



**United Nations Georgia Country Team Report prepared in accordance with paragraph
15(B) of resolution 5/1 of the HR Council
For the Third Universal Periodic Review of Georgia**

I. INTRODUCTION

This report is a joint undertaking of the United Nations Country Team (UNCT) in Georgia. It does not aim to be exhaustive but highlight the main issues, which are addressed by the UNCT in the country through Agencies' mandates. FAO, UNDP, UNFPA, UN Women, OHCHR and UNICEF have contributed to this report.

A number of UN agencies have been continuously engaged with the Government of Georgia (GoG) and other stakeholders, including Civil Society Organizations (CSOs), including through assistance in the formulation and implementation of the National Human Rights Strategy (NHRS) for 2014-20, adopted by the Parliament of Georgia in April 2014 to cover years 2014-2020 and successive National Human Rights Action Plans (NHRAPs) for 2014-2015, 2016-2017, 2018-2020. The NHRS *inter alia* sets out a goal of achieving an institutional democracy in the country.

II. BACKGROUND AND FRAMEWORK

Scope of international obligations: Since independence in 1991, Georgia became a signatory and has ratified most International HR Conventions and Protocols. Ratifications of the UN Convention on Protection of the Rights of All Migrant Workers and Members of Their Families, International Convention for the Protection of All Persons from Enforced Disappearance as well as Optional Protocols to the International Covenant on Economic, Social and Cultural Rights and to the Convention on the Rights of Persons with Disabilities are pending. Georgia also ratified key regional (Council of Europe) HR instruments, including in 2017, the Convention on Preventing and Combatting Violence against Women and Domestic Violence (Istanbul Convention).

Emphasis of the GoG during the reporting period has been on legislative and policy reform. Substantial strides have been made in this respect, most notably in significant amendments to the Constitution, and new laws with regard to anti-discrimination, juvenile justice, occupational safety, child rights, and the protection of migrants and asylum seekers as well as the Law on the State Inspector's Office.

However, some reforms are delayed. Among them revisions to the Code of Administrative Offences, and a bill on Freedom of Information, not yet submitted to Parliament.

A culture of human rights has still to take firm root throughout the country. Incentives towards respecting human rights are yet to be built into the professional career systems of public servants, at recruitment and promotion stages. There is a need for more information on human rights, especially in the regions, to inform population in general and especially members of ethnic, religious, sexual minorities of their rights and the international HR Instruments and the country's HR obligations.

The breakaway Georgian regions of Abkhazia and South Ossetia, not under effective control of Georgia's authorities, represent a special challenge to HR protection. There has been no progress in granting access for OHCHR and international HR mechanisms to Abkhazia and/or South Ossetia pursuant to UN Human Rights Council resolutions 34/37, 37/40, and 40/28. Available information indicates the persistence of serious human rights challenges in Abkhazia and South Ossetia.

Constitutional and legislative framework: Georgia's Constitution provides for an executive branch that reports to the prime minister, a unicameral Parliament, and a separate judiciary. The Government is accountable to the Parliament. The president is the head of state and commander in chief. A new constitution came into force after the December 16, 2018 presidential inauguration following the autumn 2018 presidential elections; in future presidents will not be elected by popular vote. The next parliamentary elections are scheduled to take place in autumn 2020.

Institutional and HR infrastructure and policy measures:

Human rights policy is defined by the Human Rights Council under Prime Minister through Human Rights Strategies and Action Plans.

The NHRI, called the Public Defender (Ombudsperson) was established by law in 1996. The Public Defender's Office (PDO) is also acting as the National Preventive Mechanism (NPM) and as the Equality Body and enjoys A-status. A number of other protection institutions are also in place, notably the Office of the State Inspector, accountable to the Parliament, which has the mandate to protect personal data, and since November 2019, to investigate allegations of serious human rights abuses by law enforcement agencies. In 2018 the Ministry of Internal Affairs (MIA) created a specialized Human Rights Protection and Quality Monitoring Department to address crimes of domestic violence, violence against women (including sexual violence), crimes committed on the grounds of discrimination, hate crimes, human trafficking, and crimes committed by and/or against minors.

III. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

Cooperation with HR mechanisms:

Georgia issued a standing invitation to the UN Special Procedures. In 2016 it was visited by the Special Rapporteur (SR) on the HR of Internally Displaced Persons, the SR on the sale and sexual exploitation of children and by the SR on Violence Against Women; in 2018, by the Independent Expert (IE) on sexual orientation and gender identity and by the IE on the enjoyment of all human rights by older persons; in 2019, by the Working Group on HR and Business.

