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The Permanent Mission of Georgia to the United Nations Office and other international organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and in reference to its Note Verbale (reference: NP/EAR/MAS), dated 6 February 2015, has the honour to transmit herewith the reply from the Ministry of Justice of Georgia and Ministry of Internal Affairs of Georgia to the Questionnaire on the role of prevention in the promotion and protection of human rights (Resolution 24/16 of the Human Rights Council).

The Permanent Mission of Georgia to the United Nations Office and other international organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Enclosure: 15 pages



Geneva, 20 March 2015

Office of the High Commissioner for Human Rights
Geneva

Ministry of Justice of Georgia

Question 2

Prevention component have been an integral part of all human rights oriented action plans elaborated by the Ministry of Justice. Thus, the Interagency Council on combating trafficking in persons (TIP) has elaborated the 2015-2016 Action Plan that puts the prevention component as the first place. The interagency Council on Combating Torture and Ill-treatment also functioning under the chairmanship of the Minister of Justice pays special attention on the prevention of torture and ill-treatment as well. Being responsible according to its statute for the development of anti-torture strategy and action plans the anti-torture council realizes the pivotal role of prevention in combating such heinous crime as torture.

Question 4

The 2015-2016 Action Plan on combating (TIP) prescribes the achievement of wide public awareness through variety of instruments. In particular it prescribes the following activities aimed at prevention of TIP:

1. teaching TIP related issues in schools and higher education institutions;
2. holding public discussions, information meetings and conferences on TIP in the secondary, higher and professional education institutions;
3. transmission of informative video recordings on TIP through the media;
4. publication and distribution of printed materials (leaflets) at Public Service Halls, diplomatic representations and consular units of Georgia, as well as diplomatic representations and consular units accredited in Georgia (if they agree so), Diaspora organizations, information centers of tourism, state border crossing points, Community Centers and at the other places and regions with high risk of TIP in Georgia;
5. holding yearly moot court competition in higher education institutions on TIP issues;
6. holding information meetings on risks of TIP, legal migration and employment for vulnerable groups, in collective centers for internally displaced persons, large institutions for child care and small family-type institutions;
7. creation of special web-site where all information on TIP related issues from relevant government bodies (Ministry of Internal Affairs, Prosecutor's Office, Ministry of Foreign Affairs, etc.) should be accumulated, publishing information regarding TIP on the web-sites and permanent update of the information;
8. organizing activities for European and World Anti-trafficking Day (18 October, 26 June);
9. revision of the Labor Code of Georgia and its harmonization with international standards;
10. elaboration of strategic document on problems of children living and working in the streets;
11. identification of children living and working in the streets and informing them regarding forced labor and sexual exploitation;
12. elaboration of guidelines for the mobile groups working with children living and working in streets;
13. promoting the inclusion in the formal education of the children living and working on the streets (which are not included in the school).

As to the promoting awareness rising among public officials and increasing their capacity building the Action Plan contains a special chapter dedicated to this issues which includes providing professional trainings to a variety of public officials involved in combating TIP: professional trainings for prosecutors

and trainee-prosecutors and informing them regarding the new trends on TIP cases; professional trainings for the border police officers to implement new techniques for identification of victims/statutory victims and perpetrators of TIP; systematic professional trainings and informing regarding the new trends in TIP for the staff of the central criminal police department, neighborhood police officers, patrol police officers, district police unit officers of Ministry of Internal Affairs to improve code of conduct and appropriate approach towards victims/statutory victims of TIP based on the best practice; professional trainings for judges and assistants of judges on TIP; professional trainings for staff of consulates on issues related to assistance and treatment of possible victims/statutory victims of TIP.

The Strategy of Combating Ill-treatment adopted in May 2011 as well as all consequent action plans also highlight the importance of prevention of ill-treatment and elaborates on the methods and instruments of its achievement. According to the Strategy, cooperation with international and national monitoring mechanisms in order to detect torture-conducive circumstances and prevent possible cases of torture and ill-treatment is among top priorities for the state. This also includes supporting of activities of the national prevention mechanisms – the Public Defender of Georgia (NPM). Activities corresponding to the proclaimed priorities were reflected in the 2011-2013 Action Plan on Combating Ill-treatment. For example, improving the system of registration of detainees and imprisoned persons; creation of “prisoners mail-box”, etc.

