of measures aimed at reflecting the report's recommendations in state policies. The main achievement so far has been the development and adoption of the National Human Rights Strategy (NHRS) 2014-2020 and its detailed Action Plan (NHRSA) 2014-2015. The NHRSA envisages a strong coordination and monitoring mechanism through the Inter-Agency Council chaired by the Prime Minister.<sup>3</sup> It is noteworthy that Civil Society Organizations (CSOs) and international actors were actively involved in the consultations of the NHRS and AP. Even more so, the elaboration of the NHRS and NHRSA became possible with very active support from the UN agencies - UNDP, OHCHR, UNICEF and ILO. Major part of 2014-2015 NHRSA has been already implemented and draft NHRSA 2016-2017 is being elaborated. The NHRS builds on existing policy documents such as the NHRS, Criminal Justice Reform Strategy, Civic Integration Strategy, new Juvenile Justice Strategy (under development) and expands into new fields.

Furthermore, the Government has taken additional steps to bring its legislation and practice in compliance with international - UN/EU/CoE - standards. Alongside negotiations leading to the signature of the EU-GE Association Agreement (including DCFTA) and the visa liberalisation plan, Georgian authorities have adopted the Law on Combating All forms of Discrimination, introduced revisions to the Labour Code, ratified the UN Convention on the Rights of the Persons with Disabilities, adopted laws for a more independent judiciary, abolished the Department of Constitutional Security within the Ministry of Interior (MOI), established a Personal Data Protection Inspector and independent Legal Aid Service (LAS), more than halved the prison population and improved consultations with CSOs. At the same time, as part of a wider criminal justice system reform, the government has also reformed the juvenile justice system in line with international and European standards. As a result, the number of convicted children fell from 1,166 in 2008 to 380 in 2013, the share of custodial measures decreased from 40% in 2007 to 25% in 2013 and a diversion and mediation programme was introduced throughout the entire country.

Despite a number of recent reforms and achievements, there are still substantial issues that need to be addressed. These issues were also highlighted in Hammarberg's report:

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[http://eeas.europa.eu/delegations/georgia/documents/human\\_rights\\_2012/th\\_recommendations\\_to\\_the\\_government\\_of\\_georgia\\_en.pdf](http://eeas.europa.eu/delegations/georgia/documents/human_rights_2012/th_recommendations_to_the_government_of_georgia_en.pdf)

<sup>3</sup> Established by the Resolution #445 of the Government of Georgia dated July 9 2014.

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In particular, for recent legislative reforms to be translated into practice, there is a need for strengthened capacity of existing implementing and monitoring institutions, including the secretariat of the NHRAP Inter-Agency Council, Office of the Personal Data Protection Inspector (PDPI), relevant units of the Ministry of Foreign Affairs responsible for reporting to UN and regional HR bodies, the Parliament and particularly its committees dealing with legal affairs and human rights issues, and line ministries participating in the implementation of the NRHSAP and Tri-partite Social Partnership Council. It is also necessary to develop impartial mechanisms for combating impunity and investigating allegations of wrongdoings committed by law enforcement officials.

In order to guarantee success in the NHRAP implementation, CSOs have to be full participants in it. The Public Defender's Office (PDO) also needs to be further supported to ensure continuity of its activities as the national human rights watchdog. The Parliament is to reinforce its role and positioning with regards to monitoring human rights situation through regular rapport with the public defender and other means.

Georgia is still to establish a coordination mechanism for the protection and realisation of child rights. The issue of child poverty remains unresolved. According to available data, children face a higher risk of poverty than any other age group. Households with children are poorer than those without children (2013 data: 26.1% compared to 16.5% respectively). While poverty among the general population has decreased, extreme poverty among children is now 50% more prevalent than the same figure within the general population, and national poverty rate for children increased from 25% in 2011 to 27% in 2013. This left around 50,000 children below USD 1.25 consumption per day and 225,000 below approximately USD 2 per day in 2013. Georgia has taken steps to ensure that every child has the opportunity to develop in a healthy, family environment by decreasing the number of children in institutions from 4,600 in 2005 to 85 in 2014, developing day-care and early intervention state programs, and developing gatekeeping mechanisms to prevent unnecessary family separation. Still, in order to ensure the completion of the reform, disability issues must be thoroughly addressed. There is no properly developed data and statistics on children with disabilities, as the lack of timely prevention and misdiagnosis of disability at birth hinder an appropriate and timely response. The current system does not allow granting formal disability status to children aged 0 - 3 years. This is coupled by the fact that 40% of Georgians perceive disability stigma as a social norm.

Similarly, violence against children is widely accepted in Georgia. 45% of Georgians believe that the use of physical violence against children is acceptable and more than one in two Georgians believe that violent forms of punishment are more effective than non-violent discipline. The vast majority of population, including professionals, would not interfere in a family's internal affairs. This remains a major obstacle to reporting and referring cases of violence against children. Finally, the issue of children living and/or working on the streets is not being properly addressed by the existing child care system.

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Georgia became member of ILO in 1993. Georgia has ratified 16 ILO Conventions, including all 8 Fundamental Conventions. However, the 2006 Labour Code did not comply with ILO standards: the rights to organize and to collective bargaining (Conventions 87 and 98) were not covered, and all existing labour administration institutions such as the labour inspectorate and the employment agency were abolished, etc. In July 2013, amendments to the Labour Code in accordance with ILO recommendations were adopted. Yet, there is no institutional capacity to develop labour and employment policies and ensure compliance with the provisions of the new Code. Labour and Employment Policy Department at Ministry of Labour, Health and Social Affairs (MoLHSA) was set up only in 2014. A roster of eight labour mediators is under implementation. Even if these independent mediators got basic training, they require ongoing support in reinforcing their professional expertise. Judges would benefit from further training on the new provisions of the Labour Code and practice to adjudicate labour cases. There is an urgent need to establish a Labour Inspectorate.

Furthermore, there is a lack of expertise and administrative capacities at MoLHSA to cope with its labour and employment mandate. Neither social partners are sufficiently developed both structurally and on the policy level. The social dialogue institutions are nascent. The 2013 amendments to the Labour Code have instituted a national Tripartite Social Partnership Commission.<sup>4</sup> However, it took one year to hold a first Commission meeting, with no working plan defined yet.

All of the aforementioned issues are covered by the NHRS and NHRSAP and thus positively contribute to its implementation. To achieve the objectives of NHRS, the Government requires professional support, for which UN agencies are well placed. Support from the UN will thus comprise a range of various activities to tackle these challenges, i.e. a high level consultancy in the Human Rights and Rule of Law fields, advocacy and awareness campaigns, analysis, expert advice, surveys, trainings and workshops, high-level conferences.

The successful implementation of the JP is a step forward to achieving the United Nations Partnership for Sustainable Development (Framework Document) (UNPSD) outcome 1: "By 2020 expectations of citizens of Georgia<sup>5</sup> for voice, rule of law, public sector reforms, and accountability are met by stronger systems of democratic governance at all levels<sup>6</sup>" and outcome 2: "By 2020 all people living in Georgia – including children, minority groups<sup>7</sup>, people with disabilities (PwD), vulnerable women, migrants, internally displaced persons (IDPs) and persons in need of international protection<sup>8</sup> have increased

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<sup>4</sup> [www.matsne.gov.ge](http://www.matsne.gov.ge)

<sup>5</sup> refers to country consultation findings from World Post 2015 survey for Georgia

<sup>6</sup> refers to legislative and executive branches of government both at central and local levels

<sup>7</sup> includes ethnic, religious, sexual and other minority groups

<sup>8</sup> includes victims of trafficking, stateless persons, migrants, refugees and other persons in need of international protection

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access to the justice service delivery in accordance with national strategies and UN Human Rights standards.”

**3. Strategies, including lessons learned and the proposed joint project**

**3.1. Background/context:**

This JP aims to address the prevailing human rights challenges in the country and provides a comprehensive response to the problems. The JP entails working at legislative, institutional and individual levels to ensure that both duty bearers and rights holders are adequately protected by a regulatory framework, well-functioning institutions, and sufficient levels of knowledge among all stakeholders.

The JP aims *to enhance capacities of government institutions as well as Parliamentary committees on legal issues and on human rights and improve mechanisms for better protection of human rights in Georgia* in areas prioritised by EU-Georgia agreements.