Georgia has generally been meeting its reporting obligations and has been responsive to the issues raised in the recommendations by the UN Treaty Bodies. The two long outstanding reporting obligations concern an overdue report under the International Convention on Social, Economic and Cultural Rights (the last was the Second Periodic Report in 2001) and the report under the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (the last was submitted as the State Party report on the Follow-up to Concluding Observations in 2007).

Implementation of international HR obligations:

1. Equality and non-discrimination

The adoption in 2014 of the **Law on the Elimination of All Forms of Discrimination** represented a major achievement, providing the possibility for any person to defend his or her right to equality against public as well as private persons. While the list of grounds for possible discrimination is not exhaustive, the Law explicitly specifies disability, sexual orientation and gender identity. The Civil Procedure Code was amended in order to provide access to court in discrimination-related cases.

(i) Rights of PWDs

Achievements: The United Nations Convention on the Rights of Persons with Disabilities (CRPD) was ratified by Georgia in 2014. The rights of PwDs are also guaranteed by the national laws and policy documents. The Constitution of Georgia ensures the equality of all citizens and underlines that the state shall create special conditions for PwDs to exercise their rights and interests.¹ Moreover, the draft law on disability is being developed and registered in the Parliament. The chapter of the National Human Rights Strategy 2014-2020 “Access to equal rights for persons with disabilities and application of the principle of “reasonable accommodation”” was introduced. In 2014, Government of Georgia adopted the “Social and Economic Strategy 2020” which aims at ensuring dignified work conditions for people through creating social protection system and enabling the disabled and other vulnerable groups to participate in the country’s social and economic life.² In 2017, the Health Care and Social Issues Committee of the Parliament of Georgia adopted the “vision for Developing the Labor and Social Protection Sectors in Georgia by 2030.” This document focuses on inclusion of PwDs into society. Georgian common courts have gradually started to adequately deal with issues related to cases of discrimination on the ground of disability. Combating bias-motivated crimes has become one of the priorities for the newly established Human Rights Department of the MIA. Shelters for victims of violence against women and domestic violence are fully adapted for all kinds of disabilities.

In 2018, the Government initiated a pilot project for transformation of the disability assessment and status determination system based on the social model of disability. Services for children with disabilities remain insufficient.

The elaboration of National Accessibility Standard based on International Code Council (ICC) A 117.1 is close to finalization by the government and it is expected that Georgia will have Accessibility Standard in 2020 followed by national accessibility plan.

Main issues/gaps: While Georgia collects data on PwDs via census and other household surveys, these data are rarely analyzed and disseminated with disaggregation by sex, age and form of

¹ Article 11, Constitution of Georgia

² “Social and Economic Development Strategy – Georgia 2020”, Government of Georgia
http://www.parliament.ge/ge/ajax/downloadFile/81369/Social_Str_eng

disability. The policy formulation relies on figures derived from administrative sources on recipients of disability pension, which significantly underestimates the number of PwDs. The lack of data on the incidence of different types of disabilities makes it impossible to discern the real extent of the problems and consequently, any specific needs of PwDs.

Georgia relies on the outdated “medical model” for determining the disability status. The legislation³ outlines the diagnoses qualifying children and adults for disability status and does not take into consideration the overall health state of a person. The assessment process is conducted only by physicians and seeks to identify only health-related needs.⁴ Similarly, the current assessment system ignores some developmental disabilities of infants and deprives them from accessing disability benefits. The main assistance for PwDs is a set amount of cash assistance of social protection system. It is not taking into account any special need of PwDs. Provision of social protection depends on local municipalities as well. The special Councils working on issues related to PwDs were created, though they are not effective due to lack of human and financial resources.⁵ Some municipalities have no social services for PwDs whatsoever.

PwDs are covered by state medical insurance, but women and young persons with disabilities, especially those with intellectual and psycho-social impairments, do not have access to disability-sensitive health and social services, including gender-responsive services to address GBV and SRHR.

Women with physical disabilities cannot access gynecological services, as gynecological wards are not adapted for wheelchair users, and also lack access to information about reproductive health and rights. Moreover, women with psycho-social needs are often locked up in homes by their families and administered medication to prevent them from sexual contacts. Doctors also often advise women with disabilities not to have children, as they are not “physically fit” for pregnancy.⁶

While the Government introduced several initiatives for empowerment of PwDs and promotes their employment, these initiatives did not have tangible effects.⁷ Moreover, though the legislation requires that all public spaces should be accessible to PwDs and fines for failure to comply with these requirements are applied, the technical regulations are controversial, faulty and do not comply with the principles of universal design.

