



PUBLIC DEFENDER
(OMBUDSMAN) OF GEORGIA

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THE PUBLIC DEFENDER OF GEORGIA,
UCHA NANUASHVILI

1. PUBLIC DEFENDER'S GREETING

In June, we held meetings in Brussels that were very important both for our office and generally for our country. We discussed the ongoing events of Georgia, situation in human rights, threats in conflict regions, and many sensitive and painful issues of our population at the meetings held in NATO, various offices of the European Parliament, the European Commission and the Open Society European Policy Institute of Brussels.

We are pleased that high-standard human rights agencies praise the efforts of the Public Defender's Office in building a democratic country free from stigma, discrimination and intolerance.

The Public Defender's Office is actively engaged in important events influencing improvement of observation of human rights, monitors these processes and works

closely with state and international agencies to sophisticate legislative base and harmonize it with international standards.

In Brussels I met with Georgian diaspora too and learned about their living conditions. The meeting was held in a free, pleasant atmosphere. We talked about their problems too, including delayed procedures for getting dual citizenship, restriction of the right to property in case of loss of citizenship, land registration issues and abuse of human rights during deportation. I hope that the Government of Georgia will take into account the needs of these people and will take certain steps to solve their problems.

In June we presented several reports. Among them was the Parliamentary Report 2014 that I presented to the diplomatic corps, state agencies and non-governmental organizations. In addition, we presented reports on rights of conflict affected individuals and IDPs; special reports on persons with disabilities, gender equality, monitoring of women's penitentiary institution No5 and shelters of

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victims of domestic violence. We presented a report on the performance of the National Preventive Mechanism and the first edition of its quarterly newsletter.

I cannot but mention the Giorgi Okropiridze case, when the Prosecutor's Office initiated a criminal case against the defendant for appealing to the Public Defender, on the charge of false denunciation.

I would like to underline that the precedent not only raises legitimate questions regarding the charge filed against Okropiridze but it also puts under question the country's commitment to fighting against torture, repeatedly undertaken by the state on its path of democratic development. Similar precedents contain a risk of establishing the kind of practice that would eliminate inmate's desire to appeal, on the motive of avoiding criminal charges of false denunciation. The Prosecutor's Office, as well as any other institution, must respect the highest constitutional institution for monitoring protection of human rights - the Public Defender of Georgia – and must not use actions of this institution exercised within its authority as grounds for violation of human rights of certain individuals.

I want also to touch upon the great tragedy that moved our country in June, leaving dozens of people killed, several missing and hundreds homeless. The Tbilisi Zoo was destroyed and great loss was inflicted to the capital's infrastructure. I share the pain of family members of those killed or missing. Unfortunately, it should be noted that some of the governmental agencies could not relevantly respond to the disaster. They failed to forecast the disaster and its expected consequences. They also failed to evacuate population in time and close a highway. In addition, I have repeatedly underlined the necessity of taking into view the environmental monitoring assessments during planning and implementing infrastructure projects.

I would like to particularly highlight young volunteers' engagement in disaster relief efforts and their exemplary solidarity.

Many other important events also took place in June, the detailed review of which is available in this information bulletin.

2. MAIN TOPIC

2.1. PUBLIC DEFENDER'S OFFICIAL MEETINGS IN BRUSSELS

On June 8-12, the Public Defender paid an official visit to Brussels and held several important meetings.

On June 9, [Ucha Nanuashvili met with NATO Secretary General's Special Representative for the Caucasus and Central Asia James Appathurai](#) and discussed the situation in human rights and on-going processes aimed at improvement of the situation.

The NATO Secretary General's Special Representative gave a positive assessment to the country's progress with respect to improvement of human rights situation though he also mentioned challenges that still remain.

"We told the Public Defender that work of his institution is very important since during the annual evaluation we pay great attention to human rights situation in the country. I rely on reports prepared by him. The Public Defender presented a reform plan realization of which will be valuable for Georgia and it will bring the country closer to European standards. It is important not just for NATO but also for the population of the country", said James Appathurai after the meeting with the Public Defender.



JAMES APPATHURAI AND UCHA NANUASHVILI

The Public Defender of Georgia provided the NATO Secretary General's Special Representative with information on ongoing projects and plans of the Public Defender's Office aimed at protection of rights of military servicemen; he spoke about the issue of the human rights situation on the occupied territories; especially emphasized the process of implementation of anti-discrimination legislation and systemic reforms of justice and law enforcement agencies. They also discussed necessity of establishment of the independent investigative mechanism.

On June 8-9, 2015, in the framework of the official visit to Brussels, the Public Defender of Georgia participated in a [round table with representatives working on foreign affairs and human rights of the European Parliament](#); these meetings were held with Co-chair of the Georgia-EU Association Council of the European Commission Gunnar Wiegand and Deputy General Secretary of the International Trade Union Confederation (ITUC) Jaap Wiene.



ROUND TABLE IN THE EUROPEAN PARLIAMENT

At the meetings, Ucha Nanuashvili provided detailed information to representatives of European bodies and in-

ternational organizations on the situation in human rights and freedoms, as well as in justice sphere, and implementation of the anti-discrimination legislation in Georgia in 2014.

Despite improvement of the situation in certain areas of the justice system, prompt and effective investigation of alleged facts of ill-treatment remains a problem. With this regards, the Public Defender made a special emphasis on necessity of establishment of the independent investigative mechanism.

At the meeting with the Deputy General Secretary of the International Trade Union Confederation (ITUC), the Public Defender stressed necessity of establishment of labour inspection with real functions at a faster pace.

Representatives of the European structures gave a positive assessment to the Public Defender's work for protection of human rights in conflict regions.



MEETING WITH GEORGIAN DIASPORA LIVING IN BELGIUM

On June 10, Public Defender of Georgia Ucha Nanuashvili met with representatives of the Georgian diaspora in Brussels. The Public Defender provided information to Georgian citizens living in outside Georgia on the situation in the light of human rights in our country and heard about their problems. Special emphasis was put on an opportunity to enhance relations with the Public Defender of Georgia for protection of migrant rights.

As it was revealed at the meeting, the major problem of Georgians who live outside Georgia is loss of the Georgian citizenship in case of adoption of citizenship of another country, while its procedures complicate the issue of adoption of a double citizenship. The Public Defender believes that for retaining ties with their motherland granting of a double citizenship is important in certain cases.

Also, another acute issue concerns the issue of privatization of agricultural land plots; return of illegal persons to their motherland (deportation) is frequent that is sometimes accompanied by violation of rights.

The Public Defender plans to study needs of the Georgian

diaspora and address relevant bodies with a recommendation.

On June 12, the Public Defender of Georgia Ucha Nanuashvili met with representatives of around 20 organizations at the Open Society Brussels office. The Public Defender presented the Parliamentary Report for 2014 to the non-governmental sector which describes the situation of human rights and freedoms in Georgia.



MEETING AT THE OPEN SOCIETY BRUSSELS OFFICE

Special interest was caused by the situation in penitentiary establishments, legal rights situation in conflict regions, challenges in gender equality area, situation of children's rights and the issue of implementation of the law adopted on elimination on all forms of discrimination.

The meeting continued in Question and Answer mode over 2 hours. Alongside the Parliamentary Report, the Public Defender also presented special reports to representatives of international and non-governmental sector.

