



PUBLIC DEFENDER  
(OMBUDSMAN) OF GEORGIA

# INFORMATION BULLETIN OF PUBLIC DEFENDER OF GEORGIA

#4

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THE PUBLIC DEFENDER OF GEORGIA,  
UCHA NANUASHVILI

## 1. PUBLIC DEFENDER'S GREETING

Among the special events of April I would like to emphasize [the visit of the International Advisory Board members](#). Establishment of the International Advisory Board was part of our Action Plan for 2013. The goal was to help the Public Defender in defining and implementing priorities and perspectives of human rights.

Norwegian Helsinki Committee advisor Aage Borchgrevink, and conflict and cooperation expert Jorgen Johansen arrived in Georgia for the third time, while Maina Kiai, United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, and independent expert Eva Pastrana visited Georgia for the first time.

During the meeting, we briefly reviewed last year's activities, implementation of recommendations, trends in human rights and fundamental freedoms in 2015 and

structural changes carried out as a result of the expansion of the Public Defender's mandate.

I am glad that the international experts positively assessed our work and gave us useful advices. They also prepared a letter for the Parliament and the Government, in which, among other important things, one of the main recommendations was provision of a proper building for the Public Defender's Office.

By the participation of the International Advisory Board, we held our traditional public debate on the topic – ["Freedom of Association and Assembly - Achievements and Challenges"](#). At the event we discussed implementation of the recommendations included in Maina Kiai's report of June 8, 2012.

It should be noted that the Government took into consideration the part of the recommendations which

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concerned the freedom of association. In particular, the Organic Law on Political Unions of Citizens and the Law on State Audit Office, which had been the subject of criticism of the Special Rapporteur, were amended; the election environment was improved; the Constitutional Court's decision on re-distribution of majoritarian districts was particularly important.



However, I believe that the new rule of formation of electoral districts does not take into account the interests of the local population and natural geographical area; gender equality issues are still unresolved, the quota system should be improved.



The Law on Assembly and Manifestations should be improved. In particular, the law still does not provide for the possibility of holding spontaneous rallies; the right to freedom of assembly is fully limited by the military forces and the Interior Ministry officers. Maina Kaia hailed the reduction of administrative detention term from 90 to 15 days, however, he advised the Government to abolish the use of administrative detention for using the right to freedom of assembly and association.

Jorgen Johansen led a training session held within the framework of the [Human Rights Academy of the Public Defender](#). At the meeting with journalists working on conflicts, security and human rights issues, he talked about the protection of human rights in conflict and post-conflict situations, as an effective mechanism of conflict transformation, as well as the role of the media in conflict resolution and protection of human rights.

In April, I sent a letter of invitation to [the UN Special Rapporteur on the right to adequate housing, Ms. Leilani Farha](#). We have systemic problems in the state with re-

gard to the protection of the rights of homeless persons. In particular, the state has not yet developed a strategy and action plan for overcoming the problem of homelessness; there are no homeless people's databases, while the definition of a homeless person at the national level does not cover all the persons having the right to adequate housing according to international standards.

I hope that in case of successful cooperation with the UN Special Rapporteur, the efforts of the Government and other parties will become more effective, which will ultimately be reflected in the improvement of the situation of the homeless persons throughout the country.

In April, [the Constitutional Court satisfied our suit on the so-called "wiretapping"](#) and considered that the technical capacity of the State Security Service to obtain and administer personal information and to have direct access to such information contained excessive risks of interfering with the person's right to privacy, and that the right to copy and retain identifiable data for two years was unconstitutional.

In April, [I presented Irina Putkaradze as a candidate for a member of the Public Broadcaster's Board of Trustees](#). She introduced an interesting, realistic and results-oriented action plan for the development of the Public Broadcaster.

Look through the bulletin and you will get more interesting and important information.

## 2. PUBLIC DEFENDER'S PUBLIC STATEMENTS

### 2.1. PUBLIC DEFENDER'S STATEMENT ON DECEASE OF DETAINEE IN TELAVI TEMPORARY DETENTION CENTER

The Public Defender learned that B.T., arrested on 14 March, 2016, died in the Telavi temporary detention isolator on 15 March.

Examination of the case by the Public Defender showed that B.T. felt bad in Telavi temporary detention Isolator in the morning of March 15. Isolator officers called an ambulance, to which the detainee told that had been registered in the methadone program and needed a relevant assistance. This was immediately reported to the investigator. According to a person who was in the same center, the detainee was asking for medical help after the ambulance left, but no one called a doctor again.

On the same day, at 16:47, before being taken to the court, B.T. died in the corridor of the isolator.

The Prosecutor's Office is investigating the incident under article 115 of the Criminal Code, which refers to pushing a person to committing suicide.



According to the Public Defender, the investigation should examine how adequate and immediate the medical assistance was, how duly the detention center officers performed their duties and what were grounds for not calling an ambulance repeatedly.

The Public Defender believes that the mentioned circumstances challenge the launch of the investigation into the case under article 115 of the Criminal Code.

The Public Defender calls on the Prosecutor's Office to ensure timely, effective and impartial investigation, which will not leave any unanswered questions with regard to the detainee's death or the alleged improper response by police officers.

In addition, on April 19, 2016, a representative of the Public Defender's Office requested copies of B.T.'s personal documents in order to study the case. The isolator employees prepared materials, however, the chief of the isolator prohibited them from issuing the documents and then for a few hours he had been trying to find out details of the case. Finally, the Public Defender's authorized representative was handed over the requested copies, though his activities were delayed due to the police officers' unlawful conduct.