Recommendations: (i) Change the “medical model” for determining the disability status. Introduce a human-rights based approach to comprehensively assess individuals and identify required services and support, (ii) Promote multisectoral (health, education and social), integrated cost effective-services services of high quality; (iii) Ensure disaggregated data collection, cross-sectoral data management and evidence based decision making (iv) Promote Universal design of products, environments, programs and services, (v) Increase investment and efficiency of spending on health, social protection and education, including improvement and disaggregation of budgetary data; (vi) Strengthen PwD

³ Law of Medical-Social Expertise and Ministerial Orders #1/N and #62/N

⁴ <https://matsne.gov.ge/ka/document/view/15772?publication=11> Article 10

⁵ As of 1 January, 2019, 50 Councils were operational.

⁶ *ibid*

⁷ DPO Monitoring Report of the Shelters for Victims of Domestic Violence and Trafficking, 2017, available at: <http://www.ombudsman.ge/res/docs/2019051715551159482.pdf>

Councils in local municipalities and increase their human and financial resources; (vii) Ensure the access of persons with intellectual and psycho-social impairments to disability-sensitive health and social services, including gender-responsive services; (viii) Ensure delivery of quality and stigma-free SRH&GBV services to PwDs through developing and institutionalizing special standards, guidelines and protocols and the training module for SRH service providers on SRH service delivery to PwDs, and making continuous professional development in this area an integral part of the healthcare quality assurance regulatory system; (ix) Raise awareness among PwDs on sexual and reproductive health and rights and GBV issues through supporting targeted trainings and information-education-communication interventions. (x) guarantee equal rights of children with disabilities to health, education, protection, justice, participation and family life

(ii) Gender Equality and Gender-Based Violence (GBV)

Achievements and best practices: Ratification of the Istanbul Convention in 2017 has resulted in amendments of 20+ legislative acts, including the Criminal Code and the Juvenile Justice Code. The changes have strengthened a victim centered approach, including victim protection and rehabilitation. Law enforcement institutions have been receiving technical support to improve capacities to respond in a coordinated manner to GBV, including domestic violence (DV).

In 2018 the Chief Prosecutor's Office of Georgia designated specialized prosecutors and investigators dealing with domestic violence cases. 194 (114 men, 80 women) specialized prosecutors and investigators have been trained throughout the country. The National Action Plan on Combatting Violence against Women and Domestic Violence and Measures to be Implemented for the Protection of Victims for 2018-2020, is fully aligned with the Istanbul Convention provisions and provides a framework for technical support aimed at strengthening capacities of law enforcement to prevent and coordinate response to VAW and DV. As a result, the reporting rates have increased and the number of issued restraining orders as well as the rates of criminal prosecutions and convictions have all tripled since 2016.⁸ Since 2016, 7 crisis centers for victims/survivors of violence against women and domestic violence have been set up, of which 6 are outside of the capital. They offer psychological and socioeconomic assistance and rehabilitation, medical, legal and referral services to victims/survivors. The government has introduced the health system response to GBV/DV, based on the approved SOP, which has been piloted and is planned to be rolled out countrywide from 2020.

The PDO issues an annual monitoring report on the implementation of the National Action Plan on Combatting Violence against Women and Domestic Violence and Measures to be Implemented for the Protection of Victims for 2018-2020, and has established "Femicide Prevention Watch" (FPW), to prevent violence against women, domestic violence and gender-based killings in Georgia.

The GoG developed in 2019 the National Communication Strategy and Action Plan on ending violence against women and girls.

In 2019 the Parliament of Georgia endorsed amendments to the Labor Code and the Administrative Offenses Code, introducing the definition of sexual harassment ("an unwelcome sexual conduct

⁸ In 2016 were issued 3089 restraining orders, while in 2019 the number amounted to 10266; In 2016 the rate of domestic violence related criminal prosecutions was 1356, while in 2019 the number amounted to 4579; in 2016 the conviction rate was 812, while in 2019 the number amounted to 2244

aiming at/or causing intimidating, hostile, humiliating or degrading environment”), as well as administrative penalties for such offenses. The PDO is now responsible for the examination of cases of sexual harassment in the workplace and enforcement of any decisions thereon, while the MIA has responsibility for cases occurring in public spaces. These amendments significantly expand the Public Defender's authority for effective enforcement of anti-discrimination legislation. Capacities of civil and public servants to recognize, prevent and report sexual harassment have been strengthened through targeted trainings.