3. PUBLIC DEFENDER'S PROPOSAL TO PARLIAMENT ON GENDER EQUALITY

3.1. LEGISLATIVE PROPOSAL OF THE PUBLIC DEFENDER FOR PROMOTING GENDER EQUALITY

On 1st June, The Public Defender's proposal about widespread sexist advertisements in TV broadcasting refers to establishing of the definition of a sexist advertisement in the Georgian legislation and introduction of relevant sanction system in the Law of Georgia on Broadcasting. The proposal is supported by practices in various countries.

The Council of Europe has been interested in this issue in recent years. For elimination of negative stereotypes and strengthening of gender equality, the Resolution 1751 (2010) of the Parliamentary Assembly of the Council of Europe calls on states to include provisions in the legislation aimed at combating gender stereotypes. According to the same resolution, the impact of sexist stereotypes in the media on the formation of public opinion, especially among young people, is disastrous: these stereotypes perpetuate a simplistic, immutable and caricatured image of women and men, legitimising everyday sexism and discriminatory practices, and they may facilitate or legitimise the use of gender-based violence.

In case of taking the Public Defender's proposal into account, prohibition of sexist advertisements in TV broadcasting will become possible and that will be another step towards improvement of the gender equality legislation and its realization in practice.

4. SUCCESSFUL CASES

4.1. FINANCIAL ASSISTANCE ALLOCATED FOR REPAIRING CITIZEN L.A.'S DAMAGED HOUSE FOLLOWING PUBLIC DEFENDER'S APPEAL

On June 18, on the basis of Public Defender's application, the Commission of Assistance of Citizens with Poor Economic Conditions of Telavi Municipality considered citizen L.A.'s application and allocated 2 000 GEL for purchasing materials needed for repairing her damaged house. L.A. lived in poor social-economic conditions together with her little child in a damaged house with no windows or any flooring.

On June 11, the Regional Department of the Public Defender's Office sent a letter to Telavi municipal government and requested to survey the state of citizen L.A. and provide assistance to her within the framework of budget assignments.

4.2. COMMITTEE ON HUMAN RIGHTS AND CIVIL INTEGRATION SUPPORT PUBLIC DEFENDER'S PROPOSALS

On June 30, the Parliament's Committee on Human Rights and Civil Integration discussed legislative proposals. The committee members asked questions to the reporter – Head of Department of Gender Equality Ekaterine Skhiladze. The Public Defender's proposals were unanimously supported by committee members.

It should be noted that fulfillment of the Public Defender's proposals will be another step towards improvement of gender equality legislation.

On May 25, 2015, the Public Defender of Georgia addressed the Parliament of Georgia with legislative proposals in the framework of his legislation-granted authority. [The proposals aim at correcting legal basis for termination of the single parent status and prevention of early marriages.](#)

The Public Defender welcomes work carried out for defining the single parent status that will significantly improve the situation of a single parent and his/her child/children. Though, the legal grounds for termination of the status defined by the Civil Code of Georgia do not reflect interests of a single parent and his/her child/children.

According to the current edition of the Civil Code of Georgia, one of the grounds for termination of the single

parent status is contracting marriage that does not automatically mean emergence of obligation of a step father or a step-mother towards a child. According to the Public Defender's proposal, the above-mentioned legal ground needs to be modified so that the ground for the status termination will be not a marriage of a parent but a fact of emergence of a record of the second parent or a legal representative in registration records of the child.

Implementation of the Public Defender's proposal will be another step towards improvement of the current legislation in gender equality sphere.

By the Public Defender's legislative proposal on early marriages, a change needs to be introduced into the Civil Code of Georgia according to which only the court will have an authority to issue consent to a marriage of persons aged 16 to 18. According to the current edition, minors have a right to register a marriage on the basis of parental consent. Given the fact that initiators of early marriages are often parents of minors and in some cases marriage is forced by them, change will enable us to prevent such cases and a court to discuss possibility of marriage of minors in case of serious reasons for the marriage.

By this initiative, the Public Defender of Georgia agreed to a recommendation of the Committee on the Elimination of Discrimination against Women (CEDAW) that calls on the State of Georgia to implement such changes.

5. LAST MONTH'S EVENTS

5.1. PRESENTATION OF PUBLIC DEFENDER'S PARLIAMENTARY REPORT 2014

On June 4, 2015, Public Defender of Georgia Ucha Nanaashvili presented the Public Defender Parliamentary Report on the situation in human rights and freedoms in Georgia for 2014 and a short version of this 900-page document to representatives of diplomatic corps, non-governmental and international organizations.

When making his welcome speech at the presentation, Deputy Head of the European Union Delegation to Georgia Boris Iarochevitch noted that issues reflected in the report were very important and valued for the EU, therefore they supported the Public Defender's Office and this support would continue.

At the event, the Public Defender reviewed wide range of civil and political, economic, social and cultural rights and main, significant recommendations developed for various branches of authorities; emphasis was put on positive and negative tendencies identified in human rights area. It was noted that in recent years, number of applications addressed to the PD has increased significantly which indicates to rise in public awareness of the Public Defender institution.

The report contains 33 chapters and it was the first time that 7 directions appeared in the scope of study of the Public Defender. These directions are: protection of migrants from ill-treatment, non-compliance with lawful requests of the Public Defender of Georgia, prohibition of discrimination, right of election, right to protect cultural heritage, right to life and a living environment free from hazards and legal rights of foreigners.



PRESENTATION OF ANNUAL PARLIAMENTARY REPORT TO THE REPRESENTATIVES OF DIPLOMATIC CORPS, NGOS AND INTERNATIONAL ORGANIZATIONS

Following the presentation, the Public Defender of Georgia answered questions of representatives of international and non-governmental organizations. The discussion touched such issues as necessity of implementation of laws oriented towards protection of human rights; accessibility of healthcare; situation existing with regards to children's rights and monitoring of education institutions; facts of ill-treatment in penitentiary institutions; scarcity of rehabilitation programmes for drug-addicts; problems of the homeless, etc.

When speaking about the process of realization of the recommendations, the Public Defender noted that there are series of issues with regards to which government agencies limit their efforts to just taking temporary measures instead of fulfilling them which is unsatisfactory for the Public Defender.

Participation of the Public Defender in the process of development of the law on eco-migrants attracted special interest. It was noted that the Office was actively involved in the working committee though due to lack of finances discussions about the law was suspended. In the opinion of the Public Defender, stopping activities necessary for protection of human rights are unacceptable and he believes that the state is obligated to constantly make certain steps in the scope of its abilities to rectify the situation.

Adviser to the Prime Minister in Human Rights and Gender Equality issues Sopho Japharidze stated that the Office of the Prime Minister to closely communicate with the Public Defender in the process of development of the

action plan for human rights for 2016-2017.

Deputy Head of the Office of the Council of Europe to Georgia Alessandro Savaris spoke about continuing cooperation and fruitful work of the Public Defender's Office.

The event was held with financial support of the EU Project "Support to the Public Defender's Office". The discussion was moderated by head of the project team Tamar Khidasheli.