The participating UN agencies will work to realize the following seven results in order to reach the outcome as set forth for this project:

1. Developed capacities of the NHR SAP Inter-Agency Council and its Secretariat in policy making, implementation and monitoring of the NHR SAP and its AP;
2. Increased public awareness on NHR SAP (including its implementation) and Georgia-European Union (EU) common values as well as promotion of a culture of human rights in Georgia in general;
3. Strengthened capacities of the Office of the Personal Data Protection Inspector to monitor protection of personal data;
4. Establishment and effective functioning of labour administration and industrial relations institutions and procedures;
5. Developed capacities of governmental stakeholders regarding the advancement of childcare and protection systems of poorest children;
6. Strengthened capacities of the Parliamentary Committees on Human Rights and Civil Integration and on Legal Issues;
7. More effective investigation mechanisms on violations committed by law-enforcement officers.

The participating UN agencies are well positioned to design and carry out such a comprehensive project. Based on their specialized mandates, the ILO will focus on result/output 4, while UNICEF will concentrate on result/output 5. The remaining results/outputs (1, 2, 3, 6, 7) will be implemented by UNDP and OHCHR under the arrangements presented below. The Government considers the UN agencies to be reliable and preferred partners in the implementation of NHR SAP and other reforms.

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Moreover, the Government relies greatly upon the advice of UN agencies in the development of legislation (such as juvenile issues, labour legislation, anti-discrimination, Personal Data Protection, etc.) and implementation of institutional reforms, especially capacity building.

The JP will be implemented in close cooperation with targeted institutions (Prime Minister's Office, PDPI, Parliament of Georgia, Ministry of Internal Affairs (MIA), Ministry of Justice (MoJ), Ministry of Science and Education (MSE), Ministry of Foreign Affairs (MFA), MoHLSA, Ministry of Economy and Sustainable Development (MoESD), Ministry of Youth and Sport, Tripartite Social Partnership Commission chaired by the Prime Minister of Georgia, Georgian Courts System), international organizations (CoE, EU, USAID), CSOs, and social partners including the Georgian Employers' Association (GEA) and Georgian Trade Unions' Confederation (GTUC). Participating UN agencies have already had established relations with all these stakeholders and will be able to extend these working relationships further to implement the project activities and produce results.

### **3.2. Lessons Learned:**

Lessons learned from previous or ongoing projects on Human Rights are reflected in this JP (such as previous UN Joint Programme on Enhancing Gender Equality in Georgia, support to the PDO, criminal justice, minorities, support to trade unions, governance). Taking this previous experience into account, some findings were identified that are relevant to the implementation of the present JP, namely:

- There is a need to increase cooperation between different branches of power and ensure full participation of CSOs in the making of policies, decisions and regulatory framework on human rights. The government has committed itself to building democratic society while ensuring the highest possible standards of human rights protection and access to justice. The recent history of Georgia saw a gradual decrease of government openness towards partnership with CSOs. Therefore, consistent efforts should be made to sustain cooperation between different branches of power, and between the state and CSOs.
- There is also a need to strengthen the capacity of national mechanisms/bodies and improve monitoring and evaluation systems/mechanisms responsible for the implementation of human rights policies ensuring active participation of CSOs. Over the last decade, the Government has introduced a number of policy documents on human rights. However, most of these documents shared a common weakness: the absence of an appropriate monitoring and evaluation (M&E) system. One good exception was Criminal Justice Reform Strategy (CJRS) and its Action Plan (AP) that provided an efficient and operational M&E system together with the Secretariat that coordinated the implementation of the AP and systematic review and upgrade of the Strategy. This successful example shall be replicated for the implementation of the NHRSAP and its M&E system (engaging CSOs in their role as watchdogs).
- After the change of the government in October 2012, the authorities have expressed willingness to correct the previous government's resistance to follow ILO's recommendations.

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Upon government's invitation, ILO has been cooperating with the Ministry of Justice in amending the Labour Code to ensure its compliance with international labour standards. Now that a decent Labour Code is adopted, the challenge is to reinforce and build institutions that will ensure enforcement, both at the individual and collective levels. A new phase of cooperation with the ILO has started in 2014 aimed at institution building and focusing at strengthening the capacities of the government and labour-related state institutions, and as well as those of the social partners, starting with those of the workers' organizations.

- The Convention on the Rights of the Child guarantees a child's right to life, to survival and development, to protection, wellbeing, education, etc. In Georgia, these rights are not currently being fulfilled. Lessons learnt point to the necessity to bring together social, health and education sectors to support the most disadvantaged from all different angles. Georgia's social protection system is not child sensitive; therefore increased social spending has had only a marginal effect on reducing child poverty. UNICEF and the government have realised the need for reorganization of preventive treatment and counselling services for mothers and children at the primary healthcare level as new-borns are increasingly "surviving" but not always "developing". Underlying reasons are complex and include a wide spectrum of issues also conducive to poor parenting skills. Parents, especially those from poor and disadvantaged groups, need practical support. International evidence suggest that the best system for ensuring that no child misses out is proper child growth and development monitoring through home visiting. This system is particularly appropriate for remote and disadvantaged areas and population groups where infant and child outcomes may be worse or much worse than the average.

It is indispensable that social, health and education sectors use the common language in assessing and addressing the needs of children with disability. For this, it is essential to introduce the International Classification of Functioning, Disability and Health that allows for problems to be recorded not on the basis of medical diagnosis, but on the bases of functions of the body, activity limitations and participation restrictions. By doing so, it will be possible to avert the stigmatization and institutionalization of children due to disability.

Children are often affected by violence in Georgia. It is therefore essential to support a legislative review so that all forms of violence against children are explicitly defined in legislation. Furthermore, referral mechanisms should be strengthened at all levels, and the assessment/revision of existing guidelines and protocols on "how to identify and address cases of violence against children" should be supported. Finally, adequate services should be provided to children who are victims of violence. This similarly applies to children living or working on the street.

- There is a need to improve the government's engagement with the UN human rights mechanisms. Many of the national reports to the UN Treaty Bodies were submitted late, and

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their recommendations as well as recommendations of the UN Special Procedures that visited Georgia were often not implemented and even altogether ignored. Thus, sustained efforts are required to enable Georgia to benefit from the expertise of UN human rights mechanisms and to translate recommendations of international experts into domestic laws, policies and practice.

### 3.3. The proposed joint project:

The proposed initiative targets the following results by implementing the respective activities:

**Result/Output 1. Developed capacities of the NHR SAP Inter-Agency Council and its Secretariat in policy making, implementation and monitoring of the NHR SAP and its AP**

**Activity 1.1:** Provide technical and administrative support to the establishment and functioning of the Inter-Agency Council for NHR SAP (IACHR)

The Government set up an Inter-Agency council for NHR SAP (IACHR) that will lead implementation and monitoring of the NHR SAP. The council is chaired by the Prime Minister and co-chaired by the head of the state chancellery and composed of the respective ministers/deputy ministers. The council has 8 working groups<sup>9</sup> (WGs) specializing in particular topics. The secretariat of the IACHR, set up at the PM's office, coordinates and facilitates the work and operation of WGs.

The JP will support the Secretariat to strengthen its capacities to coordinate the implementation of the NHR SAP. A high level international consultant(s) as well as local experts will be engaged to advise to the secretariat on the optimal procedures, priority agenda, operations and communication. The IACHR, the secretariat and WGs should be actively engaged in monitoring of the current NHR SAP, and should also document lessons learned and apply them in developing the new action plan in 2015. Therefore, the project will provide support in the ongoing monitoring, as well as in the elaboration of the new AP 2016-2020. Furthermore, it will be especially important to include information about financial resources in the future NHR SAP and link it with the Basic Data and Directions (BDD) and annual budgets to ensure a proper implementation. The project will provide support to this.

- Provide high level policy analysis and advice to the IACHR and the Secretariat;
- Support the IACHR to develop NHR SAPs for 2016-2020;
- Support in linking NHR SAP and BDD/annual budgets.

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<sup>9</sup> The number of working groups may be increased due to the newly identified needs and new action plans of NHR SAP.

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**Activity 1.2:** Strengthen the capacity building of the Secretariat of the IACHR and other relevant stakeholders to ensure thorough implementation of the NHR SAP

Efficient operation of the Secretariat contributes to the coordination of the implementation of NHR SAP. Accordingly, the Project will support the Secretariat to set up its optimal structure, identify the capacity gaps and address them in a systematic manner. In this, the secretariat will have an opportunity to receive advice from international and national experts, and will also participate in trainings workshops, research activities, and an international study visit to enhance their operational and substantive capacities.

Close cooperation between the Secretariat and all the government agencies involved is of paramount importance, as each agency has a concrete role to play in implementation of the AP. The agencies have designated respective staff members who serve as primary focal contacts for the secretariat. Hence, it is similarly urgent to help these focal points to get up to speed and be sufficiently capable to fulfil this additional assignment and respond to the increased demands. In this, the representatives from the various agencies will participate in various trainings, workshops and capacity development events.