Main issues/gaps: There is no political will to improve women’s participation in decision-making, despite public polls showing that citizens would like to see more women in politics.⁹ While in the Government 5 out of 12 cabinet members are women, including both Deputy Prime Ministers, only 14% parliamentarians are women, and women’s representation in locally elected bodies is even lower. Attempts to introduce mandatory quotas have failed. Women, including women from ethnic minorities, face multiple obstacles to equally participate in decision-making, deeply rooted in prevailing adverse gender stereotypes. Most recently sexism and violence against women in politics and elections have been recognized as one of the forms of gender-based discrimination that women politicians, candidates and voters in Georgia increasingly face (including in cyberspace).

The national mechanism for implementing multi-sectoral response to GBV has not been adopted thus far, neither the SOPs for Police and Psycho-social services for survivors of GBV, which hampers the implementation of the effective and well-coordinated national response to GBV.

Recommendations: (i) Further align national legislation related to violence against women and domestic violence with the Istanbul Convention; to lift the requirement of “victim status” for the survivors to obtain relevant state services (shelters, etc.); adopt the legislation regulating use of GPS bracelets for perpetrators; establish and invest in rehabilitation programmes for survivors and perpetrators; (ii) Raise awareness about various forms of violence against women, including sexism and violence against women in politics and elections, that is one of the “hidden” causes of low participation in politics; (iii) Take measure to increase women’s participation in decision-making by adopting temporary special measures, including legislative quotas; (iv) Use the Public Defender’s analysis of femicides to improve law enforcement and other services response to VAW and DV; (v) Encourage the employers in the public and private sector to effectively implement antidiscrimination and sexual harassment legislation, and build effective complaint mechanisms; (vi) Adopt Gender Equality Concept and improve the Gender Equality Law; (vii) Strengthen, in line with the Beijing Platform for Action, the national gender machineries, especially in the executive branch; (viii) Bring the Law on Gender Equality into line with the Law on the Elimination of All Forms of Discrimination, combating the patriarchal attitudes and stereotypes and social norms on the roles and responsibilities of women and men; (ix) Ensure adoption of the national referral framework and SOPs for delivering multi-sectoral response to GBV. (x) Ensure adequate capacities of law enforcement & health systems,

⁹ According to January 2018 National Democratic Institute (NDI) opinion poll results, Georgians believe that there are too few women in parliament and local governments, 63 per cent supports quota legislation to increase women’s representation in parliament.

and social services for the protection & assistance to victims/survivors of GBV/DV. (x) Support behavior change communication for the elimination of gender discrimination and son preference with a focus on the regions with ethnic minority populations.

(iii) Rights of LGBTQI persons

Achievements and Best Practices: In February 2020, GoG adopted a chapter of the National Human Rights Action Plan to combat discrimination based on sexual orientation and gender identity. The chapter envisage awareness raising activities to address deep-rooted stereotypes of sexual minorities who are often targets of hate speech. Some parts of the government have begun consulting with representatives of LGBTQI community on challenges faced by the community.

Main issues/gaps: Commemoration of the International Day Against Homophobia and Transphobia on May 17, has been a grave source of tension since particularly violent attacks against members of the LGBTQI community and their supporters in 2013. The designation by the Georgian Orthodox Church, since 2014, of 17 May as Family Purity Day, has meant that “counter demonstrations” have been taking place in Tbilisi annually on that day, hampering the ability of the LGBTQI community to celebrate. In 2017, members of the community were able to hold a commemorative event, albeit in a restricted area and subject to time limitations, and in 2018 a modest, restricted demonstration, attended by the Deputy Minister of Internal Affairs, was possible. However, in 2019 LGBTQI community organizations in Georgia unanimously refused to go ahead with their “March of Dignity” amidst serious concerns about safety and security. The Georgian Orthodox Patriarchate had issued a statement calling Tbilisi Pride “absolutely unacceptable” and called on the government not to allow it to go ahead. Discussions took place with the MIA about the safe conduct of the Pride events, but eventually foundered when the state failed to guarantee a risk-free environment for the exercise Pride participants’ rights to free expression and assembly and a small demonstration was held outside of the city centre by the building of the MIA.

LGBTQI persons face problems in obtaining quality healthcare, in finding employment, and are often victims of hate crimes. LGBTQI representatives face stigma and discriminatory attitudes towards them; transgender people face challenges with legal gender recognition. A number of groups that claim to protect “traditional values” have used language that incites violence against member of LGBTQI community.