5.2. REPORTS ON THE HUMAN RIGHTS SITUATION OF "CONFLICT AFFECTED POPULATION" AND "INTERNALLY DISPLACED PERSONS" IN GEORGIA

On June 5, 2015, the Public Defender presented reports "On legal rights of conflict-affected population" and "On internally displaced persons" to the representatives of government agencies, non-governmental and international organizations.

At the opening of the event, Public Defender Ucha Nanaashvili briefly reviewed issues reflected in the reports, legislative changes that took place last year and recommendations issued for addressing problems of conflict-affected persons internally displaced persons (IDPs). The Minister of Internally Displaced Persons From the Occupied Territories, Accommodation and Refugees of Georgia Sozar Subari spoke about specifics of accommodation of IDPs and new initiatives of the Ministry. Also, he discussed positive outcomes achieved in cooperation with the Public Defender's Office. The Deputy Representative of the UN High Commissioner for Refugees' in Georgia Hay Shelow spoke about successful and effective cooperation with the Public Defender's Office and expressed a wish to continue these relations.



PRESENTATION OF THE REPORTS "ON LEGAL RIGHTS OF CONFLICT-AFFECTED POPULATION" AND "ON INTERNALLY DISPLACED PERSONS"

The report of the Public Defender's Office "On internally displaced persons" was presented by coordinator of the project "support to the Public Defender's Office to enhance its capacity to address the situation of IDPs and other conflict-affected individuals" Tornike Tsagareishvili.

Issues of living conditions of IDPs, issues of their accommodation and privatization are emphasized in the report; it also reviews problems of low level of awareness among IDPs regarding the initiatives aimed at improving their rights.

Senior Adviser to the Public Defender of Georgia on Human Rights Issues in Conflict-affected Regions Medea Turashvili reviewed the rights of population living in the villages along the dividing line and occupied territories. She spoke about grave socio-economic situation of families living in these areas, restrictions of freedom of movement and frequent detentions.

In December, 2014, 6 citizens of Georgia were deprived of liberty under various charges in Tskhinvali prison. There are 7 South Ossetian prisoners on the Georgian controlled territory, in Rustavi and Ksani prisons, who demand “exchange” or transfer to Tskhinvali. As to persons deprived of liberty in Abkhazia, at this stage, the Georgian authorities do not have their full list or information on charges issued against them.

The year of 2014 was especially difficult for residents of Gali district. Violation of rights to life, movement, receiving education in native language, right to property, illegal deprivation of liberty – this is an incomplete list of violations that are regularly occurring there.

The presentations were followed by the discussion during which civil society and government representatives discussed the current legislative base in the country and rights of IDPs and the necessity of more mechanisms to protect conflict-affected population.

The event was funded by the project “Support to the Office of the Public Defender to enhance its capacity to address the situation of IDPs and other conflict-affected individuals” of UNHCR.

5.3. MONITORING OF NATIONAL PREVENTIVE MECHANISM IN THE PENITENTIARY ESTABLISHMENT N3

On May 7-9, 2015, the National Preventive Mechanism of Georgia conducted a repeated control visit to the Penitentiary Establishment N3. The monitoring revealed significant problems related to legal rights of prisoners; majority of recommendations developed and issued as a result of monitoring conducted by the National Preventive Mechanism on October 23-24, 2014, practically have not been fulfilled.

Issue of prevention of ill-treatment is acute at the establishment. During the visit, aggressive attitude of prison personnel towards inmates were apparent which poses a real danger of ill-treatment of prisoners; medical personnel continue to keep documenting damages received in the establishment with shortcomings.

Security measures are taken disproportionately and unreasonably. The administration of the establishment mainly relies on elements of so-called “static security” (separation, surveillance via electronic devices) that cannot ensure protection of security and order in conditions of adherence to human rights. As a result, tense and conflict

situation persists, together with a high risk of displays of self-harm, violence and aggression.

It should be mentioned that the rate of application of disciplinary punishment has increased. Unfortunately, prisoners with mental problems are still placed in solitary cells; adequate medical services are not fully accessible; the establishment is not provided with enough medications. There is no special diet for sufferers from diabetes. During preparation of meals, needs of various ethnic and religious confessions are not taken into account.

Physical environment and sanitary-hygiene situation of the establishment remain a problem. Despite the Public Defender’s numerous recommendations, issues of artificial ventilation, natural lighting and water supply remain unresolved.

Psycho-social rehabilitation activities are practically non-existent in the establishment. There are no sufficient resources for conduction of such activities.

Not taking place of residence of family members of prisoners into account when placing the appointment in the establishment hinders realization of the right to visits. Short visits are carried out in rooms with glass partitions and due to this circumstance inmates are unable to come into physical contact with their family members. Telephone calls are not made in sufficient quantity and with appropriate confidentiality. A store of the establishment is not adequately supplied with products.

In accordance with results of the monitoring conducted in the Penitentiary Establishment N3, National Preventive Mechanism prepared a special report.

5.4. STATEMENT OF THE PUBLIC DEFENDER ON INSTITUTING NEW CHARGES AGAINST GIORGI OKROPIRIDZE

On June 9, The Public Defender of Georgia commented on disseminated information about charges being issued against accused Giorgi Okropiridze under the subparagraph “a” of the part 3 of the article 373 of the Criminal Code of Georgia. He noted that information on a fact of torture or ill-treatment that had been communicated to the Public Defender of Georgia cannot be directed at and used against an individual/prisoner or cannot serve as a basis for starting criminal prosecution against this person.

According to the article 21 of the Optional Protocol to the UN Convention on Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment, “no authority or official shall order, apply, permit or tolerate any sanction against any person or organization for having communicated to the national preventive mechanism any information, whether true or false, and no such person or organization shall be otherwise prejudiced in any way”.

On September 23, 2014, the Public Defender of Georgia,

in the framework of authority granted by the Organic Law of Georgia On Public Defender, and on the basis of information provided by Giorgi Okropiridze in September, 2014, addressed the Chief Prosecutor of Georgia with a proposal to launch an investigation into an alleged fact of ill-treatment towards accused Giorgi Okropiridze committed in the Penitentiary Establishments N3 and N8. Giorgi Okropiridze explained that personnel of the Penitentiary Establishments N3 and N8 verbally and physically assaulted him and threatened him for going on a hunger strike.

On September 25, 2014, on the basis of the Public Defender's proposal, an investigation was launched in the Prosecution of Georgia on a criminal case of a fact of ill-treatment conducted towards accused Giorgi Okropiridze, under the first part of the article 144³ of the Criminal Code of Georgia. On October 2, 2014, Giorgi Okropiridze was questioned on the above-mentioned case as a witness. It should be stressed that the investigation on the above case was suspended several times and it was finally resumed on June 6, 2015, with the view of conducting a comprehensive investigation. On June 7, 2015, the ongoing investigation into ill-treatment towards Giorgi Okropiridze was set apart as a separate proceeding from the above-mentioned case but the investigation was stopped on the same day. While, on June 7, 2015, investigation was resumed on a fact of false report with regards to which, on June 8, charges were issued against Giorgi Okropiridze under the subparagraph "a" of the part 3 of the article 373 of the Criminal Code of Georgia that envisages deprivation of liberty for the period from four to six years.