The 2015-2016 anti-torture Action Plan’s draft also contains a number of activities aimed at prevention. Thus, for example in order to elude creation of bad conditions in detention/imprisonment facilities which may in some circumstances be equated with ill-treatment and upheld the relevant standards the draft prescribes the ensuring of providing to inmates with all nutrition, sanitation or other living necessities. The role of NPM is also highlighted – discussion on possible widening of its authorities is included in the draft as well as the emphasis on the need of further deepening of cooperation with it.

The draft contains special chapter dedicated to the capacity building of all public officers involved in the administration of justice as well as to the awareness-rising of general public on the issue of combating torture and ill-treatment. In particular, it provides that the following categories should be trained: staff members of penitentiary institutions; police officers; prosecutors and judges.

Question 5

A number of the most prominent Georgian NGOs working in the field of human rights protection are actively involved in the functioning of the both intergovernmental coordinating councils created under the auspices of the Ministry of Justice in the status of invited members. Being able to attend councils’ meetings alongside with representatives of governmental bodies, NGOs are allowed to represent their views and positions on various aspects of human rights situation in Georgia including prevention of violation.

Question 7

The right to apply to court for protection of his/her rights and freedom is guaranteed by Article 42 of the supreme law of Georgia – the Constitution. The provisions also stipulates the basic international standards of the fair trial rights including the right on defense. Furthermore, according to Article 19 of the Criminal Procedure Code of Georgia refusal to administer justice is impermissible.

As it already been mentioned, the right to defend himself/herself is guaranteed by the Constitution. To ensure this right to everyone under Georgia jurisdiction the Law of Georgia on Legal Aid Service has been adopted on 19 June 2007 which envisages the creation of independent, accountable and transparent Legal Aid Service and reinforces social guarantees for public lawyers. According to the law everyone is entitled to legal consultation free of charge. As to the free legal representation its provision is based on financial status of a person or severity of crimes he/she is accused of. Based on the needs assessment survey, new bureaus/consultation centers were opened in mountainous regions, regions populated by ethnic minorities and other areas outside of the regional centers.

The Law of Georgia on the Elimination of All Forms of Discrimination was adopted unanimously by the Parliament on 2 May 2014 and entered into force on 7 May 2014. The purpose of the Law is to eliminate every form of discrimination and to ensure equal rights of every natural and legal persons under the legislation of Georgia, irrespective of race, colour, language, sex, age, citizenship, origin, place of birth or residence, property or social status, religion or belief, national, ethnic or social origin, profession, marital status, health, disability, sexual orientation, gender identity and expression, political or other opinions, or other characteristics (Article 1). The Law prohibits all forms of discrimination, being it direct or indirect.

Elimination of discrimination and ensuring of equality shall be monitored by the independent body - Public Defender of Georgia (Article 6). To this end, Public Defender, inter alia, shall be authorized to:

- examine applications and complaints of natural and legal persons or groups of persons, who consider themselves to be victims of discrimination;
- examine acts of discrimination based on applications or complaints, as well as on his/her own initiative and make appropriate recommendations;
- prepare and forward general proposals to relevant institutions or persons on the issue of preventing and combating discrimination;
- prepare opinions regarding necessary legislative amendments and submit them to the Parliament of Georgia as legislative proposals;
- invite a victim of discrimination and an alleged discriminating person, and try to settle the case by mutual agreement of the parties;
- submit recommendations to relevant institutions or persons to restore the rights of victims of discrimination if the parties fail to reach an agreement and if there is sufficient evidence of discrimination;
- record and analyse statistical data on discrimination cases.

It is noteworthy to mention that in case hearing alleged discriminating person shall bear burden of proving that discrimination did not occur (Article 8.2).