Recommendations: (i) *Leading state officials to make clear and repeated statements of tolerance towards all minorities, especially the LGBTQI community;* (ii) *implement recommendations of the UN Independent Expert on Sexual Orientation and Gender Identity made in his report on the 2018 country visit to Georgia;* (iii) *introduce an amendment to the Criminal Code of Georgia on definition of Hate Crime and include sexual orientation and gender identity in the list of grounds;* (iv) *develop the system of recognition of individual’s gender identity in IDs and passports based on the applicant’s self-identification.*

2. Right to development

Population dynamics and ageing¹⁰

Achievements and best practices: In 2016 the Parliament has adopted the National Policy Concept on Ageing. Adoption of the 2-year National Action Plan for implementation of the State policy on 17 November 2017, was a long-awaited step towards the transformation of policy into concrete actions for older persons.

Main issues/gaps: Though the duration of the first National Action Plan for implementation of the Ageing Policy has expired in 2018, the new wave of the Action Plan has not been elaborated by the government thus far, putting under the risk the effective implementation of the Policy and ensuring rights of elderly people, as well as addressing negative implications of ageing on the country's capacity for sustainable development. The interdisciplinary working group on Ageing has been inactive.

Recommendations: (i) Support elaboration of the next 3-year Action Plan for implementation of the Ageing Policy, as a matter of urgency; (ii) Elevate the interdisciplinary working group on Ageing to an inter-ministerial coordination body, on a meta-level, with lead competence on aging issues, to ensure a multidisciplinary, holistic and human-rights based approach to ageing. (iii) Support dissemination of information about demographic challenges and ensure that older persons are not represented only as being needy and vulnerable, thus effectively fighting existing ageist attitudes. Conduct a far-ranging awareness-raising campaign to challenge existing stereotypes and misconceptions about older persons and to provide alternative views in order to change social perceptions of older persons. (iv) Ensure that measures and mechanisms are in place to detect, report on and prevent all forms of abuse of older persons in institutional care and in family settings; (v) Take further steps to improve accessibility of public buildings, including by means of adaptation measures for older persons with reduced mobility or with disabilities; (vi) Ensure that public transport, especially in rural areas, is accessible for older persons; (vii) Develop an overall strategic vision of long-term care as a matter of urgency, to provide overall direction for further development of such services in a comprehensive manner and ensure its implementation.

3. Right to food

Achievements and Best Practices: Over the past decade, and in particular since 2012 when the prerogatives of the Ministry of Agriculture (now Ministry of Environmental Protection and Agriculture) where greatly enlarged, Georgia has achieved significant progress in terms of increasing competitiveness of the agricultural sector. The signature of the Association Agreement and the Deep and Comprehensive Free Trade Area (DCFTA) in 2014 has fostered the pace of reforms initiated to gradually approach the Georgian agricultural sector to European standards. This trend shall be encouraged further by the strategic document “*Agriculture and Rural Development Strategy of Georgia 2021 – 2027*” developed by the Ministry of Environmental Protection and Agriculture of Georgia.

¹⁰ Based on the findings and recommendations of the Report of the Independent Expert on the enjoyment of all human rights by older persons on her mission to Georgia (2018)

Main issues/gaps: Although there has been a significant development of the sector since 2012, a large part of the farmers, often the most vulnerable, have not sufficiently benefited from the growth in the sector. There are several reasons for this, since the difficulty of smallholder farmers to get collaterals to have access to finance, to the lack of a performant extension service that would allow for advice to be provided for farmers to increase their productivity. This unbalanced growth in agriculture, taking into consideration that over 45% of the Georgian population is rural and strongly linked to agriculture, risks to perpetuate an already worrying situation in terms of rural poverty, where about 20% of the population lives below the poverty line according to the National Statistics Office. Rural poverty significantly impacts the food security of vulnerable population, leading to non-balanced diets, which can bring at the same time problems of lack of sufficient quality food, as well as problems of obesity due to an unbalanced diet. In the meantime, in Georgia it is estimated that up to 3.5 to 4.5 million USD worth of food is thrown away every year and could be recovered from retailers and redistributed to people in need, without risk for the consumers' health. By comparison, the ongoing government's food distribution program for the most vulnerable represents a budget of 18.5 million GEL (USD 6.6 million) in 2019. Although the food thrown away by retailers could be used to increase the reach of this existing support programme from the State, and retailers would agree to this, the actual Tax code stipulates that donated products are subject to VAT, which makes more expensive for retailers to discard unsold food than to donate it for redistribution to people in need.