#### Public Defender's Statement on Stigma and Discriminatory Attitude in Broadcasting Space

20 April. The Public Defender echoed the events developed around [Rustavi 2 TV and talk show "Profile"](#). It should be noted that media outlets often become source of stigmatization, segregation, hate speech and discrimination. Obvious homophobic, sexist and discriminatory tendencies can be observed in some TV programs. A similar incident took place last year in the television show "Talent". This refers to the need of raising awareness of persons employed in the broadcasting area and to the importance of effective functioning of self-regulation mechanisms.

The Public Defender believes that in each case a reasonable balance should be kept between the protection of the rights of certain social groups, protection of the legitimate interests and realization of an individual's free will, his/her personal perception. In certain cases, the advantage should be given to the person's opportunity to make a free choice. This does not change the approach that the broadcaster must respect human dignity, rights and freedoms, and must not contribute to the reinforcement of stereotypes and stigma.

The Code of Conduct for Broadcasters obliges broadcasting companies to consider the interests of various social groups. Accordingly, they must refrain from publishing any material that might incite intolerance on grounds

of sex, language, religion, political or other opinion, national or social group, disability, sexual orientation, etc. Creators of TV programs/shows should observe the principles of fairness, equality and respect when treating potential participants of the programs. The Journalistic Ethics Charter stipulates that journalists must realize the danger of promoting discrimination by the media and must apply all measures to avoid negative consequences/processes.

The public Defender's concern was also caused by the 23 April [TV story of the GDS TV program "Flat 18"](#), aimed at encouraging homophobic attitudes and discriminatory actions.

The author of the story, saturated with homophobic attitudes and expressions, did not refrain from using hate speech himself. The content of the story clearly showed biased approach to the issue, whereas the media can make a positive contribution to the establishment of values that condition respect for human rights and fundamental freedoms in the country.

Freedom of speech and expression is a fundamental right, but it should be noted that given the current discriminatory attitudes towards LGBT persons, reporting on this issue requires special care in order to avoid strengthening of stereotypes and encouragement of violence.

The Public Defender considers that a similar TV story promotes negative stereotypical attitudes towards LGBT people and strengthens restrictions on their rights on discriminatory grounds.

## 2.2. PUBLIC DEFENDER ECHOES MEDIA REPORTS ABOUT ANNUAL REPORT

21 April. Purposeful distortion of the assessments and problems depicted in the chapter on religious freedom of the Public Defender's annual report has acquired a systematic nature. In particular, according to media reports, the Public Defender demands ban of school tours to churches, which is not true.

In his annual parliamentary reports the Public Defender has been talking about the violation of the requirements of the law on General Education in public schools for years, which in some cases is reflected in starting lessons with prayers, arrangement of religious corners for non-academic purposes, invitation of the clergy to schools and consecration of classrooms and schools by them, engagement of students in religious rituals, unequal treatment of students of different religious faiths by teachers, etc. Such cases are at odds with the principles of the law on General Education, which separates public schools and religious organizations from each

other. The law requires public schools to stay neutral and says that the state shall ensure the independence of religious organizations from public schools. The law prohibits the use of the learning process for religious purposes, exhibition of religious symbols for non-academic purposes, engagement of students in religious rites, etc.

The 2015 report, like the reports of previous years, includes a chapter about the situation in public schools. The report does not speak about excursions of the students at all, including to historical monuments and religious buildings. Of course, schools have the right to plan tours to religious sites and provide students with information related to the history and culture, with the observance of the principle of religious neutrality.

### 2.3. PUBLIC DEFENDER DESCRIBES SITUATION OF EMPLOYMENT OF PERSONS WITH DISABILITIES AS ALARMING

22 April. Realization of the labor rights of persons with disabilities is a significant challenge among the existing problems of protection of the rights of persons with disabilities. According to the Ministry of Labour, Health and Social Affairs, the employment rate of persons with disabilities registered in the Social Service Agency's united online system worknet.gov.ge is extremely low.

The study of the cases revealed that despite a number of projects and the declared will of the state - to ensure employment of persons with disabilities, the labour rights cannot be properly implemented due to lack of appropriate legal safeguards, practical promotion and effective enforcement mechanisms.

## 3. MEETINGS AND INTERNATIONAL VISITS OF PUBLIC DEFENDER AND HIS DEPUTIES

### 3.1. PUBLIC DEFENDER DISCUSSES CREATION OF INDEPENDENT INVESTIGATIVE MECHANISM WITH JOURNALISTS

On April 6-7 a meeting was held with journalists on the issue of creation of an independent investigation mechanism at the initiative of Public Defender Ucha Nanuashvili. The recommendation on the creation of an independent investigative mechanism was prepared by the Public Defender in 2014. However, in spite of its great importance, the recommendation has not been implemented yet.

The Public Defender reviewed cases of torture, inhuman and degrading treatment committed by law enforcement officers and emphasized the need for and models of an

institutionally independent investigation mechanism. He highlighted the shortcomings of the current law in terms of the investigation of similar crimes, as well as the established practice of impunity.



The meeting was attended by representatives of the organizations supporting the creation of an independent investigative mechanism: the Council of Europe, the UN High Commissioner for Human Rights and the Open Society Georgia.

### 3.2. MEETING WITH OSCE HIGH COMMISSIONER ON NATIONAL MINORITIES

On April 13 First Deputy Public Defender of Georgia Paata Beltadze met with OSCE High Commissioner on National Minorities Astrid Thors during her official visit to Georgia. Paata Beltadze briefed the guest of the human rights situation of national minorities in 2015, the recommendations included in the Public Defender's parliamentary report, issues of access to justice and protection of fundamental values.

They also discussed the state's strategy and action plan on civil equality and integration for the years of 2015-2020, as well as involvement of minorities in the decision-making process, teaching of the native language, preservation of cultural identity, problems in getting information and generally in the field of the media. They also talked about the cases studied and being studied by the Public Defender's Office in connection with alleged discrimination of national minorities in the process of implementation of the anti-discrimination legislation.