Finally, any person considering himself/herself to be a victim of discrimination, may bring a court action against the person/institution which he/she considers to have committed the discrimination and may claim for moral and/or material damages (Article 10).

Ministry of Internal Affairs of Georgia
Innovations and Achievements
In Human Rights Protection

1. Legislation in the field of Human Rights

• **New law on police of Georgia**

For the legal basis of police activities, a new “Law of Georgia on Police” has been developed and put into practice from January 1, 2014. The enactment of the law is an important step toward human rights protection, because it provides such a system, which is characterized by high standards in human rights protection context.

Objective of the new “Law of Georgia on Police” is the establishment of the principles of rule of law, equality, proportionality and the principle of political neutrality in police activities. It is worth mentioning that the principle of proportionality is defined on the legislation level as a police officer's obligation to use the least restrictive measure to achieve the goal. Restriction of human rights must be necessary for the protection of the rights of others, public order and those values, which are guaranteed in a democratic society. Unlike the old version of the law, all the contents of vague terms are defined in detail, without which law would allow for various interpretations. Definition of terms provides for certainty and legal security principles. As a result, on the one hand, citizens are more likely to be protected from arbitrary actions of the police officer's subjective beliefs, on the other hand, the legislator provides for police protection. The police officer should know in advance whether his/her particular action in a particular case is legal and which legal consequences will be followed.

The law explicitly and exhaustively describes a preventive measures of police, such as: Interviewing a person; Identification of a person; Inviting a person; Frisk and examination; Preventive detention of a person; Special inspection; Special police control; Request to leave place and prohibition of entering certain territory; Restriction of movement of pedestrians or vehicles or of transferring a subject; Use of automated photo (radio) and video technology; Elaboration and use of operative-technical means. The comprehensive list of preventive measures protects citizens from extra-legal activities of police. For the introduction and education on the new regulatory framework for each police officer, various trainings are systematically held in police academy (see Annex).

• **The new Code of Ethics**

The new Code of Ethics was adopted in May 2013, focuses on the issues of human rights and freedoms which should be respected by police officers and emphasizes the importance of commitment to professional and moral norms (see Annex).

• **Rules of Conduct for Patrol Police Officer, Patrol-Inspector (Border-Control Officer), Border Police Officer and the Staff of Temporary Detention Isolators (TDI)** were elaborated with the consultation of the International Organizations and NGOs for various units. The main purpose of these instructions is to protect human rights. Instructions emphasize the importance of being in the public service, intolerance to corruption and all forms of discrimination (see Annex).

• **National Strategy for Prevention of Violence** – was elaborated at the initiative of the Prime Minister of Georgia. The aim of the documents is to define relevant directions in the long term perspective. This Strategy shows the will and

readiness of the state to respond to the challenges that exist in current society and ensure prevention of violence through the involvement of the public institutions, participation of which is decisive in reaching goals of this Strategy (see Annex). Strategy includes all directions, especially critical for the society, namely: prevention of domestic violence, violence at streets and schools with relevant mechanisms. Concrete preventive mechanisms are civil education (studying democracy, informing society on negative impact of addiction) mediation, re-socialization and rehabilitation. It is also important to improve effectiveness of ongoing activities and introduction of new ways for preventing violence. The draft of the document was introduced to the public in November 2014, by the Deputy Minister of Internal Affairs – Levan Izoria.

- **Amendments to the Georgian Administrative Violations Code**

Under the new edition of Article 32 the administrative detention period was decreased from the maximum amount of 90 days (which was not compatible with the principle of proportionality) to 15 days. Similar legislation is in European and other developed countries, where, as a rule, administrative detention does not exceed 15 days.

Under the amendment of Article 245, the arresting officer will be responsible at the administrative detention of the detainees in an understandable form to explain: a) what offense he has committed and the grounds for detention B) he has the right to a lawyer; C) in case of his will, his arrest and whereabouts will be informed to his said relative and to the administration of the place of work or study. In case of Juvenile detention, it will be informed to the parents or legal representatives at the earliest opportunity.