Recommendations: (i) National Food Agency to provide requirements applicable to food that can be recovered and redistributed; (ii) The Parliament of Georgia to initiate legislative works enabling VAT exemption for donated products and defining donation requirements and related liabilities; (iii) The executive to create a system operator, such as a food bank, to facilitate food recovery, application of safety rules, and food redistribution.

4. Sexual and reproductive health (SRH), including Family Planning:

Achievements and Best Practices: The Government of Georgia has adopted the 2017-2030 National Strategy on Maternal and Newborn Health and closely related RH Issues, and the costed 2017-2019 National Action Plan for its implementation. The Strategy addresses Georgia's global and regional commitments in the SRH area and the UPR 2nd cycle recommendations calling the government to ensure that sexual and reproductive health services, including abortion and contraception services and information, are available, accessible and affordable to all women and girls, especially in rural areas and among vulnerable groups.

Main issues/gaps: Maternal mortality continues to be high - 25 per 100,000 live births; the high lifetime risk of maternal death¹¹ puts Georgia among few countries of the Eastern Europe and Central Asia Region with rates above the regional average. The unmet need for modern contraception went from 30.5% in 2010 to 32.6% in 2018 in the same age group¹², indicating about deterioration of the contraceptive use since 2010. There are currently no state funds budgeted for family planning counseling or service delivery. Neither these services are included in the benefit package of state or private insurance mechanisms. Contraceptives are also not included in the UHC drug list. Adolescent and youth-friendly sexual and reproductive health services are not available. These indicators suggest

¹¹ Lifetime Risk of Maternal Death in Eastern Europe and Central Asia, UNFPA EECARO, <https://eeca.unfpa.org/sites/default/files/pub-pdf/LIFETIME-RISK-MMR-WEB.pdf>

¹² Data from MICS 2018 is adjusted to 15-44 age group to make it fully comparable to RHS data.

that there are continued gaps for youth and women, especially in rural areas and among ethnic minority groups, in access to quality and integrated sexual and reproductive health information, education and services, including family planning.

High levels of communicable diseases, with increasing numbers of HIV pose a challenge; this coupled with widespread stigma and discrimination against people living with HIV¹³ and key populations under the risk of HIV, create barriers to accessing available preventive services and further contributes to increasing the incidence and prevalence of HIV.

Recommendations: (i) Ensure universal access to quality reproductive and sexual health services, including family planning services and free of charge provision of selected modern contraception methods to vulnerable groups of women, including those living with HIV/AIDS and youth. (ii) Ensure public awareness raising and education on SRH issues, including on family planning, especially for women and youth living in rural areas and those belonging to ethnic minority groups, to generate demand for quality services and ensure exercising of reproductive rights. (iii) ensure a full integration and the national roll-out of education on healthy life-style and SRH issues into the formal education system (general and vocational education). (iv) Institutionalize teachers' training on life-style and SRH issues, as part of the continuous professional development system. (v) Ensure provision of stigma-free quality HIV services to all, especially to those living with HIV/AIDS and belonging to population groups at risk of HIV. (vi) Support special behavior change communication interventions to eliminate stigma and discrimination towards HIV/AIDS among the general public.

5. Right to privacy, marriage and family life

Child/forced/early marriage¹⁴

Achievements: Amendments to Article 1108 of the Georgian Civil Code that came into force at the beginning of 2017 set the minimum legal age for marriage to 18, with no exceptions.¹⁵ Article 140 of the Criminal Code stipulates for cohabitation with a child under the age of consent (i.e. 16) to be punished by deprivation of liberty for up to 3 years. Since 2014 forced marriage, including unregistered marriages are criminalised.

The state has begun to take specific actions for combatting child marriage in collaboration with UNFPA, including integrating gender equality and sexual and reproductive health education in the general education system and supporting awareness raising campaigns.

Main issues/gaps: Child marriage is still not recognised as a problem in the wider society, still perceived by a significant part of the population as the “problem characteristic to ethnic minorities only” and the prevalence rate of the harmful practice still remains high compared to 2010.

The population is mostly unaware of the law's requirements, and many marriages are not registered until after the younger spouse has turned 18. Legislation relating to child marriage and forced marriage is not properly applied. Many couples in Georgia solemnise their marriage in a religious ceremony, but then do not officially register the marriage until later (for instance, when the first child is born), by which point the adolescent spouse has turned 18. Confusion between civil, religious, and customary laws governing when marriages can and should take place means that many people are unsure as to when young people can legally marry.

