

Statement in Support of the Georgian Public Defender (Ombudsman)

For the attention of the Georgian Prime Minister and Chairperson of the Georgian Parliament

ENNHRI, supported by GANHRI, IOI, Equinet, and the UN Special Rapporteur on the Situation of Human Rights Defenders, reiterate our support to the Georgian Public Defender (Ombudsman) in its work to promote and protect human rights and equality in Georgia. We are concerned that recent actions by the Georgian government, relating to the confidentiality of a prison visit, are in contradiction with international standards and could negatively impact on the ability of the Public Defender to carry out its mandate in an effective and independent manner.

On 21 January 2020, the Public Defender presented its special report to the Georgian Parliament's Committee on Human Rights and Civil Integration to raise [its concerns](#) that some prison administrations were allowing systems of "informal governance" by inmates, resulting in risk of violence and ill-treatment. This finding is in line with a [report](#) from the European Committee for the Prevention of Torture (CPT), which had been accepted by the Georgian Ministry of Justice.

It has been brought to our attention that, during this parliamentary hearing, and as a response to these findings, the Minister of Justice [discredited](#) the report and questioned the professionalism of the Public Defender's Office. The Minister of Justice also exposed two video recordings of meetings between the Georgian Public Defender's representatives and prisoners, and the same videos were published on the social media of the Ministry of Justice, without any regard to privacy or confidentiality safeguards. Days later, penitentiary staff [notified the media](#) and [announced online](#) and on [social media](#) the names of prisoners with whom the Ombudsperson had met.

The Georgian Constitution specifies that impediments to the activities of the Public Defender are prohibited.¹ Under the [Organic Law](#) on the Public Defender, the institution shall have the right to reveal facts of violation of human rights and submit recommendations to the corresponding bodies and officials. The law also forbids any kind of surveillance of a meeting between the institution and persons deprived of their liberty.

The United Nations [Paris Principles](#)² gives National Human Rights Institutions (NHRIs) the mandate to submit opinions on "any situation of violation of human rights which it decides to take up". According to the Sub-Committee on Accreditation (SCA), governments are encouraged "to respond to advice and requests from NHRIs, and to indicate, within a reasonable time, how they have complied with their recommendations"³. The Council of Europe Commissioner for Human Rights also [recommends](#) states to "implement NHRIs' recommendations in a timely fashion and provide regular reports on this implementation".

We are concerned that the actions of the government of Georgia risk deteriorating a conducive environment for the Public Defender to carry out its work effectively and independently. In particular, the disclosure of confidential information risks undermining the

Public Defender's work and may put its staff at risk. It could also have negative repercussions to prisoners with whom the Public Defender met and break the trust between them.

This is in violation of regional and international standards, which affirm that NHRIs and their staff should not face any form of reprisal or intimidation as a result of activities undertaken in accordance with their respective mandates.⁴

Under the Council of Europe [Venice Principles](#), "States shall refrain from taking any action aiming at or resulting in the suppression of the Ombudsman Institution or in any hurdles to its effective functioning, and shall effectively protect it from any such threats".

In the same vein, the Public Defender's work as National Prevention Mechanism (NPM) must be protected. States "shall guarantee the functional independence of the national preventive mechanisms as well as the independence of their personnel",⁵ and confidential information collected by the NPM shall be privileged.⁶

The Public Defender is a highly respected institution within the broader international human rights community. In 2018, it was [re-accredited](#) with A-status, indicating its full compliance with the UN Paris Principles. During its review, the SCA commended the efforts of the Public Defender to promote and protect human rights and acknowledged that it operated in a challenging context.

We respectfully call on the Georgian Parliament to uphold the international principles calling for the protection of institutions, such as the Georgian Public Defender, against intimidation, threats or any actions by government that may negatively impact on their independence and effectiveness. We also invite the Georgian Parliament and other state institutions (Prosecutor's Office, State Inspector's Office of Georgia) to promptly and thoroughly investigate such cases, in cooperation with the Public Defender.

We remain committed to work constructively and cooperatively towards an enabling environment for the effective and independent functioning of the Georgian Public Defender. We are available for any further clarification on the applicable international standards.

ENNHRI, the European Network of National Human Rights Institutions, brings together 45 members across Europe to enhance the promotion and protection of human rights in the region. The Georgian Public Defender is a member of ENNHRI.

¹ Article 35 of the Georgian Constitution.

² The UN Paris Principles were adopted by the United Nations General Assembly Resolution 48/134.

³ Sub-Committee on Accreditation, [General Observation 1.6](#).

⁴ UN General Assembly, Resolution on National Human Rights Institutions, [A/C.3/74/L.44/Rev.1](#), November 2019; Council of Europe, Principles on the protection and promotion of the Ombudsman Institution ([Venice Principles](#)), May 2019.

⁵ Optional Protocol to the Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (OPCAT), ratified by Georgia.

⁶ Article 21(2) of the OPCAT.

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GANHRI, the Global Alliance of National Human Rights Institutions, provides leadership in protecting and advancing human rights worldwide through NHRIs. It is made up of regional networks of NHRIs from Africa, Americas, Asia-Pacific and Europe, representing 112 NHRIs. The Georgian Public Defender is a member of GANHRI.

IOI, the International Ombudsman Institute is the global organisation for the cooperation of more than 190 independent Ombudsman institutions from more than 100 countries worldwide. The Georgian Public Defender is a member of IOI.

Equinet, the European Network of Equality Bodies, brings together 49 organisations across Europe, which are empowered to counteract discrimination as national equality bodies across a range of grounds. The Georgian Public Defender, also holding an equality body mandate, is a member of Equinet.

The **United Nations Special Rapporteur on the situation of Human Rights Defenders** was established in 2000 by the Commission on Human Rights to support implementation of the 1998 Declaration on human rights defenders. In June 2014, the President of the Human Rights Council appointed Michel Forst for the position, and his term was renewed in 2017.

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