The OSCE High Commissioner on National Minorities showed great interest in the work of the Human Rights Academy of the Public Defender and expressed willingness to participate in the intensive trainings and informational meetings on human rights held in the regions populated by national minorities.

### 3.3. PUBLIC DEFENDER MEETS WITH MEMBERS OF “THIS AFFECTS YOU” CAMPAIGN

On April 13 Public Defender Ucha Nanuashvili and Deputy Public Defender Natia Katsitadze met with members of the campaign “This Affects You”. At the meeting with non-governmental organizations, the Public Defender discussed three main topics: the need for creation of an independent investigative mechanism, amendments to the law on wiretapping and implementation of reforms in the State Security Service.

“We and the non-governmental sector have common approaches on many issues. We’ve jointly developed a bill on the creation of an independent investigation mechanism. Last year we addressed the Constitutional Court with the request to make amendments to the law on Electronic Communications. Members of the campaign “This Affects You” also presented their vision about implementation of reforms in the State Security Service. The aim of today’s meeting was to exchange information on these issues,”- said the Public Defender after the meeting.

### 3.4. MEETING WITH UNITED NATIONS SPECIAL RAPPORTEUR

On April 15 the Public Defender’s Office was visited by Maud de Boer-Buquicchio, United Nations Special Rapporteur on the sale of children, child prostitution and child pornography.

The issues of child abuse, child sale and child prostitution in Georgia were discussed at the meeting with First Deputy Public Defender Paata Beltadze and Head of Public Defender’s Center for Child’s Rights, Maia Gedevanishvili.

Paata Beltadze introduced the Public Defender’s vision in this respect, spoke of the challenges, including the children living and working on the street - the so-called invisible children, many of which are not registered, which creates fertile soil for all kinds of violence, including trafficking and prostitution, against them.

Maia Gedevanishvili spoke of the children’s shelter subprogram and its day centers, crisis intervention shelters and transit centers, as well as its mobile groups that work with the children on the street in order to identify their needs. She noted that in 2014 and 2015 the Public Defender carried out monitoring of the subprogram and introduced alleged child prostitution cases to the Rapporteur.

The Rapporteur thanked the Public Defender’s representatives for provision of information and noted that she would take it into view while preparing her report.

### 3.5. DEPUTY PUBLIC DEFENDER PARTICIPATES IN NINTH MEETING OF EU-GEORGIA HUMAN RIGHTS DIALOGUE

On April 20 Deputy Public Defender Natia Katsitadze attended the ninth meeting of the Georgia-EU dialogue on human rights issues in Brussels, Belgium.

An open discussion was held at the meeting about the situation of human rights. A number of actual issues of Georgia, including elections, media freedom, minority rights, anti-discrimination policy, human rights situation in Abkhazia and the Tskhinvali region, as well as the situation of internally displaced persons and other issues were discussed at the meeting.

Natia Katsitadze spoke in detail about the process of implementation of the Law on the Elimination of All Forms of Discrimination; the number and the content of the cases studied by the Public Defender’s Office. She also stressed the importance of rapid adoption of the proposed legislative changes by the Parliament, which will reinforce the Public Defender’s mandate in his anti-discrimination work.

The Deputy Public Defender paid special attention to the challenges that are still unsolved in a number of ways, such as – documentation and investigation of torture, inhuman and degrading treatment, as well as hate crimes; short terms of retention of video recordings in prisons and police stations and restricted access of the Public Defender and the National Preventive Mechanism to the video tapes, which hampers the activities of the Public Defender; gaps in the justice system, which were clearly revealed last year during the formal appointment and promotion of judges by the High Council of Justice. In light of the positive event of separation of the State Security Service from the Ministry of Internal Affairs, she underlined the shortcomings in the newly created department, including the existence of the so-called “ODR” (a Russian abbreviation that stands for ‘Acting Reserve Officer’, a person inculcated into an institution and acting on behalf of the secret police). When talking about the violations of the rights of conflict affected population, she focused on the restriction on the right to get education in the mother tongue in the Gali district, which requires constant and effective response from Georgia and the international community.

Representatives of the European Commission, in turn, positively assessed the reforms carried out in Georgia and underlined the need to establish a labor inspection mechanism and an independent investigative mechanism, etc.



### 3.6. PUBLIC DEFENDER ATTENDS CONFERENCE ORGANIZED BY INTERNATIONAL OMBUDSMAN INSTITUTE IN BARCELONA

On April 26-27 at the invitation of Catalan Ombudsman Rafael Ribó, Public Defender Ucha Nanuashvili attended an international seminar in Barcelona, which discussed the challenges and threats faced by modern human rights.

The conference of International Ombudsman Institute discussed the security situation in Europe and an alarming trend in the rest of the world, which puts at risk the fundamental human rights, such as freedom of expression and privacy. The participants also talked about the economic problems caused by the refugee crisis, and dangers of racism and xenophobia. Many more important issues were raised and future plans were devised for effective functioning of ombudsman's institutions.

## 4. PUBLIC DEFENDER'S RECOMMENDATIONS AND PROPOSALS TO STATE GOVERNMENT AND LOCAL SELF-GOVERNMENTS

### 4.1. RECOMMENDATION ON RIGHTFULNESS OF TEMPORARY TRANSFER OF JUVENILE INMATES TO PENITENTIARY FACILITIES

13 April. The Public Defender of Georgia addressed the Minister of Corrections with regard to the legality of temporary transfer of juvenile inmates from juvenile rehabilitation facility N11 to penitentiary facilities N8 and N2.

The monitoring carried out in the juvenile rehabilitation facility revealed that during 2015 juvenile inmates have been taken from the juvenile rehabilitation facility to penitentiary facilities several times for security reasons. In addition, no disciplinary sanction has been used against any of them. Juvenile inmates said in conversation with the Public Defender's authorized representatives that the reason for their transfer was unknown to them.