¹³ MICS 2018, <https://www.geostat.ge/media/28141/5.-MICS-HIV.pdf>

¹⁴ Based on Child Marriage in Georgia (Overview), UNFPA, 2020 [to be released in March, 2020]

¹⁵ Georgian Civil Code. Article 1108.

Among women aged 20-24, 13.9% reported that they had married before the age of 18, which indicates no progress in terms of decreasing the prevalence since 2010¹⁶. The MICS 2018 data indicate that child marriages occur more frequently in rural areas (25% of women aged 20-24 had married before age 18) than in urban areas (8%). Girls belonging to the 2 lowest wealth quintiles are also most likely to be affected, indicating a link between child marriage and poverty: (24.9 % vs 0.5% among the two upper quintiles). Level of education also appears to be important: 46.5% of women aged 20-24 married by age 18 had only completed primary or lower secondary school. Of the main ethnic groups, Azerbaijani (37.6% of women aged 20-24 married by age 18) and Georgian (12.4%) girls appear to be at greater risk of child marriage.

The 2017 qualitative research found that poverty often intersects with strong beliefs grounded in gender inequality to create significant barriers for girls who want to complete higher secondary or tertiary level education. Child marriages are also driven by traditions and gender discriminatory social norms that support the practice, defining social context that stigmatises adolescent relationships and premarital sex, as well as pregnancy outside of marriage; Adolescent fertility rate, at 47.1 (births per thousand, 2018)¹⁷ is much higher than the regional average.

Recommendations: (i) Following changes to the Civil Code that raised the minimum age of marriage to 18 with no exceptions, raise public awareness of the legal age of marriage, and of the penalties for breaking the law (ii) Put in place standard operating procedures and strengthen the enforcement of existing laws by training relevant officials, such as judges, civil registrars, police officers, teachers, social workers, et al for effective implementation; (iii) Ensure multi-sectoral approach for implementing a behavior change strategy targeted at eliminating the harmful practice of child/forced/early marriage, and integrate this strategy into the national policies and action plans related to human rights, gender equality, youth development;(iv) Ensure full integration of age-appropriate information on Gender Equality, sexual and reproductive health and reproductive rights and family planning in the general and vocational education system, and monitor its implementation; In addition, provide special training programmes for teachers and principals to improve their knowledge and skills; (v) Adopt effective initiatives to integrate ethnic minority communities into the wider society; (vi) Create and enforce an enabling environment for married adolescent girls to return to schools and continue education; (vii) Implement informal education programmes for adolescent and youth to increase their agency and empowerment.

6. Land rights

Achievements and best practices: Successive National Human Rights Action Plans focused on resolving matters related to land registration. A special *Law of Georgia on the Improvement of Cadastral Data and Procedure for Systematic and Sporadic Registration of Rights of Plots of Land* within the Framework of the State Project was developed and adopted in June 2016. This law introduced a special, simplified procedure for individuals, as well as a pilot project involving the proactive registration of lands in 12 pre-defined settlements in the country. The special law – which was in operation until 1 January 2020 – provides for: the legalization of deficient registration documents; unhindered registration in the event of inconsistency in a person’s identification data; registration of ownership rights on the basis of an agreement made without the required form; mediation as an

¹⁶ According to the 2010 Reproductive Health Survey, 14% of women aged 20-24 married before the age of 18.

¹⁷ Health Statistical Yearbook, NCDC 2018

alternative means of resolving disputes; completion of registration work without service fees; certification of survey activities, etc.

Government reports on implementation of NHRAPs provide detailed information on activities carried out by state agencies with regard to improving cadastral data and registration of land plots before and after the special law was adopted. The Government carried out pilot projects in a number of mountainous regions and settlements near Abkhazia and South Ossetia.

Main issues/gaps: In the constitutional reforms of 2017-2018 a new article (Article 19) on Property Rights was introduced and came into force on 16 December 2018, prohibiting the ownership of agricultural land by foreign citizens, except in special cases decided by a two-thirds majority in Parliament. Following this, on 25 June 2019, a special Organic Law on Property Rights on Agricultural Land was adopted, providing the possibility for a non-Georgian citizen to own agricultural land if this is received through inheritance or is part of an investment project agreed to by the Government of Georgia. Revising the outdated code of Administrative Offenses is crucial for creating a robust framework for the protection of land rights.

The Government in 2017 drafted changes in the legislation regarding eminent domain. Introduced in Parliament in April 2017. Although the draft legislative changes were adopted in first hearing (on 1 June 2017), no second or third hearing has followed and legislative changes have not become law.