The Public Defender also stressed that activity of the Prosecution of Georgia should in no way become prone to leaning towards abuse of power. Such precedent gives ground to emergence of legitimate questions not only towards reasonability and appropriateness of the charges against Giorgi Okropiridze but it essentially puts in doubt an obligation assumed repeatedly by the state on the road to the country's democratic development - the obligation of combating torture. The Prosecution of Georgia, as any other institution, should respect the supreme constitutional body that conducts supervision of protection of human rights – the Public Defender of Georgia and not to use action conducted by this agency in the framework of its authority as the grounds for violation of rights of concrete individuals.

5.5. STATEMENT OF THE PUBLIC DEFENDER REGARDING VIOLATION OF FREEDOM OF ASSEMBLY

The Public Defender of Georgia assesses the 12 June incident as a violation of the right to freedom of assembly. During the incident policemen did not allow participants of a peaceful rally to gather in Heydar Aliyev Park.

On June 12, at 19.30, a manifestation of human rights activists was scheduled in Tbilisi, at Heydar Aliyev Park. Under the slogan "Sport for human rights", rally participants planned to protest against fully-fledged human rights violations, detention and arrests of human rights activists in Azerbaijan. The demonstration was scheduled on the opening day of the European Games held in Baku, Azerbaijan. Information on the action was announced and disseminated, including on social media.

At the planned time, rally participants who arrived at the place, encountered a police line mobilized around Heydar Aliyev Park. According to the policemen, they were conducting a police event and could not allow the rally participants in the park. Despite being asked, they did not provide the protesters with information on legal grounds for such restrictions. They also did not explain what kind of police event was taking place there. The rally participants were forced to move to a farther area and hold the rally there. The police action was directly aimed not to allow the protesters to hold the rally on the territory of Heydar Aliyev Park. According to the rally organizers, policemen were intentionally preventing the participants who were identified by appropriate T-shirts/ banners from entering the park, while other persons were not prevented from doing so. Later, a representative of the Public Defender arrived at the place of the incident. Despite the lawful request, the policemen did not provide information to the Public Defender representative on a type and grounds of the police event, restriction of the place of assembly, by which they violated requirements of the Organic Law of Georgia on Public Defender.

The Constitution of Georgia, as well as international human rights standards, adheres to the right to freedom of assembly and manifestations. According to the Constitution, everyone has the right to public assembly without arms either indoors or outdoors without prior permission. A place is public in case the public has an equal access to it, and it includes parks and gardens. The authorities should always try to support holding of public gatherings in places selected by organizers if this is a public space that is usually accessible for the public. In the mentioned case, we have violation of negative obligation of the state - not to interfere and hinder the course of a rally until there is necessity for restrictions necessary for democratic society that is envisaged by the law and directed at benefits envisaged by the relevant article of the Constitution. It should be noted that in the above case the rally organizers did not have an obligation to notify local self-governing authorities in advance since in accordance with the Law of Georgia "On assemblage and manifestations" the above is an obligation only in case it hinders the work of public transport. Also, there were not pre-requisites envisaged by the law on restriction of place of assembly:

the form, time, and place of an assemblage or a manifestation did not coincide with that of another assemblage or a manifestation;

Conducted, the assemblage or manifestation did not cause a material danger to public safety and order, or constitutional rights and freedoms of other people.

Development of the above-mentioned events indicates to high probability that the actions of the policemen to prevent holding of the rally in Heydar Aliyev Park was planned at the top of the power vertical. I call on the Prosecution of Georgia to immediately start investigation of the above-mentioned events and pay special attention to examining at the time of which high-rank official/ high-rank officials was the above decision taken.

5.6. THE EIGHTH ROUND OF THE GEORGIA-EU ANNUAL DIALOGUE

On June 15, 2015, the eighth round of the Georgia-EU Annual Human Rights Dialogue was held at the Ministry of Foreign Affairs of Georgia. At the meeting, the Public Defender of Georgia reviewed the general situation in human rights and fundamental freedoms in Georgia and spoke about activities conducted, steps forward and existing challenges in this direction in the period following the round that was held in June 2014.

The European Union welcomes work conducted by the Public Defender's Office and progress that exists in the direction of improvement of the criminal justice policy, betterment of the situation in preliminary detention facilities, efforts undertaken against domestic violence and discrimination, also, activity of the Public Defender in the light of protection of rights of people living in conflict regions.

The EU called on the Georgian authorities to strengthen independence of judicial authorities and establish the independent investigative mechanism. One of the recommendations concerned necessity of establishment of labour inspection.

During the meeting, the Georgian delegation was chaired by Deputy Minister of Foreign Affairs of Georgia Gigi Gi-giadze while the European Delegation was headed by Head of the Department for Human Rights Policy of the European External Action Service Elizabeth Tyson.

Next round on the human rights issues is planned in Brussels, in 2016.

5.7. ACTIVITIES OF PUBLIC DEFENDER AND PUBLIC DEFENDER'S OFFICE CONCERNING TBILISI DISASTER

The Public Defender of Georgia expressed his deep sadness with regards to a natural disaster that occurred in Tbilisi on June 13-14 and extended his condolences to

families of those deceased. Loss suffered by relatives of the deceased and entire Georgia is irreparable. Residents affected by the disaster suffered great financial damage. Several families were left without roof. Tbilisi Zoo also suffered great losses. Part of the city's infrastructure is also in a grave state.

Coordinated and instantaneous response of various government agencies to the occurred events should be applauded. In this difficult situation, first of all, results of the disaster should be promptly eliminated and families afflicted by the disaster should be aided relevantly. Also, identification of animals that were left outside the Zoo and their safe return to the Zoo should continue within the limits of possibility. In all these directions, coordinated efforts have paramount importance. The Public Defender of Georgia will monitor the said process through methods at his disposal.

It is important to immediately start work and promptly determine exact reasons that caused the natural disaster. It is these reasons that should be taken into account when restoring the damaged infrastructure in order to prevent repetition of the same mistakes if such confirmed. With participation of professionals of relevant spheres it should be determined to what extent water drainage pipes of Vere Gorge provide discharge capacity for the river flooded as a result of heavy precipitation in order to rule out similar tragedies in the future.



PUBLIC DEFENDER MET WITH PEOPLE AFFECTED BY NATURAL DISASTER LIVING ON THE STREET SVANIDZE

The unfolded tragedy once again confirms that government policy should be oriented at maximal prevention of such incidents while decisions on all infrastructural projects should be made taking into account long-term outcomes. When preparing infrastructural projects examination of environmental issues have vital importance that was repeatedly stressed by the Public Defender over the course of last two years. The process of city planning, scheduled constructions, various infrastructural projects and evaluation of their impact on the environment should become a subject of special discussion. Opinions of professionals of relevant spheres should be taken into account. The Public Defender has many times emphasized these issues even before.

On June 16-17, 2015, representatives of the Public Defender visited 11 buildings in Tbilisi where families affected by the natural disaster that occurred in Tbilisi are housed. During the visits, enquiries were made among injured population, as well as representatives of Tbilisi City Hall, Vake district municipality and various government agencies. A positive assessment should be given to the issue of addressing basic needs of afflicted households - they are provided with shelter, food and clothing.