- Support in setting relevant structure of Secretariat, including in drafting of relevant regulations, job descriptions, etc.;
- Needs assessment<sup>10</sup> and elaboration of capacity development plan for the secretariat;
- Implementation of the capacity development actions for the secretariat;
- Facilitate connections between the secretariat and other related stakeholders, as well as capacity development of other stakeholders.

**Activity 1.3:** Assistance in establishment of the monitoring and evaluation (M&E) system of the NHR SAP

Sufficient progress in implementation of the HRAP shall be tracked and documented by the appropriate monitoring and evaluation system. The M&E can also be used in identifying early deviations from the AP in order to take corrective measures. The AP identifies the indicators that should serve as a measurement for success in implementation. The NHR SAP also requires the responsible agencies to report twice a year on the implementation of the planned activities. The Project will support development of specific guidelines of NHR SAP monitoring and support in implementation of M&E mechanism. This will also include supporting relevant stakeholders to report on NHR SAP implementation. Finally, the Project will also support mobilizing various resources around

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<sup>10</sup> Initial needs assessment of the secretariat will be conducted by the secretariat itself.

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evaluating the efficiency of the 2014-2015 NHRAP and documenting the lessons learned for the new APs.

- Develop guidelines on monitoring and evaluation of NHRAP;
- Support /capacity building of monitoring mechanism (trainings, workshops, monitoring);
- Assist in developing reports on the implementation of the NHRAP.

**Activity 1.4:** Setting up of an effective system for communication and information exchange among stakeholders and public

This activity was included in the EU document. However, it is closely related to result/output 2 (see below). In order to avoid duplication and ensure efficient use of resources, relevant actions are specified under Activity 1 of result/output 2.

**Activity 1.5:** Capacity development of relevant government agencies to report to international and regional human rights mechanisms and to analyse and incorporate recommendations by PDO, NGOs as well as by international and regional mechanisms (e.g. UPR, UN Treaty Bodies etc.) into national policies, including in the areas of combatting discrimination and Economic, Social and Cultural (ESC) rights

This activity will address a clear need to strengthen the capacities of relevant government institutions to report to international and regional human rights monitoring bodies.

- Develop comprehensive guidelines for government institutions and the Secretariat of IACHR on appropriate actions to be implemented by authorities for reporting to the UN and regional human rights mechanisms;
- Develop system for reporting to relevant HR monitoring bodies with appropriate timelines as well as structure and models of reports for each human rights monitoring body (international and regional);
- Conduct trainings for responsible officials.

**Activity 1.6:** Building mechanisms to ensure that UN human rights and regional human rights monitoring bodies are provided with reliable and regular updates on the human rights situation in Georgia

This activity is mainly aimed at consolidating the efforts of independent experts and NGO sector related to monitoring HR situation in Georgia to keep the Secretariat of IACHR, other policy makers as well as international community of latest trends on the most challenging parts of implementation of NHRAP. Having long term experience of drafting and consolidating alternative reports for UN bodies, UN Country Team (UNCT) will produce annual reports reflecting the most updated information on achievements, challenges, recommendations and suggestions.

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- Develop annual reports on human rights for the Secretariat of IACHR, UN and regional HR monitoring bodies;

**Activity 1.7:** Ensuring the usage of impact assessment, gap analysis and expertise prior to the adoption of new legislation

The Secretariat of IACHR will receive training on analysing reports on the human rights situation in Georgia (published by international and local bodies including Ombudsperson and NGOs), concluding observations and jurisprudence of UN human rights bodies, as well as extensive case law of the European Court of Human Rights (including cases against Georgia). The Secretariat will also receive training in identifying the major flaws and gaps in existing legislation and will practice requesting amendments or developing of new pieces of legislation. Most of the current challenges are reflected in the NHRAP.

- Develop inventory of challenging pieces of legislation as well as challenges in systemic practice affecting effective enjoyment of human rights (PDO annual reports, NHRAP, Concluding observations of UN and bodies, reports of rapporteurs and experts on the HR situation in Georgia, NGO reports, case law of HR bodies against Georgia) and identify the most urgent ones to be amended/elaborated;
- Conduct compatibility studies of local legislation/practice (in specific areas such as combatting discrimination) with universal and regional HR standards (including jurisprudence of UN bodies and case law of the European Courts) and develop recommendations/ draft laws;
- Provide assistance, as appropriate, in developing new draft laws, concepts, mechanisms and models in relevant human rights areas, including ESC rights and combatting discrimination;
- Organize wide scale discussions and roundtables on developed gap analysis, recommendations and draft laws.

**Result/Output 2. Increased public awareness on NHRAP (including its implementation) and Georgia-EU common values as well as promotion of a culture of human rights in Georgia in general**

**Activity 2.1:** Information campaigns on NHRAP implementation

The design of an effective public information campaign shall be tailored to Georgian perceptions and reality regarding human rights challenges. Therefore, the JP will apply various tools to examine the prevailing perceptions within the Georgian society regarding human rights and analyse the findings vis-à-vis the historical results. This implies using traditional methods of data collection, such as public perception studies, as well as innovative methods, such as micro-narratives.

The respective communications campaign will be developed based upon the findings and launched using various communications channels, traditional as well as innovative. The final details of the communication campaign will be agreed upon with the EU Delegation.

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*(Note: the communication research and campaign will include the PDPI component as well, which was originally reflected under result/output 3, Activity 5)*

- Organize country-wide research (survey/micro-narratives, etc.) on public perceptions of human rights and NHRSA;
- Support in developing communication strategy;
- Organise information campaign in accordance with the communication strategy.

**Activity 2.2:** Support to develop capacity of Government stakeholders to design, manage and implement communication action plans

The communication strategy of NHRSA will involve the Secretariat and all government agencies responsible for the implementation of NHRSA. Even though some ministries have stronger visibility, there is relatively low communication concerning the NHRSA, especially on issues identified by the NHRSA. To enhance the capacity of the responsible agencies, this action will support the communications departments of selected government agencies to better communicate the objectives and progress of the NHRSA.

- Identify respective stakeholders and conduct training sessions/guidance in implementing the communications campaign on NHRSA.

**Activity 2.3:** Human rights education institutionalised for public officials by developing and tailoring human rights trainings curricula and delivering trainings at the national and regional levels

There is a trend to state the predominance of traditional and cultural values, frequently not based on facts, over human rights values. Such a trend is largely observed among public officials as well as widespread intolerance towards minorities, particularly religious, sexual and ethnic minorities. Furthermore, a grave lack of specially designed trainings for public officials on human rights-related issues is evident, especially at the regional level. Along with the above-mentioned there is a need to revise and tailor human rights curricula at training centres/academies of judges, police, prosecutors and lawyers.

- Materials developed and trainings/seminars conducted on human rights related issues for senior state officials, such as deputy ministers and department heads in key ministries;
- Curricula developed and trainings/seminars conducted for Georgian police academy students as well as for continuous education of police officers covering negative and positive obligations of police officials from human rights standpoints, especially related to Right to Life, Prohibition of Torture, Right to Liberty and Security, Right to Private and Family Life, Freedom of Religion, and Prohibition of Discrimination;
- Curricula developed and trainings/seminars conducted for prosecutors, especially related to effective enjoyment by individuals of their rights to physical integrity (prohibition of ill-

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treatment), right to liberty and security, right to fair trial, and procedural guarantees of defendants, including presumption of innocence, right to privacy, prohibition of discrimination, and positive obligation to conduct prompt and comprehensive investigation in certain circumstances. Relevant trainings will be conducted in connection with the developed curricula;

- Targeted trainings conducted in human rights for lawyers on specific human rights issues identified together with the Georgian Bar Association (GBA), (inter alia on non-discrimination and available legal remedies);
- Brief materials developed and trainings/seminars conducted for journalists on human rights related topics identified every six months by the UN as the most relevant and challenging, including economic, social, and cultural rights - 4 trainings per year (12 Trainings in total, including at the regional level);
- Materials developed and trainings/seminars conducted on human rights for local self-governing bodies with special emphasis on tolerance and combating discrimination as well as economic, social, and cultural rights (15 trainings at the regional level).

**Activity 2.4:** Promotion of human rights education through the development of curricula for public universities, as well as textbooks and other materials/literature on international human rights, humanitarian and international law

There is very little human rights education at the public university level in Georgia, and no comprehensive and consistent curricula on this subject exist. On the one hand, the theoretical part of the curricula along with general overview of human rights history and mechanisms needs to be concentrated on a modern interpretation of key rights and freedoms by UN and European human rights mechanisms. On the other hand, curricula at universities have to incorporate practical tools such as human rights moot courts, round tables, articles on human rights, critical analyses of human rights challenges (including realisation of ESC rights), a human rights based approach to public policy, and the role of human rights in international affairs.