Before, Administrative Violations Code determined rather strict and disproportionately high amount of fines – in case of unpaid fines. By the implemented changes the adequate amount of penalty will be determined in case of unpaid fine, namely, if a person does not make payment in the following 30 days, the double amount of penalty will be imposed on him, but not more than 500 GEL.

- **“Rules of conduct for police officers during assemblies and manifestations”**

The working group was established to develop an instruction for police officers that will cover rules of conduct during assemblies and manifestations, including the regulations concerning the use of special measures and the obligations to observe the principle of proportionality.

- **Bilateral Agreements**

The Ministry of Internal Affairs (MIA) continues to attribute high importance to intensifying international police cooperation in a bilateral format. In 2014 MIA concluded 11 bilateral agreements in the field of combating crime, readmission, mutual protection of classified information and cooperation in civil emergency sphere. In 2015 MIA has already concluded cooperation agreement with Spain (fight against crime) and plans to conclude bilateral agreements with the Czech Republic (Readmission Protocol and Agreement on Fight against Crime), Slovakia (Readmission Protocol and Agreement on Fight against Crime), Poland (Readmission Protocol and Agreement on Exchange of Classified Information) and Germany (Readmission Protocol). The process of conclusion of operational cooperation agreement with Europol was initiated in 2014.

1.2. Anti-discrimination legislation

- On December 23, 2014, the Instruction of the Minister of Internal Affairs “**Regarding effective response measures to be taken by the subdivisions of the Ministry of Internal Affairs for the prevention of discrimination and offences committed on discrimination grounds**” was adopted. The document obliges the Staff of the Ministry to immediately initiate investigation in connection with the offences committed on the basis of hatred/intolerance. According to the instruction, the Information-analytical Department of the Ministry is obliged to generate statistical data regarding criminal offenses motivated by hatred/intolerance and indicate motive of assumed intolerance and specific ground of discrimination (race, skin colour, sex, sexual orientation and/or other grounds) envisaged by Paragraph 31 of Article 53 of the Criminal Code of Georgia. The instruction also refers to the rules set out in the law of Georgia on “Elimination of all forms of discrimination”.

Based on the instruction, during 2015, specialized groups for investigation of offences committed on the basis of hatred will be established.

- Specially developed Brochure - Special brochure “**Prohibition of discrimination**” has been elaborated with support of the EU and is included to the basic preparatory course materials of MIA Academy.

1.3. Inter-Agency Council on Combating Torture and Ill-treatment

With regard to the reform of internal and external monitoring mechanisms of law enforcement bodies, worth to mention is that the Inter-Agency Council on Combating Torture and Ill-treatment, under the Ministry of Justice, made a decision of June 2014, to establish following three interagency working groups:

- 1) Strengthening National Preventive Mechanism under the Public Defender's Office
- 2) **Reforming of existing investigation mechanisms in order to ensure a thorough, transparent, independent investigation into any allegation of the use of torture and ill treatment.**
- 3) Improving rights/conditions of the inmates in the penitentiary system and other closed facilities

The second working group consists of the representatives of the Ministry of Internal Affairs, Chief Prosecutor’s Office, Ministry of Defense, Ministry of Corrections, Supreme Court of Georgia, Council of Europe, Delegation of the European Union to Georgia, The Office of the United Nations High Commissioner for Human Rights, the Office of Public Defender, Georgian Young Lawyers’ Association and Penal Reform International.

The working group aims to evaluate the necessity of reformation or reinforcement of current bodies of supervision as well as to discuss the necessity of creation of a new, independent investigative body; Group already had several plenary meetings.