The measure of detention should be used against juveniles, both by international and domestic laws, only in extreme cases. The goal of penalty in each case must be re-socialization of juveniles and not their punishment. To accomplish this, juveniles should serve their sentences in juvenile rehabilitation facility; they shall not be transferred to closed prison facilities for an indefinite period, without justification, as this greatly hinders the process of rehabilitation and is contrary to the best interests of juvenile inmates.

### 4.2. PROPOSAL TO CHIEF PROSECUTOR ON LAUNCH OF INVESTIGATION INTO ILLEGAL DETENTION

On April 15 and 18 the Public Defender addressed the Chief Prosecutor to launch investigations into cases of illegal detentions.

Citizen G.Ch. was detained under the administrative rule by employees of Shida Kartli criminal police regional division of the Ministry of Internal Affairs in Gori at 18:10, May 22, 2014, while at 22:30 he was put in the Gori temporary detention center. He was taken out of the center for a trial on May 23, 12:27 am. G.Ch. was released from the session hall on May 23, 14:35, after the hearing of the case was completed.

Citizen G.G. was detained under the administrative rule in Tbilisi at 20:50, October 2, 2015. On October 3, 02:10 he was put in Tbilisi and Mtskheta-Mtianeti temporary detention center. He was taken from the center to the court at 10:00 am, which he left only at 16:07. According to the arrest and trial protocols, G.Ch. was detained under administrative rules for 20 hours and 25 minutes, while G.G. spent 19 hours and 17 minutes in detention.

The temporary detention center administrations, the police officers which escorted the detainees from the detention center and the detective-investigators which presented the detainees to the court, had to release both detainees after expiration of a 12-hour term envisaged by paragraph 1 of article 247 of the Administrative Code of Georgia.

### 4.3. RECOMMENDATION TO CONTEST COMMISSION OF KHASHURI MUNICIPALITY AND KHASHURI GOVERNOR

On April 21 the Public Defender of Georgia addressed the contest commission of Khashuri municipality and Khashuri governor with a recommendation to restore citizen M.B's violated rights.

M.B., one of the specialists of Khashuri municipality, was dismissed from his/her occupied position by the order of the Khashuri district governor. The order was based on the contest commission's report, under which M.B. did not correspond to the position.

The case study revealed that the first phase - testing - was successfully passed by the applicant. As for the second stage - interview, there is no protocol about the questions the candidate was asked about or answers to them; there exists no criteria, which were used by the commission during making the relevant decision. In ad-

dition, the decision on dismissal does not include any justification on M.B.'s non-compliance with the position or the commission's explanation about why it arrived at the given conclusion. The governor's order on M.B.'s dismissal was based solely on the commission's decision and does not include any additional justification.

The Public Defender concluded that the decisions of the contest commission and the local municipality were made against laws and bylaws, which violates M.B.'s labor rights.

The Public Defender recommends Khashuri contest commission and local district governor to annul the decision, to conduct the interview process anew and to make a new, legal decision, while in case of establishing compliance with the position, to restore M.B. to his/her position and compensate for his/her missed wages.

#### 4.4. PROPOSAL TO CHIEF PROSECUTOR ON LAUNCH OF INVESTIGATION INTO FACT OF ILL-TREATMENT

On April 27 the Public Defender of Georgia addressed the Chief Prosecutor's Office to start an investigation into alleged ill-treatment of citizen G.A. by police officers.

According to the citizen, he was arrested at his home in Tbilisi by police officers of the Ministry of Internal Affairs on April 25, 2016. He was handcuffed and put in a police car. G.A. alleges police officer M.K. hit him in the face with his hand and then in his body with his leg several times. Later, the detainee was transferred to the yard of a police station, where several police officers beat and verbally insulted him, while M.K. threatened him with sexual violence. In addition, police officers threatened him to rape his family members.

According to the visual examination records of Tbilisi and Mtskheta-Mtianeti temporary detention center and the records made during the conversation with the Public Defender's authorized representative, G.A. had several bodily injuries.

## 5. ACTIVITIES OF PUBLIC DEFENDER AND HIS OFFICE

### 5.1. WORKING MEETING OF COUNCIL OF RELIGIONS

On April 13 the Public Defender's Council of Religions held a working meeting at the National Library of the Parliament of Georgia. The theme of the meeting was development of recommendations for state agencies.

The meeting was attended by Natia Katsitadze, Deputy Public Defender, Tatuli Todua, Head of the Public De-

fender's Department of Civil, Political, Economic, Social and Cultural Rights, and representatives of the Public Defender's Tolerance Center.



Members of the Council, together with experts - Tamta Mikeladze, Tamar Kintsurashvili and Sophio Zviadadze - discussed recommendations on the following problematic issues: ineffective investigation of violence motivated by intolerance, ineffective anti-discrimination policy, tax inequality, low quality of culture of tolerance in the education system, return and maintenance of religious buildings, barriers in getting construction permits and media-related issues.

### 5.2. PUBLIC DEFENDER ADDRESSES TBILISI CITY COURT AS AMICUS CURIAE (FRIEND OF THE COURT)

On April 13 the Public Defender submitted an amicus curiae brief to the Tbilisi City Court with regard to the use of special parking places by persons with disabilities in Tbilisi.

According to the Local Self-Government Code, allocation of parking places, regulation of parking rules, issuance of parking permits are handled by local municipalities of Georgia.

Since the claim is related to the needs of persons with disabilities, their independent life and free development, the court's explanation can play an important role in the process of developing a uniform practice and creation of normative base oriented to needs and goals of people with disabilities by local authorities.

The Public Defender studied relevant regulations and practices of other countries (including Australia, Belgium, Denmark, Estonia, Ireland, France, Germany, Lithuania, the Netherlands and others) and reflected them in the amicus curiae brief.