- Assistance provided to Georgian public universities in developing human rights curricula which include both theoretical and practical aspects of international human rights law; invitation of high profile human rights experts; round tables and targeted courses in human rights;
- Materials developed on human rights and human rights based approaches in Georgian language for students and journalists (on anti-discrimination, right to private life, freedom of expression, prohibition of torture, right to liberty and security, freedom of religion, social and economic rights).

**Activity 2.5:** Contests and moot courts in human rights organized for students and journalists

- Moot courts, competitions for school children and young students on human rights related issues, organized and conducted;

- Trainings on human rights for CSOs and journalists organized and conducted.

**Result/Output 3. Strengthened capacities of the Personal Data Protection Inspector office to monitor protection of personal data**

**Activity 3.1:** Improvement of the institutional framework and development of a strategy for the work of the PDPI, to enable the efficient and effective supervision of the implementation of relevant legislation

PDPI was established in 2013 after the adoption of the new legislation on personal data protection (PDP). It is a young governmental organization that faces many challenges, including regular changes of legislation aimed at widening its functions. The PDPI is staffed with a dedicated and motivated team to perform its function properly. Yet, support is needed to develop all relevant regulations, tools and guidelines that will facilitate more effective operations. This includes the development of internal regulations and guidelines for PDPI, which are necessary for the office to implement its statutory obligations. Therefore, the Project envisions a consecutive and logical set of activities for the PDPI for its institutional development. The Project team will support the functional review of the PDPI and development of respective recommendations.

- Develop institutional development strategy and action plan;
- Develop internal regulations and policy documents for the office of PDPI;
- Support the development and implementation of advanced technical tools and secured infrastructure;
- Development of Educational and Public Outreach Campaigns for Increasing the Awareness of Data Controllers and Data Processors.

**Activity 3.2:** Improvement of the capacities of the office of PDPI, including analytical and risk assessment capacities and the creation of efficient and effective mechanisms for dealing with complaints and conducting inspections and monitoring

While the above supports institutional capacity building of the PDPI, individual capacity development is also important. Hence, the project will support assessment of the individual capacities of the PDPI and design a comprehensive capacity development package that will include trainings, workshops, individual coaching, study visits, etc. Various types of capacities will be addressed, such as analytical, communications, risk assessment, dealing with complaints, and M&E. The PDPI will also be supported in its introduction of modern web platform(s) to provide user-friendly services to the customers. These web platforms will also respect balance between freedom of information and personal data protection.

- Support in the development of an efficient citizens' complaints mechanism; development of a case management system;

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- Support in the development of an efficient risk-assessment system for the identification priority sectors/areas in PDPI and main processors of personal data;
- Support in the development of an inspection methodology, tools and techniques of inspection and supervision;
- Support in upgrading the complaints review procedure, including the development of relevant procedures and guidelines, as well as online complaint submission software;
- Support in upgrading the web platforms.

**Activity 3.3:** Development of guidance for various public and private-sector bodies in adapting their data management systems to PDP standards

As PDP legislation is new in Georgia, the understanding among the public and private sector players of these procedures is relatively low. Therefore, there is a need to provide guidance on how to update data management standards in line with PDP standards. The Project will support selected public and/or private sector bodies to develop relevant regulations/models and implement them.

- Develop guidelines for public and private sector on PDP;
- Provide trainings on PDP.

**Activity 3.4:** Enhancement of the capacity of the judiciary to balance freedom of expression and data protection

The PDP legislation can be implemented only with full participation of all branches of power. The role of judiciary is particularly important, as the judicial review process has been strengthened for the protection of the personal data. At the same time, a too rigid application of PDP regulations might lead to the limitation of freedom of expression. To avoid either an excessively lax or excessively restrictive interpretation of PDP regulations, the judiciary should have a clear understanding and knowledge of the Georgian and international standards on PDP, as well as procedural aspects and implications of applications of the law. The Project, in cooperation with the High School of Justice (HSJ), will support introduction of studies on PDP for future judges, as well as training of existing judges. In this, the project will support the development of training modules, and will conduct Training of Trainers courses. The trained trainers are expected to remain within the HSJ and conduct the training courses for judges.

- Support to the development of training modules/curriculum for existing judges and future judges on PDP;
- Provide Training of Trainers course;
- Conduct trainings for judges by the trained trainers.

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**Activity 3.5:** Awareness raising on basic rules and principles (rights and obligations) of data protection with special emphasis on available mechanisms for protection of personal data, including claims system.

This Activity will be implemented together with activity 1 under result/output 2. The Project will support the PDPI in implementing a communication strategy (see above activity 1 under this result/output) to address the gaps identified by the public perception surveys.

- Public perception survey on data protection;
- Implementation of communication strategy.

**Activity 3.6:** Harmonization of law enforcement procedures and operations in line with CoE Data protection standards, particularly recommendation R (87)<sup>15</sup> on the use of personal data protection

A widespread campaign against arbitrary telephone tapping and covert surveillance was launched by the NGO sector in 2014. The major aim pursued by the campaign was to introduce relevant amendments within Georgian legislation which would provide sufficient guarantees against arbitrary surveillance. In December 2014, the Parliament adopted amendments known as the Beselia-Popkhadze-Sesiashvili legislative package, which were criticized by civil society for not tackling the existing gaps and leaving room for unjustified government interference in citizens' private lives. As a result of amendments adopted in December 2014:

- 1) Ministry of Internal Affairs retains the technical means – the lawful interception management system, so-called black boxes – to receive telecom data in real time;
- 2) The PDPI, who was supposed to exercise control and oversight over lawfulness, has become only a participant in secret investigations;
- 3) Internet control remains practically unmonitored;
- 4) The Ministry of Internal Affairs (MIA) has the right to copy data banks without any limit, and without any regulation over the data banks' content, from electronic communications companies without a court's permission;
- 5) The law no longer determines which identifying data the MIA is authorized to copy and store.

There is a need to assist authorities and provide them with several alternatives. To this end, the following activities will be conducted:

- Conduct research for detailed analysis of remaining gaps and problems in Georgian legislation (especially bearing in mind proposed or forthcoming changes and divisions within the MIA and shifting secret surveillance functions to the Security agency) affecting effective enjoyment and protection of individuals' private lives and communication;

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- On the basis of the findings of the research, develop relevant amendments/draft law to be submitted to Government and NGO stakeholders as well as international stakeholders for their comments.

**Activity 3.7: Assisting PDPI in developing rules and procedures on criminal matters**

This activity will mainly address the needs to develop unified attitudes and standards for monitoring for PDPI for effective monitoring and of lawfulness of any type of surveillance measures implemented by law enforcement authorities during criminal proceedings.

- Develop guidelines for monitoring every procedure in the data protection process;
- Provide training to PDPI staff on international and local standards on surveillance and data protection;
- Carry out study visit for PDPI staff to countries with successful monitoring models (for monitoring surveillance in criminal matters).

**Activity 3.8: Enhancement of the capacity of the Judiciary and other stakeholders on right to privacy and relevant issues (related to criminal matters)**

- Organize trainings/seminars and informational meetings, as well as discussions and roundtables for judiciary and other interested stakeholders, CSOs and journalists on right to private life and freedom of expression.

**Result/Output 4. Establishment and effective functioning of labour administration and industrial relations institutions and procedures**

ILO will contribute to achieving national priorities regarding legal, institutional and operational shortcomings in the field of labour and industrial relations. Since labour and industrial relations had not been a preoccupation for public authorities for years, the level of expertise and capacity is generally low. Capacity regarding monitoring and evaluating labour policies and programs need to be also built. As for operational units aimed at informing citizens and employers on labour matters, enforcing labour standards, promoting Occupational Safety and Health (OSH) and assisting in the resolution of labour disputes, the current reality is almost a blank page. Georgia has to create a Labour Inspectorate, including its OSH component, make labour mediation an operational reality and ensure improved adjudication of individual labour disputes. The envisaged activities are complementary both in substance and in time sequencing to US funded ILO project on "Improved Compliance with Labour Laws in Georgia" and to the recently commenced EU funded ILO project on "Promoting Labour Relations and Social Dialogue in Georgia". As the latter project provides capacity building support to the Tripartite Social Partnership Commission (TSPC) chaired by the Prime Minister and the capacity

building of social partners, notably the employers and workers organisations, it will reinforce the foreseen activities herein.