5.8. THE PUBLIC DEFENDER'S OFFICE OF GEORGIA ALLOCATED 50 THOUSAND GEL FOR ELIMINATION OF RESULTS OF THE NATURAL DISASTER

The Public Defender introduced changes into conduction of activities planned by the Public Defender's Office for the year of 2015. On June 19, he made a written address to the Minister of Finance of Georgia Nodar Khaduri to direct allocation in the sum of 50 thousand Georgian Lari affirmed by the State Budget to the state treasury, to a special bank account opened for assistance to the disaster victims.

The Public Defender welcomes consolidated efforts and expressed solidarity of the society for elimination of the disaster results, and hopes that in adherence to universally acknowledged and established social responsibility principles business community will further increase endeavours aimed at helping the disaster victims.

5.9. THE PUBLIC DEFENDER OF GEORGIA PARTICIPATES IN THE INTERNATIONAL CONFERENCE "GEORGIA'S EUROPEAN ROAD"

On June 18-19, 2015, the 12th International Conference "Georgia's European Road" dedicated to cooperation prospects between Georgia and the European Union was held in Batumi. The conference was attended by members of the Government, representatives of diplomatic corps, international and local organizations.

In the framework of the event, the Public Defender of Georgia had several important meetings. At the meeting with EU special representatives for the South Caucasus and crisis in Georgia Herbert Salberg spoke about importance of activities conducted by the Public Defender in the light of human rights protection in conflict regions. They stressed the importance of the Geneva talk format, talked about strengthening of its role in the sphere of human rights protection and greater involvement of the Public Defender in this process. They also stressed necessity of resumption of the format of meetings of Incident Prevention and Response Mechanims (IPRM) group. The Public Defender of Georgia also met with the Co-chair of the EU-Georgia Parliamentary Association Committee, member of the European Parliament Sajad Karim and

provided information to him on the situation in human rights. The Public Defender noted that the situation improved in many directions, but there still are challenges including protection of rights of minorities, domestic violence, and absence of independent investigative Mechanism and labour inspections.



MEETING WITH THE CO-CHAIR OF THE EU-GEORGIA PARLIAMENTARY ASSOCIATION COMMITTEE, MEMBER OF THE EUROPEAN PARLIAMENT SAJAD KARIM

Sajad Karim stressed importance of strengthening of the EU activity. The parties mentioned that Georgia's European Road is an irreversible process though constant work mode is necessary.

5.10. SPECIAL REPORT ON LEGAL RIGHTS OF PERSONS WITH DISABILITIES

On June 22, 2015, the Public Defender of Georgia held a presentation - "Legal rights of persons with disabilities in accordance with the Public Defender of Georgia Parliamentary Report for 2014".



PRESENTATION OF THE REPORT "LEGAL RIGHTS OF PERSONS WITH DISABILITIES IN ACCORDANCE WITH THE PUBLIC DEFENDER OF GEORGIA PARLIAMENTARY REPORT FOR 2014".

At the opening of the event, Pubic Defender of Georgia Ucha Nanuashvili briefly reviewed developments in the country, emphasized positive and negative tendencies registered with regards to legal rights of persons with disabilities, main problems and challenges that interfere with full realization of rights of persons with disabilities.

The Public Defender of Georgia believes that during 2014 issues of adequate implementation of positions of the Convention on the Rights of Persons with Disabilities, and ratification of the Optional Protocol of the Convention remained as main challenges. Another problematic issue is inaccessible physical environment, transport and public objects that significantly hinders their ability to lead inde-

pendent lives and often emerges as a ground for discrimination of persons with disabilities.

The special report was presented by Head of the Department of the Protection of Rights of Persons with Disabilities Irina Oboladze. She spoke about obstacles, problems and challenges existing before children, women and representatives of ethnic minorities with disabilities. Also, Irina Oboladze reviewed recommendations addressed towards state bodies aimed at improvement of the current situation.



PRESENTATION OF THE SPECIAL REPORT "ON THE SITUATION OF RIGHTS OF PERSONS WITH DISABILITIES"

After the presentation, at the discussion that was moderated by First Deputy Public Defender Paata Beltadze, especially acute issues were discussed by representatives of international organizations and non-governmental organizations working on the topic, also persons with disabilities and their care-givers. The issues also included rights of war veterans with disability status, shortcomings of inclusive education, shortage and inaccessibility of services that is especially apparent in regions. Particular attention was paid to importance of conduction of correctly-planned information campaigns aimed at elimination of the stigma existing in the society.

It was also mentioned, that on the part of the state there has not yet been developed policy supporting employment of persons with disabilities and relevant legislative framework that should play a significant role in inclusion of persons with disabilities in the society. So far, special needs of persons with disabilities have not been included in state healthcare programmes either.

5.11. JOINT MEETING OF THE PUBLIC DEFENDER OF GEORGIA AND THE UN WOMEN TO SUPPORT GENDER EQUALITY

On June 23, 2015, the Public Defender of Georgia and the

United Nations Organization - the UN Women held a joint meeting dedicated to issues of gender equality and legal rights of women. The meeting was moderated by of UN Women Representative in Georgia Erika Kvapilova.

At the meeting, Public Defender of Georgia Ucha Nanuashvili briefly reviewed the chapter of the Parliamentary report - gender equality and women's rights. He spoke about main directions and aspects reflected in the report, recommendations that he issued towards relevant agencies. He noted that achieving gender equality remains one of the serious problems in Georgia. Society still lives in stereotypical environment where in majority of cases domestic violence against women is a justifiable action; number of early marriages is high, women represent minority at the decision-making level and cases of violation of rights on the basis of gender identity and sexual orientation are frequent.



MEETING TO SUPPORT GENDER EQUALITY

Head of the Department of Gender Equality of the Public Defender's Office of Georgia Eka Skhiladze presented special report "On results of monitoring of penitentiary establishment N5 for women". The monitoring report reflects needs of female prisoners and recommendations prepared on the basis of assessments. During the monitoring, degrading form of prisoners' search, violation of hygiene-sanitary norms and shortcomings of accessibility of medicines were revealed. Not all prisoners have access to a library, sporting halls and a computer room. Rehabilitation and re-socialization programmes are not adequately implemented. Especially acute is the issue of separation of mothers and children who reached the age of three. Also, the issue of provision of children with seasonal clothing and especially food is not resolved.

Consultant invited by the UN Women at the Public Defender's office Mary Maglaperidze spoke about issues of violence against women and domestic violence. She presented results of monitoring of shelter and hotline for domestic violence victims, study of cases of women's killings that occurred in 2014, and implementation of restriction and protection orders.

5.12. MEETING OF THE PUBLIC DEFENDER WITH DIRECTOR OF THE STATE SERVICE FOR THE VETERANS' AFFAIRS

On June 23, 2015, at the initiative of the Public Defender, an introductory meeting was held with Director of the State Service for the Veterans' Affairs Irakli Shikhiashvili. Alongside Public Defender Ucha Nanuashvili the meeting was attended by Deputy public Defender Natia Katsitadze and Head of the Department of Protection of Human Rights in Defence Sphere Tamar Gabiani.

The Public Defender spoke about the newly-established department the main focus of activity of which is protection of rights of veterans. Also, they discussed problems related to war veterans and veterans of military forces, their legal rights and shortcomings that need to be promptly addressed.