2. Human Rights related trainings at MIA Academy of Georgia

2.1. Professional and Academic Training Courses

Significant changes took place within the training course of Human Rights that enables future and duty police officers to realize and comprehend their role in the sphere of Human Rights protection. The specific changes are as follows:

- The topic on European Court of Human Rights case studies is considered to be a separate topic with special focus on the cases where police and police officers play key roles;

- The important rights, like right to freedom of thought, conscience and religion, right to freedom of opinion and expression were separated as distinct topics and the academic hours dedicated to them were extended. Special focus falls on torture, non-adequate treatment and non-discrimination issues within the training materials. It is of uttermost importance to underline police responsibility to explain to the arrested person the reason for his/her arrest and inform on the indictment in the comprehensible language. Besides, court decisions on Human Rights violation cases from police officers' side are discussed.
 - Separate session/lecture for Police Code of Ethics elaborated on the principles of Human Rights protection is included within the common course of Human Rights
 - Proportionality of use of force is the topic of high importance in the curriculum of Human Rights and tactical training course for future and duty police officers. Any police officer has to realize that any police activity has to have legitimate goal and has to be useful, necessary and proportional. Police officers may use coercive activities just for fulfilling their functions in accordance with law, but proportionality principle while applying use of force must be strictly observed. Besides, the training materials include UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and Law on Police. The issues are discussed profoundly in order to minimize or avoid use of force while arresting a person.
 - Separate training/re-training course for MIA employees entitled "Juveniles Rights Protection in Investigation Process" focusing on legal framework and psychological peculiarities of juvenile treatment was elaborated on the basis of international legal acts (the Riyadh Guidelines and Beijing Rules, UN Committee on the Rights of the Child (CRC) general comment #10 on Children's Rights within the justice system). See attached the training materials on Juvenile Pedagogics and Psychology
 - In regard with protection of rights of refugees and displaced persons, based on international and European experience sharing, new training course on Asylum Seekers and Refugee Status was elaborated focusing on the protection of rights of asylum seekers and refugee and humanitarian status persons from the side of police officers
 - School of Law was established at the MIA Academy. The school implements MA Program on "Police Regulation Law" where one of the core subjects is Human Rights focusing on "police officer as a protector of Human Rights". From 2015 launching of BA program is planned, where human rights and freedoms will profoundly be taught.
 - Human Rights Course is incorporated in the basic and re-training programs at MIA Academy. There is a Memorandum of Understanding signed between the MIA Academy and Public Defender of Georgia. Within the frames of the MoU MIA Public Defender meets Academy students on regular basis.
- The training course development is planned for 2015 as well. It is a constant process in order to meet and keep pace with the modern needs and standards existing in the sphere of Human Rights protection.

Below in the table statistic data of professional trainings can be found:

2.2. 2010-2014 Training Courses on Human Rights Issues by International and National Donor Organizations

- In the framework of EU TAIEX instrument, training on Hate crime investigation was delivered by the ODIHR experts from Italy and UK on December 22-23, 2010. 28 employees of MIA (detective-investigators and Academy instructors) attended the training.
- On May 16-18, 2012, a training on Human Rights Protection and Fight against Terrorism was conducted for 26 employees of Counter terrorist Centre, Special Operations Centre, Patrol Police Department and Counter Intelligence Department by the OSCE at the premises of MIA Academy;

- On December 24-25, 2012 a training was held for 30 officers of Human Rights Protection and Monitoring Main Division and Tbilisi Main Division in the framework of joint CoE/EU programme “Enhancement of Fight Against Ill-treatment and Impunity” on the subject of prohibition of torture and ill-treatment.
- In the framework of TAIEX instrument, the Latvian experts from College of the State Police conducted trainings on protection of rights of Minorities during Manifestations: Role of the police during the LGBT events (risk assessment, cooperation with organizers), police ethics, Police units responsible on crowd management issues, managing sport events, trainings for Latvian police officers, etc. Representatives from Special Tasks department, Patrol Police, Central Criminal Police Department and MIA Academy will participate. The event took place on February 24-27, 2014.
- In 2010-2011 and 2013 crowd management theoretical and tactical trainings were conducted by the DENSUS Group for 431 MIA officers from different divisions and funded by the U.S. State Department’s Bureau of International Narcotics and Law Enforcement Affairs (INL)
- Study visit on Crowd management issues in Romania, 2013: In the framework of TAIEX instrument, study visit on crowd management issues were organized in Bucharest, Romania. 3 Participants from the Special Tasks Department of MIA participated. During the visit following issues were discussed: crowd management during the authorized and non-authorized demonstrations, public and sport events; Special techniques and equipment used by law-enforcement agencies in order to ensure public security; Romanian governmental agencies dealing with crowd management issues, etc.
- In the framework of cooperation with the Public Defender’s Office and with the financial support of EU, 1 –year project was started in February 2012, named: **“MIA Training Capacity Development”**. Within the frames of the project, 6 trainings on **Non-Discrimination** were conducted in different regions of Georgia for patrol police and criminal police officers. A total of 163 officers underwent the trainings. The topics discussed included: definition and history of discrimination, international standards and mechanisms of non-discrimination, legal norms of non-discrimination in Georgia, culture of tolerance in Georgia, religious and ethnic diversity, stereotypes: xenophobia and racism, police role and responsibility in fight against discrimination etc. Some case studies were discussed.