### 5.3. NATIONAL PREVENTIVE MECHANISM CONTINUES MONITORING OF JOINT RETURN OPERATION OF MIGRANTS

On April 15, the Department of Prevention and Monitoring of the Public Defender's Office carried out the fourth monitoring of Joint Return Flight Operation of citizens of Georgia which had been illegally residing in EU countries.

Representatives of the Department of Prevention and Monitoring went from Tbilisi International Airport to the airports of the German city of Dusseldorf and the Greek capital of Athens, where they attended deportation of 25 Georgian citizens from Germany and Greece. The deportation was coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union FRONTEX.

No special means was used during the operation and the journey was calm.

#### 5.4. TRAINING HELD FOR PUBLIC DEFENDER'S RENEWED SPECIAL PREVENTIVE GROUP

On April 15-17, training was held for members of the Special Preventive Group within the framework of the EU project "Support to the Public Defender II". The theme of the training was working methodology of the National Preventive Mechanism. The training was aimed at raising professional skills of members of the Special Preventive Group.

The training was led by Arman Danielyan, member of the UN Subcommittee on Prevention of Torture. International standards of prevention of torture were presented at the training; discussion was held about the organizational aspects of monitoring of closed institutions by the Special Preventive Group and reporting issues. Particular attention was focused on the technique of interviews. Types of reports and standard structure were reviewed. During the training, a number of practical exercises were also done.

#### 5.5. PUBLIC DEFENDER'S REPRESENTATIVES VISIT DEFENDANT SULKHAN TSULADZE

As it is known to the public, on April 14, 2016, the Prosecutor's Office filed charges against Sulkhan Tsuladze under paragraph 2 of article 326 of the Criminal Code, pertaining to an attack on a person protected by international guard. Sulkhan Tsuladze posted on the internet (he opened a topic on Tbilisi Forum) that he was allegedly preparing an attack on the US ambassador to Georgia. On April 15, the court ordered a two-month pretrial detention for Tsuladze on the basis of the motion of the Prosecutor's Office.

The Public Defender studies the abovementioned issue on his own initiative. On April 19, representatives of the Public Defender visited prison №8 of the Ministry of Corrections and met with the defendant, who provided them with information about the circumstances of the case. The defendant does not plead guilty. In addition,

Tsuladze has not expressed any complaints about the prison administration.

The Public Defender's Office continues to study the case, including monitoring of relevant trials.

#### 5.6. MEETING OF CONSULTATIVE COUNCIL FOR MONITORING IMPLEMENTATION, PROMOTION AND PROTECTION OF CONVENTION ON RIGHTS OF PERSONS WITH DISABILITIES

On April 22, the Consultative Council for Monitoring the Implementation, Promotion and Protection of the Convention on the Rights of Persons with Disabilities held another working meeting, which was attended by Public Defender Ucha Nanuashvili, First Deputy Public Defender Paata Beltadze and invited members of the Council.



The meeting was opened by the Public Defender. The Council discussed the issues put on the agenda: activities planned and implemented for monitoring of the promotion, protection and implementation of the Convention on the Rights of Persons with Disabilities and the state's preliminary report on the implementation of the Convention on the Rights of Persons with Disabilities; the monitoring methodology and participation of members of the Consultative Council in preparation of other alternative reports on the implementation of the Convention on the Rights of Persons with Disabilities.

#### 5.7. AMICUS CURIAE BRIEF REGARDING ALLEGED FACT OF GENDER DISCRIMINATION

On April 22, the Public Defender submitted an amicus curiae brief to the Kutaisi Court of Appeal with regard to the alleged case of gender-based discrimination in pre-contractual labour relations.

The Public Defender was addressed by N.G., who took part in a contest for a vacant position of governor's representative in one of the district administrations of Zestaponi municipality. According to N.G., she successfully passed all three stages of the contest, however, the contest commission did not rate her positively and she was not nominated for the vacant position on grounds of gender.



At a trial, one of the members of the commission said in his testimony that given the complexity and specificity of the job, they considered that the position was more appropriate for a man.

The Zestaponi District Court rejected N.G.'s claim, after which the plaintiff appealed to the Kutaisi Court of Appeal.

Due to the high sensitivity of the case, a large number of similar cases, and the possibility that the case may contain signs of discriminatory treatment, the Public Defender used his legal right and submitted an amicus curiae brief to the court.

The Public Defender pointed out that considering the essence of the job, the requirements should have been formulated so as to be centered on a specific element of the work and should not have resulted in the automatic exclusion of a group of individuals on sex or other grounds. The Public Defender also noted that the contest commission's decision, made within the discretionary authority, cannot be taken as a counter-argument to violation of equality rights, as the exercise of discretionary authority in itself implies making a decision completely free of discriminatory motives.

#### 5.8. CURRENT SITUATION OF ROMA PEOPLE IN GEORGIA

On April 26, the Public Defender's Tolerance Center organized a working meeting - "Current situation of Roma people in Georgia" at the National Library.

"It is important to consider European practice and to promote network initiatives, which will increase the Roma community's access to education, health and social protection systems, employment; these initiatives must be well coordinated and must, above all, increase awareness of the Roma community about their rights", - said First Deputy Public Defender Paata Beltadze at the opening of the event.

Koba Chopliani, Coordinator of the Public Defender's Council of National Minorities, delivered a report on the protection of the rights of Roma people and the problems of integration. He talked about the wide range of problems of the Roma community and the need for joint efforts of various state agencies and experts to overcome this difficult situation.

Izabella Osipova, Executive Secretary of the Public Defender's Council of National Minorities, introduced Public Defender's recommendations sent to state agencies for the purpose of improving the situation of Roma people in Georgia.