ILO will support the Government in the establishment and effective functioning of labour administration institutions and procedures:

**Activity 4.1:** Institutionalized consultation among social partners leading to amendments/developments of primary and secondary labour legislation in line with ILO standards

ILO will assess the current legislation governing labour relations to identify gaps (for e.g. problems with essential services, such as health sector – right to strike in such services; prohibiting/limiting right to strike; need for a compensatory mechanism to address the issues, where there is a deadlock, through legislative amendments (primary – labour code, secondary – essential services). Provisions governing essential services (health, public utilities, police, firefighters, etc.) will be prioritised for review to balance the right of workers to collective bargaining and the maintenance of services essential for the protection of the safety and health of the population. The extent to which gender issues – maternity and parental leave - are being addressed adequately will be examined. The legal assessment will be achieved with the contribution of employers' and workers' organizations in a spirit of tripartism and the legislative roadmap leading to improvement developed with the assistance of the ILO. Workshops will be conducted in the process of legal assessment and a plan of action will be developed.

- Conduct legal assessment;
- Conduct workshops;

**Activity 4.2:** Enhanced capacity, clear and foreseeable practice, of the judiciary in enforcing labour legislation

- In consultation with the Ministry of Justice and the Court System, ILO will support an assessment of rulings from all levels of courts based on the amendments in the labour code. Court judgments on labour and employment issues will be collected, a summary will be prepared based on different types of cases, such as termination, discrimination, etc. An assessment conducted by the team of ILO consultants will result in a report, based on which ILO will convoke a roundtable to be attended by the international and national participants, ILO social partners and the government. Compilation of and printing of relevant documents in relation to the Labour Code amendments, notably the full text of the amended Labour Code in three languages and the National Study on Court Rulings will be carried out. In parallel continued training of judiciary on International Labour Standards will take place in line with the established cooperation with HSOJ. Conduct assessment mission;
- Print publications.
- Organize roundtable, workshop, trainings;

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**Activity 4.3:** Establishment of an effective network of Regional Tripartite Social Dialogue mechanisms in the regions of Georgia

A tripartite structure similar to the Tripartite Social Partnership Commission (TSPC) will be set up in a pilot region and the feasibility of replication in other regions will be explored. Advocacy, technical assistance, training programme, setting up regional commission secretariat will be supported. Workshops will be conducted to design an action plan for a regional TSPC.

- Establishment of Regional Tripartite Social Partnership Commission;
- Developing the technical expertise of the TSPC at regional level;
- Strategic planning advisory workshops and advisory training sessions.

**Activity 4.4:** Capacity-building and "on the job" coaching support to qualified mediators nationwide

ILO has trained 8 (4 core and 4 reserve) labour dispute mediators in April-May 2014 that will assist in preventing and solving collective labour disputes in line with the amended Labour Code. Mediators require continuous learning and on the job coaching. International experts will be made available at short notice to coach the newly appointed mediators, either through online communication or on site assistance for high-profile labour disputes. Workshops will be held to review and analyse recent mediation cases and deepen the mediators' expertise of certain topics (e.g.: wage package and structure). Case analysis will be put in writing enriching the existing Mediator's Guide with practical examples from Georgia.

- Compile, translate and print Mediators Guide and Toolkit;
- Provide coaching for GEO mediators;
- Conduct comprehensive refreshment training for mediators.

**Activity 4.5:** Awareness raising campaign communicating the benefits of compliance with labour legislation and bi-partite and tri-partite social dialogue at all levels (workplaces, sectors, regions, national level) and enhanced capacities of stakeholders to design, manage and implement communication action.

Number of workshops will be provided to the constituents. Tripartite campaigns will be organized. The tripartite constituents will be involved in regular awareness raising activities communicating the benefits of compliance with labour legislation and importance of social dialogue at workplaces on sectorial, regional and national level. Awareness raising and communication activities will be ongoing throughout the project cycle. Awareness raising and communication activities will include media, distribution of printed materials, sensitization workshops, social media campaigns (Facebook, Twitter...), etc.

- Organize tripartite workshop on communication;

- Carry out tripartite campaigns.

**Activity 4.6:** Enhanced sensitization of media on reporting on labour issues at large

A training of trainers (ToT) on labour issues will be conducted for media representatives and throughout the project cycle trainings will be provided to the journalists. The tripartite constituents will be involved in the training activities. Awareness raising and communication activities will be ongoing throughout the project cycle.

- Conduct workshops for the media and ToT.

**Activity 4.7:** Continued support for the development of a modern labour administration system in Georgia

ILO will support the development of modern labour administration system. Support to development of labour policy and labour statistics will be provided for improving the data system on labour and policy development. A workshop on linkages and elements of labour administration based on Labour Inspection assessment results and developed roadmap for the establishment of an effective inspectorate will be conducted.

- Provide expert advice;
- Organize follow-up workshop.

**Result/Output 5. Developed capacities of governmental stakeholders regarding the advancement of childcare and protection systems for the poorest children**

UNICEF will contribute to the achievement of national priorities related to childcare and protection systems with a special emphasis on the most vulnerable children in line with the National Human Rights Strategy and Action Plan. Therefore, UNICEF will work to ensure that children, one of the most vulnerable groups in Georgia, have access to quality health, education, legal aid, justice and other essential social services. Furthermore, UNICEF will participate in poverty alleviation efforts through the development of a child sensitive social protection system in line with the European Social Charter, EU Charter for Fundamental Rights (Art 24), EU Agenda for the Rights of the Child (2011), EC Recommendation on Investing in Children (2013), EP Resolution on the EU-Georgia Association Agreement (Dec 2014), EP Resolution on the CRC Anniversary (Nov 2014), and EU Council Conclusions on the promotion and protection of the rights of the child (Dec 2014).

**Activity 5.1:** Revise social protection system to better reflect the needs of the poorest children

The activity will focus on the (i) revision of the "means tested" social protection system to better identify and reflect the needs of households with children living in poverty, (ii) develop and budget a child sensitive social protection state program in line with European Social Charter, (iii) review the legislation, develop and support the implementation of child assessment and referral tools for social

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agents and social workers, and (iv) support the development of the Social Service Agency's human resource strategy:

- Support to the development of a new social protection model that is child sensitive and to quality assurance of the model; provide expert advice;
- Legal assessment;
- Develop the action plan for transition to the new modality;
- Development of training modules for social agents and introduction of the modules into the social agents' administrative instructions; Provide training to the respective professionals;
- Support /capacity building of monitoring mechanism;
- Assessment of the effectiveness of the new modality;
- Development of an updated human resources strategy for the Social Service Agency (job descriptions, working methodologies, educational plans, training modules, etc.).

**Activity 5.2:** Improved primary and secondary legislation concerning child victims of violence, prevention of child abandonment, the regulation of foster care and reintegration into biological families

The activity will focus on the revision of the existing primary and secondary legislation and support the development of the Child Action Plan, which will focus on vulnerable children, in particular children living with disabilities, children victim of violence and poor children.

- Review the law on adoption and foster care; development and implementation of foster care standards;
- Support the implementation and enforcement of the "legislative package" regarding the protection of children who are victims of violence;
- Support the development and implementation of legislation on "highly vulnerable children" such as children living/working on the streets<sup>11</sup>.

**Activity 5.3:** Enhanced Child Protection Referral Procedures to better identify, refer and respond to violence against children and strengthened response capacities of professionals

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<sup>11</sup> This activity will be a continuation of the on-going work to revise legislation supporting realization of rights of children living and working on the streets. The initiative is funded by EU through UNICEF project "Reaching Highly Vulnerable Children in Georgia with Focus on Children living and working on the Streets".

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The activity will focus on the development of the concept of national referral system for children who are victims of violence, development of a human resources strategy, elaboration of relevant child assessment/referral tools, and capacity development of relevant professionals.

- Support to the development, oversight and implementation of the transition to the new national referral and tools;
- Support to the development of monitoring mechanisms and capacity building for all professionals involved with the identification, referral and protection of children victims of violence;
- Development of an updated human resources strategy (job descriptions, working methodologies, educational plans, training modules, etc.);
- Development of toll free call centre for violence against children;
- Assessment of the effectiveness of the new modality.

**Activity 5.4:** Child development monitoring institutionalized; service delivery standards developed and introduced with a particular emphasis on the most vulnerable children

The activity will focus on the development of the concept for a comprehensive, coherent referral system and nationwide implementation of a model for child growth and development monitoring at the primary healthcare levels. The model requires extensive outreach of the health professionals at the local level to ensure that, starting from birth to the age of 6, there is regular monitoring of child development, care and growth indicators with a special emphasis on the most vulnerable children. The activity will also focus on the development and implementation of the new functional model for disability assessment instead of the outdated medical model, which misinterprets disability and does not allow proper planning for developmental interventions for most vulnerable children.

- Development of an action plan for the implementation of the child growth and development monitoring model;
- Development and implementation of the functional model for disability assessment;
- Training of professionals and development of multidisciplinary teams for functional disability assessment;
- Training and professional support to multi-disciplinary teams and medical nurses;
- Revision of relevant legislation;
- Development of a human resources strategy and training modules for medical staff to strengthen their capacity to detect children with developmental delays/disabilities;
- Training on children's rights for health and social professionals with the objective of changing attitudes and practices regarding the institutionalisation of children with disabilities;

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- Assessment of the effectiveness of the monitoring model.