The Public Defender expressed interest in social situation of veterans and the issue of subsidies and other benefits envisaged by the legislation, budget and social packages allocated for veterans.

They talked about grave conditions that exist in settlements of veterans and possibility of providing them with alternative housing.

At the meeting, it was noted that conditions in the veterans' hospital do not meet standards necessary for providing service to patients and it will be appropriate to find alternative premises and provide it with medical equipment.

5.13. PRESENTATION OF THE NATIONAL PREVENTIVE MECHANISM REPORT

On June 26, 2015, in connection with International Day in Support of Victims of Torture, the Public Defender of Georgia held presentation of the Annual Report of the National Preventive Mechanism. At the opening of the meeting, Public Defender Ucha Nanuashvili spoke about the UN Convention Against Torture and noted that the convention obliges member states to investigate all facts of torture, prosecute and punish perpetrators, pay compensations to victims or take every necessary measure to establish the Independent Investigative Mechanism, which will ensure investigation of facts of torture, inhuman and degrading treatment committed by representatives of law enforcement agencies.

In his welcome speech Deputy Head of the EU Delegation to Georgia Boris Iarochevitch spoke about contribution brought by the National Preventive Mechanism into the cause of protection of human rights. He also noted that being oriented at protection of human rights is indeed one of the most important criteria that an EU membership aspirant country should be meeting. And in this area, establishment of the Independent Investigative Mecha-

nism is the main recommendation of the European Union in the EU-Georgia dialogue format.



PRESENTATION OF THE NATIONAL PREVENTIVE MECHANISM REPORT

Deputy Public Defender Natia Katsitadze presented the National Preventive Mechanism Activity Report. She spoke about monitoring of closed establishments conducted in 2014, reports reflecting results of the monitoring, activity of the Advisory Council of the National Preventive Mechanism, trainings, meetings and cooperation with international organizations, development of new methods and future plans.

When talking about media activities of the National Preventive Mechanism Natia Katsitadze presented proactively renewable section of the web-page on the National Preventive Mechanism and the [first issue of a quarterly information bulletin](#). The bulletin aims at informing the public and raising awareness of work of the National Preventive Mechanism, situation of human rights in closed institutions, international news in torture prevention sphere and other important issues.

The chapter on the National Preventive Mechanism of the Parliamentary Report of the Public Defender of Georgia for 2014 was presented by Head of the Department of Prevention and Monitoring Nika Kvaratskhelia. He reviewed protection safeguards against torture and other ill-treatment, order and safety in penitentiary establishments, imprisonment conditions, penitentiary healthcare, prisoners' contacts with outside world, rehabilitation and re-socialization, situation in agencies subordinate to the Ministry of Internal Affairs of Georgia, protection of migrants from ill-treatment, situation of persons with disabilities who are deprived/restricted of liberty, legal rights of children in small group homes. Special emphasis was put on problems and challenges which, despite many positive changes, still remain in closed institutions and specific recommendations were also presented.

During the course of the presentation and at the discussion that followed there was an especially acute discussion on the issue of criminal case proceedings on charges of false report instituted by Prosecution of Georgia against one of the prisoners on the basis of information provided by the Public Defender of Georgia on the fact of torture and ill-treatment. It was noted that similar incidents create risks that in the future prisoners will refrain from applying to the Public Defender and this essentially puts in doubt the obligation that was many times assumed by

the state on the road to democratic development of the country - obligation to combat torture.

6. PERIODIC ACTIVITIES OF CERTAIN DEPARTMENTS OF PUBLIC DEFENDER'S OFFICE

6.1. INFORMATIONAL MEETING WITH TEACHERS OF NO22 PUBLIC SCHOOL OF LEPL ABKHAZIA

Representatives of the Centre of Child's Rights of the Public Defender's Office- Mary Janiashvili and Mary Bochorishvili - held an informational meeting with teachers and administrative personnel of No22 Public School of Abkhazia in the town of Likani, Borjomi municipality, and discussed topical issues of children's rights. International and national legal norms of students' rights were considered at the meeting.

The representatives of the Public Defender talked about the main principles of the UN Convention on the Rights of the Child and recommendations of the UN Committee on the Right of the Child; discussions were held about prevention/management of violence among students in educational establishments, psychological assistance of students, improvement of teachers' qualification and observance of the right to education.

During the visit the Public Defender's representatives monitored No22 primary school of Abkhazia, school of Likani and public school of Akhaldaba.

6.2. MEETING WITH OSSETIAN FORUM

On 3 June the Public Defender of Georgia held another meeting with members of the Ossetian Forum. The aim of the meeting was to outline future plans. In particular, implementation of projects and events within the framework of the Ossetian Forum, strengthening of efforts of Ossetian organizations in protection of rights of conflict affected population and conflict transformation were discussed at the meeting.

The Ossetian Forum, initiated by the Public Defender of Georgia, is a permanent working group that provides consultations to the Public Defender in protection of rights of ethnic Ossetian population.

6.3. SYMPOSIUM ON RIGHTS OF LGBT PERSONS

On 3-4 June a symposium was organized by the Association for the Prevention of Torture in the Swiss city of Geneva about problematic issues related to protection of rights of LGBT persons whose freedoms were restricted/violated. The meeting was attended by members of the National Preventive Mechanism, the UN Subcommittee for Prevention of Torture and the European Committee for the Prevention of Torture, as well as international experts. Participants of the symposium discussed the role of

the National Preventive Mechanism in protection of LGBT persons from violence and discrimination at places where their freedoms are restricted or violated.

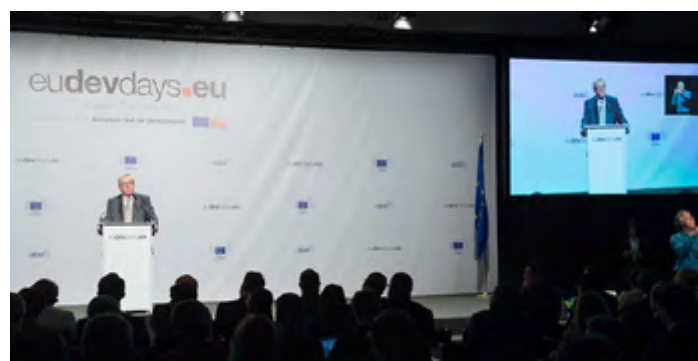
6.4. SHORT VIDEO MESSAGE WAS PREPARED WITHIN THE FRAMEWORK OF ANTI-TORTURE INITIATIVE

Short video message was prepared within the framework of an anti-torture campaign initiated by UN Special Rapporteur on Torture Issues Juan Mendes. The campaign is aimed at increasing public awareness about importance of fight against torture. Within the framework of the campaign the Head of the Prevention and Monitoring Department of the Public Defender's Office of Georgia took part in the short video message, in which representatives of National Preventive Mechanisms of 5 countries (Georgia, Norway, Kirgizstan, Paraguay and Senegal) talk about the importance of fight against torture.

6.5. EUROPEAN DEVELOPMENT DAYS IN BRUSSELS

On June 3-4, 2015, European Development Days were held in Brussels, Belgium that were organized by the European Commission, International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) and regional networks. The event was opened with a welcome speech of President of the European Commission Jean- Claude Juncker.