Recommendations: (i) *The new Law on land registration has to be resourced, include provisions to address overlapping claims; (ii) ensure implementation of the newly adopted constitutional provisions and ensure that the Organic Law On Property Rights on Agricultural Land adheres to international standards, without discrimination and having due regard to the public interest; (iii) proceed with finalization of the legislative changes regarding eminent domain to ensure strategic objective of improving national legislation vis a vis international best practices; (iv) Revise the Administrative Offenses Code to bring it in line with international standards.*

7. Rights of the Child

Achievements and best practices: In 2019, the Parliament adopted the Code on the Rights of the Child, which introduces legal grounds, obligations, safeguards and guarantees, with a focus on the best interests of the child at all levels of decision-making. In 2016, an interagency Coordination Council on the implementation of the CRC was established under the Government's administration.

In 2019, the Government increased child cash transfers five-fold. The number of children in state institutions has decreased from 4,100 in 2005 to 81 in 2018. Foster care and small group homes have been established as new types of alternative care. Concerns remain regarding the use of residential institutions for children with disabilities, unregulated private residential institutions, quality of alternative care and scarcity of services to support families with children.

In 2018, the Parliament adopted a Law on Social Work, which creates opportunities to improve the quality and quantity of social workers.

¹⁸ Poverty data of the Georgia National statistics office, available at <https://www.geostat.ge/en/modules/categories/192/living-conditions>

Main issues/gaps: Despite the increased efforts, still 25% of children¹⁸ are below national absolute poverty line and around 16% of all children are covered by the social assistance programs. The independent child rights monitoring mechanism lacks capacity to provide comprehensive monitoring of child rights. Gaps persist in preventive care and health promotion services. There are challenges related to access to safe drinking water sources and hygiene in households and 41% of 2-7 year-olds suffer elevated blood lead levels.¹⁹ The quality of education in preschools is low and is characterized by poor infrastructure, overcrowded classrooms, poorly qualified teachers, lack of educational resources and a weak monitoring system. Despite some improvements, Georgia's results in the 2018 Programme for International Student Assessment were among the lowest of participating countries and territories (61/69). Needs of out-of-school children are not met, violence against and among children in preschools and schools is a growing concern. 69% of children still experience violent discipline.²⁰ Despite increased reporting (from 755 cases in 2016 to 1,225 cases in 2018²¹), national capacities for identification, referral and response remain insufficient. Online violence and abuse are emerging concerns.

Case management of social work lacks institutional supervision, training or quality assurance systems. Many social workers lack skills and competencies. Salaries are low, resources are insufficient, staff retention is problematic.

Recommendations: (i) Place greater emphasis on strengthening the quality and efficiency of primary health care (ii) Strengthen the quality and use of data to better address maternal and child health needs especially in relation to environmental hazards such as lead exposure and water contamination. (iii) prioritize investments in quality and accessible mental health services for all. (iv) continue prioritizing inclusive quality education for all and ensure: a) strong coordination mechanisms are established and necessary support and guidance is provided to municipalities; b) there are increased investments to enable preschools to meet the minimum quality standards; c) approaches are developed to reduce school drop-out, enhance second chance education opportunities and improve monitoring of out-of-school children; d) a highly qualified teaching workforce. (v) develop a national social protection strategy and action plan to comprehensively address social protection related challenges and ensure an adequate standard of living for every child. (vii) enhance capacities of the child protection system to deliver programmes that provide a more protective environment for children, minimize family separation, provide effective response to any form of violence against children and ensure quality alternative care. (viii) strengthen the justice system's capacity to provide access to justice for children in contact with the law, to improve the services for children in contact with the justice system, the reliability of data on justice for children, and establish of an effective crime prevention mechanism and alternatives to deprivation of liberty for children. (ix) strengthen national human rights mechanisms to monitor child rights, including individual complaints.

¹⁸ Poverty data of the Georgia National statistics office, available at <https://www.geostat.ge/en/modules/categories/192/living-conditions>

¹⁹ National Statistics Office of Georgia. 2019. Georgia Multiple Indicator Cluster Survey 2018, Survey Findings Report. Tbilisi, Georgia: National Statistics Office of Georgia.

²⁰ National Statistics Office of Georgia. 2019. Georgia Multiple Indicator Cluster Survey 2018, Survey Findings Report. Tbilisi, Georgia: National Statistics Office of Georgia.

²¹ Georgia, Social Services Agency, administrative data