**Activity 5.5:** Development of an information management system for the Ministry of Labour Health and Social Affairs (MoLHSA) concerning social and health services for children; strengthening of the ministry's and its affiliated agencies' capacity in data analysis and evidence-based policy-making

The aim of this activity is to incorporate key children's rights indicators into the existing Information Management System within the MoLHSA.

- Strengthening and consolidation of the MoLHSA Social Information Management System (SIMS), particularly through the integration of a specific child module allowing the ministry to properly monitor access to essential child protection services for the most vulnerable children (beneficiaries, service providers, efficiency of the referral mechanisms). This will also include the development of new registry forms for children with disabilities along with the revision of existing reporting forms to better reflect child development and wellbeing indicators.

**Activity 5.6:** Information exchange system between the agencies involved in child care and protection developed and strengthened

The activity will be focused on the development and implementation of mobile registration centers for identifying highly vulnerable children, including children living and working on the streets, development of the "unified model" linked with other national data systems, and support to the coordination and oversight structures and central and local levels to ensure coherence of state agencies on child care, development and protection.

- Development and implementation of mobile registration centres for identification and registration of highly vulnerable children including children living and working on the streets;
- Development and implementation of a unified model for encompassing (i) detection, (ii) specialized referral for verification, and (iii) service provision for vulnerable children;
- Development and establishment of coordination and oversight structures at the central level to ensure coherence of State agencies on child care, development and protection.

**Activity 5.7:** Public awareness increased on issues related to children with disabilities, violence against children, and children living and working on the streets

- Incorporate issues related to disability and violence against children in schools' civil education curricula to reduce stigma towards such children from early stages;
- Public awareness activities regarding the advancement of child care and protection systems of the poorest children.

**Result/Output 6. Strengthened capacities of the Parliamentary Committees on Human Rights and Civil Integration and on Legal Issues**

The JP will cooperate and coordinate closely with another EU-UNDP Parliamentary Strengthening project while designing and implementing support to this result/output. In particular, the Committee on Human Rights and Civil Integration (HR Committee) has already been selected as one of the priority committees for the parliamentary project. Therefore, support to capacity building activities is already planned with respect to the HR committee. Once the current EU-UNDP project support ends or proves insufficient, capacity building of the HR Committee will be covered under the present intervention. As long as the Committee on Legal Issues is not part of the UNDP Parliamentary project, particular attention will be given to this committee, when it comes to the capacity development of its staff and structures.

**Activity 6.1:** Raise awareness of committee members and staff on international standards on human rights, with a particular emphasis on anti-discrimination

The Project will support the two committees to have greater access to the latest developments in human rights international standards. Specific issues for the trainings/workshops will be agreed upon with the committee members on an annual basis taking into account the legislative work-plan developed with the committees (for the Committee on Legal Issues with support through this project, and for the HR Committee with support through the UNDP Parliamentary Project). This activity will be implemented together with OHCHR actions under result/output 2, activity 3.

- Conduct workshops and training sessions for MPs and parliament staff on international standards and best practices in human rights, including anti-discrimination.

**Activity 6.2:** Support strengthening the capacity of the committees in respect to analytical and research activities, law-making activities and developing practice guides on newly adopted legislation

As capacity development of the Human Rights Committee is already foreseen in the UNDP-EU Parliamentary Project, this activity may put a greater focus on the Committee on Legal Issues, though support to the Human Rights Committee will also be covered when above project ends or proves insufficient. Following the unified approach of the Parliamentary Project, a comprehensive capacity assessment will be undertaken of the Committee on Legal Issues. Capacity development activities will be designed in response to the results of the assessment and will target technical as well as operational capacities. Support actions will include trainings/workshops and a study visit to upgrade the capacity of the committee(s). To facilitate the law-making process, expert advice will also be made available when difficult and critical issues arise.

The Project will also support the committees to develop practice guides - explanatory reports - on newly adopted legislation. This is rather important as the Georgian authorities and society often face problems due to inconsistent interpretation of legal provisions by government bodies or the judiciary.

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The practice guides will further facilitate the development of consistent practice for the new legislation.

- Capacity assessment of committee capacities (Under the frames of this project, assessment will be undertaken only for the Committee on Legal Issues, as the HR Committee is already covered under the frames of the Project "Strengthening the System of Parliamentary Democracy in Georgia") and design of a capacity development plan;
- Support the Committee on Legal Issues in developing a legislative work plan;
- Support capacity development of the committees (expert advice, trainings, coaching, study visit), favouring as much as possible joint actions for both committees' members;
- Elaborate framework to enable the committees to develop practice guides on newly adopted legislation.

**Activity 6.3:** Strengthen the role of the HR Committee in the oversight of the implementation of Public Defender's Recommendations to state institutions

UNDP has conducted research on the status of the implementation of the PDO recommendations. It was found that only 50% of PDO recommendations were implemented from 2008 to 2013. Another finding of the research was the fact that there is no mechanism or procedure for the Parliament to follow up on the implementation of recommendations made in the PDO annual report to the Parliament.

Taking into account the importance and role of the Public Defender and his/her recommendations in the protection of human rights, it is of paramount importance to introduce mechanisms of parliamentary oversight on the implementation of PDO recommendations. The Project will support the development of relevant recommendations and regulations, and will also support the implementation of the newly adopted regulations.

- Develop recommendations on mechanisms of Parliamentary oversight on the implementation of PDO recommendations;
- Develop regulations in line with recommendations;
- Support in implementation of new regulations.

**Activity 6.4:** On-demand assistance provided to Parliamentary committees in the form of materials and advice on international human rights standards on economic, social, and cultural rights. When necessary, support in the drafting and development of laws/amendments, including testing their compliance to universal and regional HR standards

- Training provided on international human rights and the role of the Parliament in upholding human rights, including economic, social, and cultural rights for the MPs and Parliamentary staff;

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- Analytical reports developed on ad hoc key human rights issues of importance to the Parliament;
- Assistance provided to the committees in developing amendments or draft laws reflecting the newest developments and standards on human rights related issues.

**Result/Output 7. More effective investigation mechanisms on violations committed by law-enforcement officers<sup>12</sup>**

Activities under this result should be closely coordinated with the EU Delegation. The Delegation will pay special attention to ensure consistency with the joint EU/CoE project "Human Rights in prisons and other closed institutions" running in parallel.

**Activity 7.1:** Upgrade relevant regulatory framework to ensure (i) that the National Preventive Mechanism (NPM) of Georgia can effectively document and record cases of alleged ill-treatment and torture; (ii) clearer regulation and oversight of ethical and disciplinary responsibilities by the police management; (iii) that approaches in the system of performance indicators in the law enforcement, investigative, prosecution, judicial and penitentiary sub-sectors are harmonized to remove any career-related incentives for improper behaviour resulting in ill-treatment.

- Support to MIA (Provide expert advice, organize workshops/trainings/seminars on newly adopted legislation for law-enforcement bodies);
- Support to NPM of PDO (Provide expert advice, organize workshops/trainings/seminars);
- Support to other stakeholders (Provide expert advice; organize workshops/trainings/seminars on newly adopted legislation for law-enforcement bodies).

**Activity 7.2:** Greater use of analysis and research in combating ill-treatment through the introduction of an inter-agency evaluation system on the efficiency of combating ill-treatment, based on accurate disaggregated statistics and production of relevant reports indicating risks and threats

To comply with the Association Agreement with the EU, Georgian authorities have made significant efforts to develop and adopt the NHRS and Government Action Plan. However, these efforts cannot make an impact without the actual implementation of the NHRSAP. In April 2014, the Parliament

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<sup>12</sup> Taking into account the fact that this area is currently pursued by the EU under a joint EU/CoE project (running until mid-2015), any concrete activities under this output shall be implemented only upon request of the beneficiary and in coordination with EU and its implementers. Still, the current intervention will join/shoulder advocacy efforts of the donor/international community towards the achievement of the effective/independent mechanism of violations from law-enforcement officers.

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approved the strategy, and in June 2014 the Government approved the Action Plan along with a relevant mechanism to monitor its implementation. Based on the Human Rights Report developed by Mr. Hammarberg (Special EU Adviser on Human Rights and Constitutional and Legal Issues) as well as former UN High Commissioner for Human Rights Ms. Pillay, one major commitment made under the Action Plan is the creation of a special independent and impartial mechanism/body which is supposed to effectively investigate past and present serious wrongdoings committed by law enforcement officials (including torture).