2.3. Courses for ethnic minorities

District police officer courses for Azeri and Armenian citizens

MoIA Academy also provides special district police officer courses for Azeri and Armenian citizens of Georgia. Since 2007, a total of 301 Azeri and Armenian officers were trained in the framework of the program.

Georgian Language Program

In 2015, MIA Academy elaborated 1-year “Georgian Language Program” that consists of 60 credits and aims at helping Georgian citizens (including those belonging to ethnic minority groups), reach B1+ level of knowledge of the State Language.

The graduates will be able to freely communicate in Georgian, apply to various Bachelors’ programs and better integrate into Georgian society.

Language Center

The aim of the Language Center, established in MIA Academy in 2015, is to provide the ethnic minority applicants to the special professional training programs of the Academy with the basic knowledge of Georgian. In 2014, the Academy conducted the extensive language test for the minorities – based on the results of the test, the appropriate training programs will be elaborated and organized.

3. Sharing Public Information and Conducting Social Campaigns

Since November 2012, Public Relations Department of the MoIA provides the public with relevant information, taking into consideration the presumption of innocence and interests of the investigation; In the information released by the Public Relations Department of the MoIA, detainee's face is covered, victim's personality is not identified, in case of crimes against human health, hospital and also company name, where the crime has occurred, are not mentioned;

Information including photo, video and text materials related to the MoIA is timely provided to public and media via official website of the MoIA www.police.ge and also, via official page of the social network facebook;

Public Relations Department conducts media monitoring in 24h regime, to avoid spread of incorrect facts or incorrect references to articles in the criminal cases;

In order to increase public awareness, Public Relations Department of the MoIA takes active steps, e.g. Regular briefings for journalists, proactive communication.

MIA devotes particular attention to raising public awareness on public order and road safety:

- The Ministry continues to transfer the interactive program "Within the Law" on the radio channel "Autoradio". The broadcasting started in March, 2014 and will be extended to the upcoming year, since it is a good opportunity for the citizens to ask questions directly to the representatives of the MIA regarding the issues of concern. Further campaigns, namely "Do Not Use a Mobile Phone While Driving", "I know the Law", "I observe the Law" and "The Law Protects Me" will be implemented in 2015.
- In November 2014, the MIA launched a large social campaign against domestic violence - "No to Violence", with the support of the US Embassy. The aim of the campaign is to raise awareness among society on domestic violence and to emphasize the importance of citizens' involvement in overcoming the mentioned problem. The TV and radio shows, as well as street and social network activities will be a part of the mentioned campaign. In addition, informative-educational meetings will be held in schools and universities both in the capital and the regions.
- In February, 2015 under the initiative of the Minister of Internal Affairs, the Ministry launched a new campaign and project "Safe City" in the framework of which it is planned to conduct meetings between civil society and ministry representatives in up to 15 cities, in order to raise awareness and answer questions, focusing on the issues crucial to each region.