The event was attended by representatives of National Human Rights Institutions (NHRIs) from 106 countries. Georgia was presented by Head of the Department of International Relations and Communications of the Public Defender's Office Niko Tatulashvili.



JEAN- CLAUDE JUNCKER WAS OPENED EUROPEAN DEVELOPMENT DAYS IN BRUSSELS

High Representative of the European Union for Foreign Affairs and Security Policy Federica Mogherini personally met with representatives of National Human Rights Institutions and shared her views on the important role of these institutions in the process of enhancing and sustainable development of mechanisms of protection of human rights.

On the course of two days several sessions were held where an important role of National Human Rights Institutions in conflict and post-conflict situations, as well as in business and human rights sphere and economic, social and cultural rights was especially stressed.

6.6. INTERNATIONAL CONFERENCE

On June 8-9 an international conference was held in Tbilisi about implementation of article 33 of the United Nations Convention on the Rights of Disabled Persons. Representatives of Sweden, Ukraine, Moldova, Belarus and Germany, as well as representatives of the Public Defender's Office of Georgia, took part in the conference.

Irine Oboladze, the Head of the Department of the Rights of Persons with Disabilities, presented a project of monitoring mechanism of implementation of the convention.

6.7. TRAININGS OF TRAINERS

Head of the Department of Persons with Disabilities of the Public Defender's Office of Georgia Irine Oboladze participated in the trainings about issues of mental health and medical ethics, organized by the Council of Europe on June 10-13.

The trainings were held for employees of psychiatric institutions, the Public Defender's Office, the Ministry of Corrections and the Ministry of Internal Affairs.

The invited CoE trainers discussed basic standards of medical ethics, international and regional systems of human rights, the United Nations Convention on the Rights of Persons with Disabilities, including the new paradigm of treating the persons with psychiatric problems, principles of community psychiatry, requirements of the European Committee for Prevention of Torture and other issues.

6.8. VISIT TO POLAND

On June 14-19 Irine Oboladze, the Head of the Department of Rights of Persons with Disabilities of the Public Defender's Office of Georgia, paid a training visit to Poland within the framework of joint Georgia-Poland project - Creation of Legal, Financial and Administrative Basis for System of Assistance of Persons with Disabilities.

During the visit meetings were held in Poland's Ministry of Labour and Social Policy, the Bureau of Issues of Persons with Disabilities, the State Rehabilitation Fund of Persons with Disabilities, Poland's Council of Television and Radio, Poland's Public Television and Radio. Irine Oboladze also visited an inclusive school and office of the public organization Integration. State policy concerning persons with disabilities, including professional activeness and professional rehabilitation, as well as increase of public

awareness about the rights of autistic persons and other interesting issues were discussed at the meetings.

6.9. WORKING VISIT AIMED AT PROTECTING RIGHTS OF OLDER PERSONS AND ENSURING LONG-TERM CARE

On June 16-17, Rusudan Kokhodze, the Deputy Head of the Department of Persons with Disabilities of the Public Defender's Office of Georgia, took part in a meeting of group of advisors of the *European Network of National Human Rights Institutions* (ENNHRI) Project on the Human Rights of Older Persons and Long-term Care, held by the assistance of the European Commission in Brussels.

The aim of the European Network of National Human Rights Institutions is to improve the state of rights of the older persons in long-term residential establishments. Representatives of National Human Rights Institutions of 26 countries, participating in the meeting, discussed documents drafted within the framework of the project, on basis of which united monitoring methodology must be developed for older persons' residential establishments and monitoring of such establishments must be carried out at the pilot phase of the project. Future activities were also planned for increasing public awareness about necessity of long-term care for the older persons and protection of their rights.

6.10. MEETING HELD IN LATVIA ABOUT IMPLEMENTATION OF PREVENTIVE MANDATE

On June 17-19, in the Latvian city of Riga, the Latvian Ombudsman, the Association for the Prevention of Torture (APT) and the International Ombudsman Institute (IOI) organized a meeting about issues of implementation of preventive mandate. Representatives of National Preventive Mechanisms of several countries, including Georgia, took part in the event. Representatives of the National Preventive Mechanism of Georgia talked about characteristics of the Georgian National Preventive Mechanism and the changes carried out to strengthen the preventive mandate.

6.11. MEETING ON EFFECTIVE IMPLEMENTATION OF ANTI-DISCRIMINATION LEGISLATION

On June 22-23 the Public Defender's Office held a meeting by the assistance of the European Commission's Technical Assistance and Information Exchange Instrument (TAIEX) about effective implementation of anti-discrimination legislation.

Efforts of the Public Defender's Office, shortcomings in the law on Elimination of All Forms of Discrimination, direct and indirect discrimination, difference between

discrimination and harassment, as well as between discrimination and hate speech, state's positive obligations with regard to prohibition of discrimination, religious neutrality in educational institutions (including teachers' liabilities, ethical norms in schools, proselytism, indoctrination) were discussed at the event.

The meeting was led by international experts: representative of Netherlands Human Rights Institute Silas Can Der Bass, senior investigator of the Greek Ombudsman Maria Karageorgou and Turin University senior training specialist Ivana Roana.

The meeting was attended by representatives of the Public Defender's Office, judicial branch of the government and non-governmental organizations.

7. IMPORTANT DATES

7.1. STATEMENT OF THE PUBLIC DEFENDER REGARDING INTERNATIONAL DAY FOR PROTECTION OF CHILDREN

June 1 is International Day for Protection of Children. The Public Defender of Georgia congratulated all minors living in Georgia with this day and wished them to live in decent environment that is adequate to their development and free of violence, poverty and inadequate level of living.

Activities conducted by the Public Defender and his office showed that the international and European standards of protection of children's rights are not yet adequately realized in Georgia.

Insufficient response on the part of government agencies to facts of violence and other types of ill-treatment towards children, increase of offences against sexual freedom and inviolability, alarmingly high rate of infant mortality and suicide among minors, accessibility of the right of minors to healthcare, provision for needs of children, including minors with disabilities, in the mountainous regions, integration of children living and working on streets into the society and conduction of systemic and large-scale government services aimed at protection of their rights still remain a problem in our country.

Despite numerous requests of the Public Defender, the process of signing and ratification of the Third Optional Protocol to the UN Convention on the Rights of the Child "On a communications procedure" has not yet been completed. It should be noted that this protocol represents an effective procedure mechanism for protection of rights of minors through international legal instruments.

The Public Defender of Georgia called on agencies responsible for protection of rights and freedoms of the child to unwaveringly fulfill obligations assumed under international and national legal instruments and to direct their utmost attention towards providing for best interests of minors when conducting their activities.



SOS CHILDREN'S VILLAGE, SMALL GROUP HOME OF KUTAISI

The representative of the Kutaisi office of Public Defender's Office of Georgia Madona Basiladze met with children of the small group homes of Kutaisi of the SOS Children's Village Association of Georgia and talked to them about the child's Rights and give them the gifts.

Madona Basiladze has visited also the small group home of Ambrolauri and talked to the children about the Children's Rights Convention adoption, his importance, life, development, protection and participation's rights.



SOS CHILDREN'S VILLAGE, SMALL GROUP HOME OF AMBROLAURI

The children received the Ombudsman's information Booklets and civic education Dictionaries.