- Develop a more sophisticated model (draft law) of an independent and impartial mechanism dealing with allegations of wrongdoings by law enforcement officials.

**Activity 7.3:** Awareness raising activities and communication about the prohibition of ill treatment

The recent history of Georgia has revealed a number of cases of ill treatment by law-enforcement, especially in cases of deprivation of liberty. Therefore, an awareness campaign on remedies and protection tools should be conducted. In addition, it is important that there exists a pool of journalists who can accurately talk about cases of ill treatment. Awareness raising in this component will also be included in the overall framework of the public awareness campaign of this project and it will address both the general public and journalists through trainings and other means.

- Organize awareness raising campaign for the public and the media on ill treatment;
- Organize workshops/trainings for public and journalists;
- Develop and print information brochures/guidance on ill treatment;
- Assistance provided to authorities to elaborate amendments to the criminal procedural code of Georgia in order to strengthen guarantees against ill treatment; conduct lobbying for the introduction of such amendments;
- Distribute materials and conduct systematic trainings on ill treatment for judges, police, prosecutor's office and penitentiary officials;
- Conduct trainings for lawyers on prohibition of torture and relevant procedures and remedies at their disposal.

**Guiding principles and cross-cutting issues**

The Programme will use the following guiding principles in the implementation and monitoring of the programme to ensure approaches across the sub-results/outputs are directed in a common manner. The principles build upon UNDP's, UNICEF's and partners global experience and work in Georgia.

- A. Evidence based programming and measuring and capturing results:

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The project will monitor results and demonstrate achieved progress and will embed systematic M&E approaches into all aspects of programming (e.g. baseline assessments, capacity assessments of institutions, user-surveys, etc.).

**B. Gender equality, women and youth empowerment:**

A gender equality perspective will be mainstreamed throughout the project, through ensuring the collection and interpretation of sex / age disaggregated data relevant to project indicators and conducting gender analysis to better inform project design and implementation. The project will prioritise in particular women's access to justice services and women's participation and role (including decision making) in the justice system. Specifically, the project will strive toward the following:

- Seek to ensure that gender equality issues are incorporated into all relevant policies and legislation, and that justice institutions and processes are equal and fair for both women and men;
- Advocate for the increased participation of women and youth in justice sector policy-making and actions at the institutional level and support their active engagement in civil society;
- Ensure that policy and planning processes are consultative and participatory, and actively encourage the involvement and decision making role of women and youth, as well as marginalized and vulnerable groups; ensure that plans and services are sensitive to their specific needs;
- Ensure gender issues are fully incorporated in curricula and training materials that are developed;
- Ensure close co-ordination and collaboration with other UNDP, UNICEF, OHCHR and ILO activities related to specific aspects of women's empowerment and gender issues.

**3.4. Sustainability of results:**

The main objective of this JP is to enhance the capacities of state institutions and improve mechanisms for protecting human rights in Georgia. After the completion of the JP, it is expected that key government institutions will be able to pursue the objective of protecting the human rights of the population and effectively implement necessary actions for this purpose.

Striving to this end, the UN Agencies will continue well-established cooperation with all relevant stakeholders within all branches of power, as well as with CSOs and the international community in the country. Effective implementation of the JP will improve legislative framework, enhance the capacities of state and non-state actors, increase awareness of the citizens and subsequently ensure the

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sustainability of the actions related to protection, monitoring, and promotion of human rights in the country.

The JP will be implemented in close cooperation with other development initiatives led by national and international actors and will strive to achieve synergies for greater results and more effective use of resources, in particular when addressing cross-cutting issues that key national institutions are facing.

The strongest indicator of the project's sustainability is the commitment to ensuring human rights for all demonstrated by the Government of Georgia through necessary instruments. This will be reinforced by (i) increasing the capacity of the civil society to hold the government accountable and (ii) raising people's expectations that the government will operate applying human rights-based approaches. It has been demonstrated by other recent reforms in Georgia that once certain reforms are initiated and the population is aware of the positive changes, the reversal of reforms becomes unlikely.

The overarching theme of this project is establishing and strengthening an institutional culture of applying a human rights-based approach in the public sector, particularly in a number of key institutions. The activities that support the IACHR Secretariat (part of the Prime Minister's Office), the two Parliamentary Committees, the Personal Data Protection Inspector, the Public Defender's Office, the Ministry of Interior and legal professionals are all envisioned to gain an improved knowledge of international rights standards, increase analytical capacities from the human rights perspective, and develop new legislative frameworks. The institutions will be expected to perform on a high level and be responsive to human rights challenges, while the staff will be expected to be knowledgeable and basing their work on human-right based approach. As the NHRSA was developed through extensive consultations in the government and the civil society, and reports of the IACHR Secretariat and other products of the project will be publicly discussed, sustainability is expected to be reinforced by the expectations of the stakeholders in the continuing progress in human rights and in sustained institutions capable of maintaining reliable communication between stakeholders and responding to emerging challenges. Furthermore, these stronger institutions will base their work on a better legal/normative framework and human rights-based approach, as a result of this project. By the project's end, state institutions will sustain the participatory and consultative processes introduced during the implementation of the JP.

In the sphere of human rights education and training, the developed curricula will be piloted, modified and tailored as required and a group of human rights educators will be trained to sustain human rights training in selected public universities and in specialized institutions, such as the Police Academy and the High School of Justice. Here also, the strengthened institutional capacity, changed institutional culture and increased expectations of the stakeholders (students, civil society, and legal professionals) will ensure that, after the project's completion, human rights courses will continue to function at public educational institutions and specialized training facilities as a part of the overall curricula. Students and trainees are likely to expect and demand these courses as part of their education as they will, inter alia, enhance career opportunities in Georgia. Indeed, the Association Agreement with the EU will both

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require and support Georgia's compliance with various international standards, including those in human rights.

Enhancing public awareness and knowledge will also be targeted systematically. Information/awareness campaigns (including those by state institutions) will be based on gaps in people's knowledge. This will make a sustained impact on people's attitudes and opinions, and will translate into behavioural change at the end.

In the sphere of labour rights, results will be sustained through the creation of a functioning labour administration system in Georgia, effectively supervised and guided by the Tripartite Social Partnership Commission (TSPC). All relevant components of the project related to labour rights – comprehensive legislation in the field of employment, development and adoption of labour inspections inclusive of OSH, establishment of effective and functioning labour inspections with supervision and sanctioning powers, utilization and further development of a labour mediation system utilised, structural reforms – are expected to remain sustainable as they are designed to become firmly anchored in the institutional set-up.

In the sphere of child rights, UNICEF will focus on the following aspects in order to guarantee the project's sustainability:

- **Transparency and participation:** UNICEF, UNDP and OHCHR will involve all stakeholders at all levels and inform them regularly and in detail about all aspects of the proposed project. All stakeholders will be involved in the project planning and implementation processes.
- **Encouraging ownership of the process and results by the government:** in addition to consulting relevant governmental structures, civil society partners, and professionals involved in children's cases at all stages of project implementation, UNICEF's efforts will be directed to institutionalize changes and programmes within the governmental structures. Financial responsibility of the services initially funded by UNICEF is likely to be taken over by the relevant ministries, ensuring the sustainability of these services.
- **Including good practices:** experiences and knowledge that have already been acquired with the same and/or other target groups will be systematically analysed and incorporated in the proposed project. International norms and best practices will be applied whenever appropriate.
- **Realistic expectations:** in the preparation stage, clear information will be given about the proposed project and its advantages and disadvantages and how the project fits into the overall framework of the ongoing reform of the child care and child sensitive social protection systems, as well as child growth and monitoring, disability model and referrals and assessment tools.
- **Dealing with risks:** problems will not be ignored, but anticipated and tackled as soon as they arise and possible solutions will be explored together with involved collaborators. UNICEF will

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closely monitor relevant development in legal and policy areas, and will react accordingly to ensure that intervention goals are met to the highest degree possible.

The results will be sustained as the mechanisms developed and established under the joint program will be taken over by the Government of Georgia. The child sensitive social protection system, child growth and monitoring, functional disability model, referrals, and assessment tools will become state programs and will continue to be mainly funded through the state budget after the completion of the current JP. The necessary legal framework to support the sustainability of the results will be put in place together with relevant stakeholders.

Therefore, at the end of the JP, as the result of actions envisaged, the staff of strengthened state institutions will have necessary capacity, information and mechanisms to continue fulfilling their role of duty-bearers in protection of human rights while the Georgian public at large will, as rights-holders, be better aware of their rights and in a better position to claim their rights.