4. Migration Management

- In the course of the last four years, the process of migration management in Georgia has shifted to a new dimension, mainly stipulated by the visa-dialogue launched with the EU and global challenges facing the modern societies. Georgia, as a part of global migratory process has already taken necessary measures to adequately respond to the modern challenges in various migration related fields.
- For the purpose of effective migration management and control of immigration flows, new law on "The Legal Status of Aliens and Stateless Persons" and amendments to respective legal acts were elaborated. According to the new law, the MoIA became a responsible body for detection and expulsion of irregular migrants. Special attention was also paid to the international human rights standards during the legislative regulation process of this issue;
- Under the new law on "The Legal Status of Aliens and Stateless Persons", procedure for expulsion of aliens from Georgia and procedure for detaining aliens and placing them in temporary accommodation centre was created. During the detention and expulsion process, torture and other cruel, inhuman or degrading treatment or punishment is prohibited and protection of human rights and proportionality of use of force is ensured;
- Within the Ministry of Internal Affairs, a Temporary Accommodation Centre (TAC) was built where foreigners staying without legal basis will be detained until their identification and/or expulsion from the country. Aliens are placed

in the TAC based on the court decision only. Since placing an alien in TAC means the restriction of his/her movement, it is considered as a last measure. Maximum duration for detection is 3 months. The Ministry of Internal Affairs determined alternative measures of detaining, that will be imposed by the court and will not restrict freedom of movement. Placing Juveniles and families in the TAC is considered as an extreme form with maximally short period of time;

- In planning process of the TAC, human rights protection issues were considered. Therefore, aliens are provided with the medical and psychological service, in case of detaining disabled persons they will be placed in related, adapted rooms, children's best interests are also considered and they will have ability to implement the right of the education and leisure. The TAC praying room is ensured;
- Detained foreigners staying without legal grounds are able to receive legal consultations free of charge and hold meetings with non-governmental organizations representatives. Aliens are explained the detention ground properly in their native language, are also provided with the interpreter, if necessary, and are informed about ways and conditions for voluntary return;
- According to the MoIA action plan, the personnel of the TAC will receive appropriate training including human rights standards. Cultural and religion differences will also be considered during the planning process of these trainings.
- The Ministry devotes special attention to personal data protection of aliens. Currently, the electronic program to detect irregular migrants has started functioning from 1 September 2014;
- The right of temporary stay of illegal migrants is also introduced according to the EU experts' recommendation. This right is imposed when the expulsion of a foreigner is not possible for some reasons. After the temporary stay for five years, such foreigners have the opportunity to apply for a special residence permit by making a request to the Public Service Development Agency. After granting the aliens the right of temporary stay, they will be able to apply a variety of rights including the right of labor. The new law of Georgia on Legal Status of Aliens and Stateless Persons also provides the grounds when an alien cannot be removed.

5. TDI Reform

- List of procedural rights of detainees (administrative detainees as well as the persons charged for the criminal offense) is handed to every incoming detained person upon arrival to TDIs. The list is available in 6 languages (Georgian, English, Russian, Azerbaijan, and Armenian, Farsi) and was elaborated in cooperation with Public Defender's Office. Upon entering and receiving the list, the detained person has to sign the protocol that he/she has received the list of rights.
- Within the frames of recently held reforms surveillance cameras were installed in corridors of isolators across the country to prevent any violation from the side of TDI Administration.
- In order to improve the rights of detained women and gender equality, the number of women employees was increased in the TDIs; Memorandum of Cooperation on providing emergency care to drug users and providing treatment to persons being on substitution therapy placed at Temporary Detention Isolations of the MoIA, will be signed in the nearest future. Memorandum is elaborated in cooperation of the MoIA and the Ministry of Labour, Health and Social Affairs;
- For the first time in the existence of TDIs, a project "Capacity Building of the Ministry of Internal Affairs of Georgia to ensure/enhance adequate Human Rights Protection in Temporary Detention Isolators through trainings and introduction of new standard of work" is being conducted in the MIA. The project is funded by the EU, the project duration is 18 months (starting from January 15, 2014) and its main objectives include: Development of Standard Operating Procedures (SOPs) for the Temporary Detention Isolators (TDI) staff; elaborating new curriculum for training and re-training of TDI staff and introducing it at MIA Academy and ensuring safe environment in all TDIs. For the given moment the activities accomplished within the project framework include: 3 sets of 3 day training cycles for TDI staff members were conducted in MIA Academy (120 persons in total) on psychological issues, handling detainees with special needs and first aid. The trainings were conducted in cooperation with the non-governmental organization "Global Initiative Psychiatry" and

“Medi-Club”. Training modules will be integrated into the future training and retraining program for TDI staff curriculum in the MIA academy.