## ACTIVITIES OF REGIONAL DEPARTMENT

### 5.9. MEETINGS OF PUBLIC DEFENDER'S REPRESENTATIVES IN KVEMO KARTLI

On March 31 and April 6, representatives of Public Defender's Kvemo Kartli Office - Irma Mchedlidze and Muradkhan Guseinov – held meetings in the public center of the village of Sadakhlo in Marneuli municipality and in the administration of Tetrtskaro municipality. The Sadakhlo meeting was attended by residents of a border village, while in Tetrtskaro, Public Defender's representatives met with the local governor, heads of the administration services and other employees.



Irma Mchedlidze and Muradkhan Guseinov talked about the composition of the Kvemo Kartli Office and the Public Defender's mandate. They also discussed regional problems: social assistance, registration of real estate, use of land plots in border villages, citizenship and residence issues. Ombudsman's role in the solution of the problems was also considered. Brochures issued by the Public Defender's Office were distributed among the meeting participants.

On April 13, representatives of the Public Defender held a meeting with human rights organizations, NGOs and journalists, as well as the region's religious and ethnic minorities, in Marneuli democratic engagement center and discussed the topics of the Public Defender's Report of 2015 that concern the Kvemo Kartli region.

The problems of the region's ethnic and religious minorities, importance of information meetings with representatives of the regions populated by national minorities, participation and involvement of national minorities' in decision-making were also considered at the meeting.

### 5.10. INFORMATION MEETING IN SHIDA KARTLI

On April 2, representatives of the Public Defender's Shida Kartli Office held an information meeting with beneficiaries of Khashuri Civic Engagement Development Center.

The meeting was attended by vulnerable women aged 18-45. The Public Defender's representatives talked about the mandate of the Public Defender and the topic of domestic violence.

The meeting was held in a question & answer mode. Questions concerned the registration of property, marriage, matrimonial and parental responsibilities, child support issues, custody and care, heritage and enforcement proceedings.

#### 5.11. MEETING WITH REPATRIATED MESKHETIANS

On April 5, Madona Basiladze, Head of Imereti, Racha-Lechkhumi and Kvemo Svaneti Division of the Public Defender's Regional Department and Tamta Chechelashvili, representative of the Public Defender's Office, met with repatriated Meskhetians in the ninth district of the village of Ianeti, Samtredia municipality. The meeting discussed the situation of repatriates, as well as a variety of problems in the region, including roads and gas supply issues.

#### 5.12. MEETING WITH STUDENTS OF SAMEGRELO-ZEMO SVANETI CIVIC EDUCATION SCHOOL

On April 6, Levan Papava, Head of Samegrelo-Zemo Svaneti Division of the Public Defender's Regional Department met with students of the Civic Education Sunday School in the Zugdidi Office and informed them of the Public Defender's main powers, activities, procedures and methods of responding to human rights violations.

#### 5.13. MEETINGS IN SAMTSKHE-JAVAKHETI REGION

On April 6, representatives of the Samtskhe-Javakheti Division of the Regional Department of the Public Defender's Office, Salome Quljanishvili and Andranik Baghdasaryan, met with the Ninotsminda governor and representatives of Ninotsminda Social Service Agency. They discussed the problematic issues mentioned in the locals' complaints, as well as the role of the Social Service Agency in the detection of domestic violence cases, prevention of early marriage and future cooperation for the protection of human rights.

At the end of the day, the Public Defender's representatives met with local residents, school students, teachers, social workers, local officials, local journalists and representatives of the Youth Center in the public center of the village of Poka.

The representatives of the Public Defender informed the participants of the meeting of the Public Defender's

mandate, rules of submission of applications, human rights and the Public Defender's special report of 2016 on early marriage.



The participants noted that information meetings and campaigns for raising awareness on human rights were doubly important for the areas populated by national minorities.

#### 5.14. MEETING BETWEEN THE HEAD OF PUBLIC DEFENDER'S CENTER FOR CHILD'S RIGHTS AND MEMBERS OF KAKHETI CHILD PROTECTION COMMITTEE

On April 12, Head of the Public Defender's Center for Child's Rights, Maia Gedevanishvili, met with members of the Child Protection Committee in Telavi. The event was organized by Public Defender's Telavi Office and World Vision's regional development program of Kakheti.



The committee's objectives, future plans, professional activities, the rights of children and challenges of the region were discussed at the meeting.

Members of the Child Protection Committee are representatives of the governmental and non-governmental organizations working on child issues. One of the mem-



bers of the Child Protection Committee is Natia Pitskhelauri, representative of the Public Defender's Office.

#### 5.15. INFORMATION MEETINGS WITH RESIDENTS OF IMERETI REGION

On April 6, Madona Basiladze, Head of Imereti, Racha-Lechkhumi and Kvemo Svaneti Division of Public Defender's Regional Department and Tamta Chechelashvili, representative of the Public Defender's Office, met with IDPs living in the Vani municipality, which had been provided with accommodations within the IDPs long-term program. The rights and problems of IDPs were discussed at the meeting.

On April 9, the representatives of the Public Defender met with two landslide-affected families in the Tsageri municipality. Both families need to be resettled; their homes are damaged and dangerous for life.

On April 17, at the meeting with locals of the village of Spatagori, Tsageri municipality, the representatives of the Public Defender were briefed of the village infrastructure problems. There is no water supply system in Spatagori; the Lajanuri River has no proper banks. In previous years, funds were allocated for fortifying the river bank and for improvement of water system, but the project has not been finished yet.

#### 5.16. MEETING WITH DISTRICT GOVERNOR IN GURIA

On April 26, Maka Malakmadze, Public Defender's contact person in Guria, met with Lanchkhuti district governor Zaza Urushadze. The meeting focused on the social problems of the municipality and the ways of solution, the issue of compensation for damages incurred in the winter of 2016 as a result of the disaster and the problem of cleaning service.