7.2. STATEMENT OF THE PUBLIC DEFENDER ON DAY FOR PROTECTION OF RIGHTS OF PERSONS WITH DISABILITIES

On June 14 Day for Protection of Rights of Persons with Disabilities is marked in Georgia. The commemoration of the day is linked to adoption of the Law of Georgia "On social protection of persons with Disabilities" on June 14, 1995. Despite the fact that it is the first special normative act in the national legislation that was established for protection of persons with disabilities, its approaches are outdated and not in line with modern standards. Appropriate application of the law and realization of minimal standards guaranteed by it are also problematic.

Marking of Day for Protection of Rights of Persons with Disabilities, first of all, should be aimed at promoting independence and ensuring equal opportunities, elimination of social isolation, establishment of inclusive society.

June 14 is being marked in Georgia for the second time after the Convention on the Rights of Persons with Disabilities came into force, though essential changes towards improvement of legal rights of such persons have not been yet conducted. The biggest reason causing these problems is a slow process of implementation of the above convention. A significant challenge is posed also by the low level of public awareness, provision of accessible services and programmes oriented at needs and abilities of persons with disabilities, supporting their fully-fledged and effective participation in public life, and generally, issues of improvement of the level of life that need immediate addressing.

The Public Defender's Office of Georgia, as the national mechanism for popularization, protection and monitoring of the Convention on the Rights of Persons with Disabilities, believes it necessary for the state to understand importance and direct appropriate efforts towards realization of international obligations assumed under the convention. At the same time, the process of ratification of the optional protocol to the convention should be fast-tracked in order to create an additional mechanism for adequate realization of rights of these people.

7.3. CONGRATULATIONS OF THE PUBLIC DEFENDER ON RAMADAN

On June 18, The Public Defenders of Georgia congratulated adherents to Muslim religion living in Georgia with the start of the month of Ramadan and wished them joy, happiness and prosperity.

According to Islamic belief, it was this month when Allah inspired Muhammad for the mission of the prophet and guide and revealed the Quran for the first time. This period is marked with predominant practice of fasting and prayers. With spiritual labour Muslims improve themselves and relations between people. After 30 days the fasting ends with three-day feast.

8. INTERNATIONAL NEWS ABOUT PROTECTION OF HUMAN RIGHTS

8.1. TWO LANDMARK JUDGMENTS OF THE EUROPEAN COURT OF HUMAN RIGHTS AGAINST AZERBAIJAN AND ARMENIA

On June 16 the European Court of Human Rights delivered two judgments of special importance for more than a million of Azerbaijani and Armenian refugees and people displaced during the 27-year Nagorno-Karabakh conflict.

The European Court of Human Rights held that the right to property of an Armenian citizen was violated by Azerbaijan in the [case of Sargsyan v. Azerbaijan](#). The case has great importance with regard to thousands of people be-

ing in the same situation, who might get any kind of compensation. As of today, there are more than one thousand individual applications pending before the European Court of Human Rights which were lodged by people displaced during the Karabakh conflict. In addition, it should be noted that this is a first case when the European Court of Human Rights considered an application against the state which has lost control over part of its territory as a result of war and occupation. However, the Court indicated that the village, from where the applicant had been forced to flee together with his family, was under Azerbaijan's jurisdiction, notwithstanding the fact that it was located on a disputable territory.

The European Court of Human Rights held that the right to property and the right to respect for private and family life were violated by lack of the applicant's possibility to return to the village or get compensation for land and property. In addition, the Court decided that the lack of the family's right to visit their relatives' graves constituted a violation. The Court declared that the state could not ensure creation of effective mechanism for restoring the Sargsyans' right to property. In addition, there did not exist effective legal defense means. The Court considered that whereas it was justified by safety motives to refuse access to the village, the state had a duty to take alternative measures in order to secure Sargsyan's rights as long as his right to property was restricted. The fact that peace negotiations were ongoing did not free the government from the duty to take other measures, including creation of property reclaim mechanism which would enable Sargsyan and others in similar situations to get back their property or receive compensation. It is noteworthy that a similar judgment was delivered in the [case of Chiragov and Others v. Armenia](#).

The case concerns the complaints by six Azerbaijani refugees that were forcedly displaced during the conflict over Nagorno-Karabakh. The Court held that the Government had not justified denying the applicants access to their property without providing them with compensation. The Court confirmed that Armenia exercised effective control over Nagorno-Karabakh and the surrounding territories and thus had jurisdiction over the district of Lachin, from where the applicants had been forcedly displaced. In conclusion, the Court decided with regard to both cases that the issue of application of article 41 (just satisfaction) of the Convention for the Protection of Human Rights was not well prepared and therefore, postponed consideration of the issue.

8.2. GEORGIA IN FREEDOM HOUSE REPORT

On June 23 Freedom House, an independent organization which surveys situations in political rights and civil freedoms in different countries, published its report Nations in Transit.

In the report, where the ratings are based on a scale of 1 to 7, with 1 representing the highest level of progress and 7 the lowest, the regime in Georgia is classified as transitional government or hybrid regime, while democracy in 2014 has 4.68 scores, compared to 4,75 in 2013.

The author of the report says that Georgia, together with Ukraine, is the only country in the Eurasian space where election process rating has been improved.

The report sets Georgia’s civil society freedom scores at 3.75. “Georgia’s labour organizations are extremely weak and labour rights are not relevantly protected. “The Labour Code contradicts the commitments undertaken by Georgia under international conventions. However, in June 2013 new Labour Code was adopted, which meets minimal standards of international labour organizations”, - says the report.

9. NEWS OF PUBLIC DEFENDER’S OFFICE

9.1. NEW STAFF MEMBERS

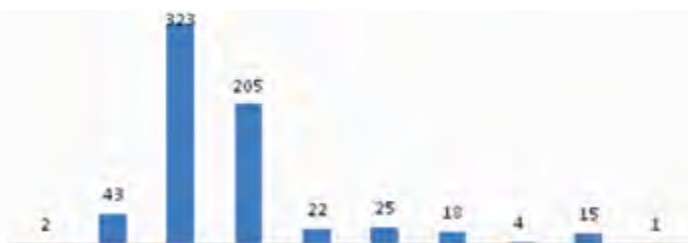
New staff members started to work in the Public Defender’s Office in June. They are: Eka Khutsishvili - head of the Department of Criminal Justice; Tamar Tevzadze - web-administrator in the Department of International Relations and Communications; Nino Gagnidze - accountant in the Department of Administration and Finances; Rati Bakhtadze - specialist in the Analytical Department;

Gvantsa Kvantaliani - specialist in the Department of Chancellery and Human Resources.

9.2. STATISTICAL DATA OF APPLICATIONS

819 applications were submitted to the Public Defender’s Office in June. 658 applications, that met the criteria of admissibility, were forwarded to the following departments:

- Department of Prevention and Monitoring – 2
- Department of Civil, Political, Economic, Social and Cultural Rights – 43
- Department of Criminal Justice – 323
- Regional Division – 205
- Centre of Childs’ Rights – 22
- Department of Gender Equality – 25
- Department of Rights of People with Disabilities – 18
- Analytical Department – 4
- Department of Equality – 15
- Department of Human Rights in Defense – 1



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