#### **4. Logical Framework**

*Table 1 LOGFRAME*

(please see attached)

## **5. Management and Coordination Arrangements**

The Joint Programme will be jointly managed, coordinated and implemented by OHCHR, UNICEF, ILO and UNDP (thereinafter referred as "Participating UN Organizations" or PUNOs) with UNDP's Country Office in Georgia as Administrative Agent (AA). The functions of the AA are fully described in the Fund Management Arrangement Section below. The Joint Programme will be managed and coordinated using the pass-through funding modality.

The Joint Programme will be jointly managed and coordinated by the PUNOs through the following:

### **5.1. The Joint Project Steering Committee**

The Project Steering Committee (SC) will be established to ensure full national ownership, as well as smooth and successful implementation of the Joint Programme. The Steering Committee will be co-chaired by representatives of the UN, EU delegation and Government Chancellery, and will consist of the Minister of Labour, Health and Social Affairs, participating UN organizations and, if relevant, additional staff of the EU Delegation (also referred to as the donor). The SC will provide strategic guidance for a coherent and coordinated programme implementation, approve programme annual work plans and fund allocation, as appropriate, review progress against set targets, review and approve the periodic progress reports. The Joint Project SC will ensure senior level oversight and meet twice a year the first year and at least once the subsequent years.

### **5.2. The Project Implementation Unit (PIU)**

The Project Implementation Unit (PIU) will be set up for successful implementation of the project results/outputs and activities towards achievement of the Joint Project outcomes. The PIU will consist of personnel, designated for this project and responsible for the day-to-day implementation of the project, including with managerial, technical and administrative responsibilities.

The team will be coordinated by the UNDP designated manager responsible for, among others, coordination of joint planning and implementation. Monthly team meetings will be held with participation of all staff of the project (including permanent personnel and short-term experts, if applicable) for coordination and coherence of programmatic and operational activities. The PIU will be responsible for all aspects of project execution, including coordination with national partners, oversight of implementing partners (selected NGOs), achievement of set results under the respective outputs, overall monitoring and reporting.

The four Participating UN organizations will act as collectively responsible for attainment of the project objectives and will be jointly accountable for successful implementation of the activities as specified in the results/outputs:

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- UNDP and OHCHR are jointly responsible for results/outputs 1, 2, 3, 6 and 7;
- ILO - result/output 4;
- UNICEF - result/output 5.

Short-term consultants will be recruited as needed to provide support in specific technical areas.

The PIU will be guided by designated programme officers of the participating agencies. Extended coordination meetings with participating agencies will be held quarterly. EU representatives responsible for this project will partake in the coordination meetings.

**6. Fund Management Arrangements:**

The JP will follow the pass-through fund management modality according to the UN Development Goals (UNDG) Guidelines on UN Joint Programming. The UNDP CO Office in Georgia, serving as the Administrative Agent for the Joint Project, as set out in the Standard Memorandum of Understanding (MOU) for Joint Projects using Pass-Through Fund Management will perform the following functions:

- a) Receive contributions from donors that wish to provide financial support to the Joint Project;
- b) Administer such funds received, in accordance with the MOU including the provisions relating to winding up the Joint Project Account and related matters;
- c) Subject to availability of funds, disburse funds to each of the PUNOs in accordance with instructions from the Steering Committee, taking into account the budget set out in the Joint Project Document, as amended in writing from time to time by the Steering Committee;
- d) Consolidate financial reports, based on submissions provided to the Administrative Agent by each PUNO, and provide these to each donor that has contributed to the Joint Project Account and to the Steering Committee and PUNOs;
- e) Provide final reporting, including notification that the Joint Project has been operationally completed, in accordance with Section IV of the MOU;
- f) Disburse funds to any Participating UN Organization for any additional costs of the task that the Steering Committee may decide to allocate (as referred to in Section I, Paragraph 3 of the MOU) in accordance with Joint Project Document.

The Joint Project Account will be administered by the Administrative Agent in accordance with the regulations, rules, directives and procedures applicable to it, including those relating to interest.

Prior to the launch of the Joint Project, a MOU will be signed between PUNOs and the Administrative Agent. A common annual work plan will be elaborated. A detailed joint annual work-plan as a part of this programme will be developed for one year of the implementation before the first month of each yearly cycle.

## **7. Monitoring, Evaluation and Reporting**

Joint Project monitoring, evaluation and auditing will be carried out in accordance with the respective regulations, rules and procedures of the PUNOs.

**Monitoring:** The Joint Project will be monitored throughout its duration and evaluated in accordance with the project M&E plan. PUNOs will share information and progress updates, and undertake joint visits where appropriate.

Project monitoring will be carried out by the Project Implementation Unit and by the JP Coordination Team in accordance with the policies and procedures of PUNOs. Project implementation will be assessed continuously at the level of results/outputs. Results/outputs will be measured at regular intervals and against clearly defined indicators. Specific programme activities will serve as benchmarks indicating the progress achieved.

The results of monitoring activities will be presented to the Project Steering Committee by the Coordination Team and Programme Implementation Unit.

The programme will likely be subject to Result-Oriented Monitoring (ROM) missions, to date covering EU interventions beyond 1 million euro.

**Annual/Regular reviews:** As mentioned above, the Project Steering Committee will carry out annual reviews of the implementation.

**Evaluation:** An External evaluation of the joint project will take place at least once during the JP lifetime. The evaluation will be carried out after two years of the JP implementation to collect feedback from stakeholders, analyse results achieved and challenges encountered, adjust implementation modalities as needed, and incorporate changes throughout all project components.

**Reporting:** The UNDG annual Standard Progress Report format will be adapted for the reporting purposes of the JP, reflecting the donor requirements. The draft annual report will be reviewed by the Joint Project Steering Committee in the framework of the annual progress review process to incorporate feedback and guidance from the SC.

Each PUNO will provide the Administrative Agent with the following statements and reports prepared in accordance with the accounting and reporting procedures applicable to the PUNO concerned. The PUNO will endeavour to harmonize their reporting formats to the extent possible.

- (a) Annual financial statements and reports as of 31 December with respect to the funds disbursed to it from the JP Account, to be provided no later than four months (30 April) after the end of the calendar year;
- (b) Final statements and final financial reports after the completion of the activities in the approved programmatic document and including the final year of the activities in the

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approved programmatic document, to be provided no later than six months (30 June) of the year following the financial closure of the JP.

The Programme Implementation Unit will develop the following reports, in accordance with the reporting procedures applicable to the PUNO.

- (a) *Annual narrative reports*, to be provided no later than three months (31 March) after the end of the calendar year.
- (b) *Final narrative report*, after the completion of the activities in the approved programmatic document and including the final year of the activities in the approved programmatic document, to be provided no later than four months (30 April) of the year following the financial closing of the JP. The final report will give a summary of results and achievements compared to the goals and objectives of the JP.

**8. Legal Context or Basis of Relationship**

**Table 3: Basis of Relationship**

Participating organization	UN	Agreement
UNDP		This Joint Project Document shall be the instrument referred to as the Project Document in Article I of the Standard Basic Assistance Agreement between the Government of Georgia and the United Nations Development Programme, signed by the parties on 01 July 1994
OHCHR		The Office of the United Nations High Commissioner for Human Rights (OHCHR) is headed by the High Commissioner for Human Rights, a position established by the General Assembly in 1993 to spearhead the United Nations' human rights efforts. OHCHR Regional Human Rights Adviser for the South Caucasus has been deployed in Georgia since 2007 on the basis of exchange of letters with the Georgian Government as a part of the UN Resident Coordinator Office to support and assist the Resident Coordinators, Heads of UN agencies and members of UNCTs in Armenia, Azerbaijan and Georgia to integrate human rights in their programming strategies and on its implementation as well as to build and strengthen national human rights capacities.

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UNICEF	Current Joint Programme Document is developed under the auspices of the Basic Cooperation Agreement signed by the Government of Georgia and UNICEF Georgia Country Office on 3 December 1999 and ratified by the Parliament of Georgia on 5 June 2001 and the 2011-2015 Georgia Country Programme Document.
ILO	ILO-UNDP Global agreement covering ILOs presence in the country as per the Standard Basic Assistance Agreement between the Government of Georgia and the United Nations Development Programme

*The Implementing Partners/Executing Agency<sup>33</sup> agree to undertake all reasonable efforts to ensure that none of the funds received pursuant to this Joint Project are used to provide support to individuals or entities associated with terrorism and that the recipients of any amounts provided by Participating UN organizations do not appear on the list maintained by the Security Council Committee established pursuant to resolution 1267 (1999). The list can be accessed via <http://www.un.org/Docs/sc/committees/1267/1267ListEng.htm>. This provision must be included in all sub-contracts or sub-agreements entered into under this project document.*

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<sup>33</sup> Executing Agency in case of UNDP in countries with no signed Country Programme Action Plans

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9. Work plan, logical framework and budgets

Please see attachments.