### CIVIC EDUCATIONAL ACTIVITIES

#### 5.17. HUMAN RIGHTS ACADEMY OF THE PUBLIC DEFENDER HOLDS TRAINING FOR PSYCHOLOGISTS OF SMALL FAMILY TYPE CHILDREN HOUSES

From April 18 to April 22, 2016, the Human Rights Academy of the Public Defender held TOT training for 22 psychologists of the Social Service Agency of the Ministry of Labour, Health and Social Affairs of Georgia, and Small Family Type Children Houses. The theme of the training was "Developing the skills to identify psychological/psychiatric needs of the children".

The training program included both theoretical and practical elements. During the course the participants were introduced to the issues such as: the theory of attachment, attitude to child, violence and traumatic experiences, peculiarities of communication with victim children, interpretation of basic principles of the UN Convention on the Right of Child (CRC), introduction into basics of the Child's rights, modern understanding of children's development problems in different age groups, services for families at risk, parents involved in child care, roles of caregivers and professionals, modern understanding of services of mental health and mental health policy, role of child and adolescent psychiatry, misuse of psychiatry and other major issues.

The training was held within the framework of the project "Support to the Human Rights Academy of the Public Defender" which is funded by the Norwegian Ministry of Foreign Affairs. 7 more trainings are planned this year within the project. The trainings are aimed at deepening knowledge, research and analytical skills of target groups in legal and other aspects of human rights.

### 6. SUCCESSFUL CASES

#### 6.1. NAPR SHARES PUBLIC DEFENDER'S RECOMMENDATION ON RESTORATION OF CITIZEN'S VIOLATED RIGHT

The National Agency of Public Registry (NAPR) shared the Public Defender's recommendation on restoration of the violated right of citizen N.M.

N.M., on the basis of an ownership certificate issued by the Property Right Commission, was granted the ownership right for a piece of land arbitrarily occupied by him. The Public Registry requested N.M. to present a state approval in order to register the right, on grounds that the land was registered under the state ownership. Later, due to N.M.'s failure to submit the approval, registration process was terminated.

On December 16, 2015, the Public Defender addressed the National Public Registry with a recommendation to register N.M.'s ownership right on the basis of the ownership certificate. It was noted in the recommendation that the certificate issued by the commission represented a document certifying the right to property, on the basis of which the Public Registry Agency was obliged to register N.M.'s ownership right. The Public Defender explained that pursuant to the law on "Recognition of ownership of land owned (used) by physical and private law entities", the Property Right Commission is authorized to recognize the ownership right for illegally occupied land.

The commission is authorized by the state to make decisions regarding state-owned land. The abovementioned law does not prohibit recognition of ownership rights for the land registered under the state ownership. Accordingly, the Public Registry Agency registration services are obliged to register ownership rights without additional consent from the state.

The National Agency of Public Registry fully considered the Public Defender's position and commissioned the Property Registration Department to register N.M's ownership right for the mentioned real estate.

## 7. REMARKABLE DAYS

### 7.1. PUBLIC DEFENDER WISHES HAPPY NEW YEAR TO ASSYRIANS

On April 1 Assyrians celebrate a New Year, Akitu- Kha b' Nisan.

This holiday originates from the traditions of Mesopotamia and is related to two myths - the story of creation of the universe and the love story of fertility goddess Ishtar and shepherd Tammuz. Assyrians celebrate the arrival of spring, revival of nature and renewal of life on this day; they gather together, dance and sing national songs.

The Public Defender wishes happy, peaceful and prosperous year to the Assyrian community of Georgia.

### 7.2. PUBLIC DEFENDER'S STATEMENT ON WORLD AUTISM AWARENESS DAY

April 2 is World Autism Awareness Day. The day has been observed since 2008 as per the [resolution of the United Nations](#) and its goal is to continuously draw public attention to support individuals with autism, to improve quality of their life and social life, and to ensure their full and effective participation in the public life.

The theme of this year is: "Autism and the 2030 Agenda: Inclusion and Neurodiversity"

The UN Secretary-General's appeal once again clearly emphasizes the importance of equal participation and active involvement of persons with autism for achieving the inclusive societies envisioned by the Sustainable Development Goals. His message says that persons with autism naturally have a wide range of abilities and different areas of interest; they all share the capacity for making our world a better place, which is often not realized. This is a violation of human rights and a waste of human potential.

The situation is basically unchanged in Georgia with regard to the protection of the rights of persons with autism. Proper realization of their rights remains a significant challenge. There are no official statistics about people with autism, which is directly related to the planning and implementation of necessary services for them. Barriers remain in pre-school and school educational processes. Lack of specific teaching strategies and methods, low qualifications and insufficient number of teachers impedes proper inclusion of children with autism and possibility of receiving quality education.

Stigma and stereotypes existing in the society are also a problem. Part of the citizens, including famous public activists, strengthens the existing wrong attitudes by their statements.

On the World Autism Awareness Day the Public Defender again urges the state to improve the rights situation of people with autism and to take care of increasing their capabilities; to take appropriate measures in order to change the attitudes of the society and to overcome the existing stigma; to ensure full participation of people with autism in the public life and to promote creation of decent future for them.

## 8. INTERNATIONAL HUMAN RIGHTS STORIES

### 8.1. GEORGIA IN FREEDOM HOUSE REPORT

On April 12 the independent international organization Freedom House, which studies the situation of political rights and civil freedoms in various countries, published its annual, 21th report – "Nations in transit". The report reviews democratic development in 129 countries of the former Soviet Union, the Balkans and central Europe.

According to the report, Georgia's regime is again classified as transitional or hybrid. In the system of rating, based on a scale of 1 to 7, with 1 representing the highest level and 7 the lowest, Georgia's state of democracy was rated by 4,61 scores. The Democracy Score is an average of ratings for the categories tracked in a given year. In the category "transitional government or hybrid regime" Georgia took the 17<sup>th</sup> place. The category also includes Ukraine, Moldova, Bosnia Herzegovina, Macedonia and Albania. It is noteworthy that Georgia's democracy score improved by 0,03 compared to last year.

Average scores of the countries are based on several components. Georgia's certain categories are as follows: electoral process – 4,5; civil society – 3,75; independent



media – 4, national democratic governance – 5,5; local democratic governance – 5,25; judicial system and its independence – 4,75; corruption – 4,5. The scores of Georgia's judicial system and its independence was improved by 0,25 compared to last year.

The report says that: "Despite the fact that high-profile cases are politicized in Georgia, the quality of judicial system was improving day by day, which was a positive sign of effectiveness of a structural reform even in a polarized system. The 2016 parliamentary elections will be a serious test in terms of sustainability of this trend".

The report also says that the migration crisis and economic problems face danger both to the existence of the European Union and the stability of former soviet dictatorial counties.

## 8.2. ANNUAL REPORT OF US DEPARTMENT OF STATE

On April 14, the US Department of State published country reports of human rights practices for 2015. The part on Georgia says that parliamentary elections in 2012 marked the first democratic transfer of power since the country's independence, though problems still remain in terms of protection of human rights.

According to the document, the most significant human rights problems reported during the year included: arbitrary detentions by Russians and de facto authorities of Georgian citizens along the administrative boundary line with the country's occupied territories; significant shortcomings in the administration of justice, including pressure on the judiciary in selected cases, questionable judicial appointments, inconsistent government responses to violence or abuse, incomplete investigations, premature charging of suspects, and inappropriate use of pretrial detention; and insufficient government efforts to combat societal discrimination against women, members of ethnic, religious, and sexual minorities, and persons with disabilities.

The report makes several references to the Public Defender's reports, recommendations and activities with regard to timely investigation of ill-treatment of prisoners in penitentiary facilities, health of inmates and situation in prisons; appeals to the Prosecutor's Office to timely investigate the cases of alleged violation of property during the previous government.

According to the report, the Public Defender's Office and a group of NGOs campaigned against the law on surveillance in order to ensure that secret investigative actions

are carried out in compliance with the criminal legislation.

The section of Freedom of Peaceful Assembly and Association says that the Public Defender of Georgia criticized arrest of supporters of Rustavi 2 TV company in front of the Parliament building.

The report also overviews the efforts of the Public Defender, as a mechanism of anti-discrimination, in terms of identification of discrimination and the problematic issues that impede the efficient operation of the mechanism.

The report refers to the Public Defender's reports and recommendations on the children living and working on the street, rights of ethnic minorities and disabled people, challenges in gender equality, discriminatory treatment of LGBT persons, as well as early marriage and domestic violence cases.

The US State Department's annual human rights report is prepared on the basis of information provided by the US embassies and international missions and provides a comprehensive review of human rights in 200 countries. The reports are widely used by the US government in a decision-making process, as well as by foreign governments, non-governmental organizations, human rights defenders, lawyers, journalists and researchers.

## 9. NEW DEVELOPMENTS IN PUBLIC DEFENDER'S OFFICE

### 9.1. NEW EMPLOYEE

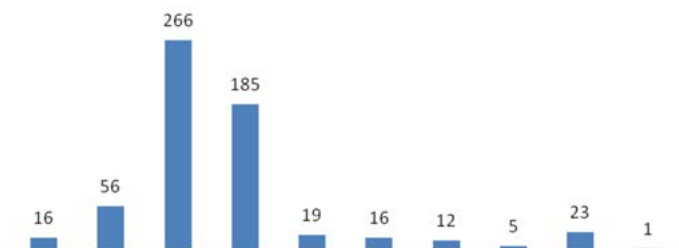
On April 14, the position of the Head of the Department of Equality was taken by Ketii Shubashvili.

### 9.2. STATISTICAL DATA OF APPLICATIONS

747 applications were submitted to the Public Defender's Office in April. 599 out of them met the criteria of admissibility and were forwarded to the following departments:

- Department of Prevention and Monitoring – 16
- Department of Protection of Civil, Political, Economic, Social and Cultural Rights – 56
- Department of Criminal Justice – 266
- Regional Department - 185
- Child's Rights Center - 19
- Department of Gender Equality – 16
- Department of Protection of Rights of Persons with Disabilities – 12

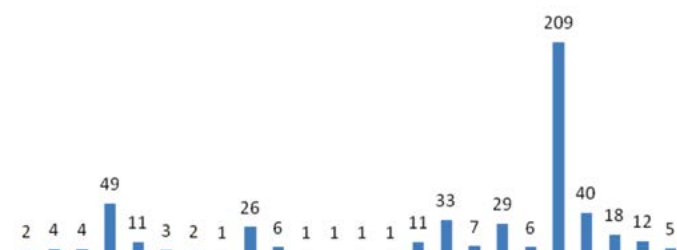
- Analytical Department - 5
- Department of Equality – 23
- Department of Protection of Human Rights in Defense – 1



The themes of the applications were the following:

- Right to privacy - 2
- Right to health - 4
- Right to expression – 4
- Right to get information - 49
- Discrimination – 11
- Freedom of religion – 3
- Freedom of movement – 2
- Delay of consideration of cases in common courts – 1
- Delay of consideration of criminal cases – 26

- Ecological- environmental rights – 6
- Right to education – 1
- Rights of older persons – 1
- Rights of migrants and asylum seekers -1
- Rights of repatriates – 1
- Rights of IDPs – 11
- Social assistance – 33
- Labour rights – 7
- Property rights – 29
- Rights to adequate housing – 6
- Prison conditions – 209
- Torture and ill-treatment – 40
- Child's rights – 18
- Gender equality and women's rights – 12
- Rights of persons with disabilities - 5



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