- The Council of Europe expert, Professor Jim Murdoch was contracted by the MIA, in order to elaborate Standard Operational Procedures (SOPs) for the Temporary Detention Isolators’ personnel. The expert visited Georgia in May, 2014. During his visit, the expert received information and all relevant documentation about functioning of Temporary Detention Isolators and the rights and responsibilities of employees. He held meetings with the MIA relevant staff as well as representatives of Public Defender Office and Georgian Young Lawyers’ association to get an impartial opinion on the situation in TDIs. As a result, Mr. Murdoch produced a report on “Temporary detention isolators (TDIs) in Georgia: capacity-building and operational procedures”. Based on the document, the draft SOPs were elaborated in cooperation with the MIA Reforms and Development Agency. The document is at the finalisation stage to be sent to Mr. Murdoch for the final review and comments. The final version will be approved by the Ministerial Decree.
- Number of visits (more than 130) were conducted by the representatives of the Public Defender and foreign human rights defenders at Temporary Detention Isolators of the MoIA, thus ensuring the transparency of the Temporary Detention Isolators.

6. Personal Data Protection

- Special emphasis is placed on protecting the right to privacy. On 15 August 2013, the provisional commission working on the issues of unlawful communications surveillance and secret recordings was created on the basis of the resolution of the Government. The commission is chaired by the Interior Minister. The commission was entrusted with registration, systematization, analysis, and taking decision on liquidation / archiving of materials detected in the MoIA system which were illegally obtained. On the basis of the decision of the commission, 155 discs concerning privacy and obtained illegally, were destroyed;
- For the purpose of better regulation of processing personal data by the state, published on 19 December 2013 and came into force in March 2014, Interior Minister N967 Order on "the approval of the instruction of the Ministry of Internal Affairs on processing and protection of personal data". Regulation provisions, on the one hand, relies on the law of "Personal Data Protection", and on the other hand, on Council of Europe Committee of Ministers on 17 September 1987 № R (87) 15 recommendation on "Regulation on use of personal data in the field of police". The draft instruction was sent to the Personal Data Protection Inspector's Office for examination; Inspector notes were taken into consideration in the instructions text;
- In order to establish better regulation on the processing of personal data, the Minister’s decree (№967) on “Instructions on Processing and Protection of Personal Data within the MoIA” was published. In March, 2014 the “Instructions on Processing and Protection of Personal Data within the MoIA” entered into force. The mentioned instruction is based, on the one hand, on the law of Georgia on “Protection of Personal Data” and, on the other hand, envisages standards set by the recommendation of the Committee of Ministers of the Council of Europe (№ R(87)15). Personal Data Protection Inspector was involved in the legal expertise of the draft instruction. Inspector’s observations and proposals were reflected in the text of the instruction.
- On February 15, 2014, Memorandum on cooperation was signed between the Office of the Personal Data Protection Inspector and the Police Academy. The memorandum aims to inform employees of the Ministry of Internal Affairs and raising their awareness on data protection issues, as well as ensuring the protection of personal data in the system by planning and implementation of joint programs of study and training;
- Within the framework of the Memorandum of Understanding signed between the Office of the Personal Data Protection Inspector and the Police Academy, in February 2014, representatives of the Personal Data Protection Apparatus and the MoIA International Relations Department held joint trainings on the issue of personal data protection for the

Ministry's personnel. The staff of the Ministry should be trained until getting into force (the 1st March, 2014) of the Minister's approval of "Instructions on Processing and Protection of Personal Data within the MoIA". During the training, participants got familiar with the "Law of Georgia on Personal Data Protection" and the instruction of MoIA on personal data processing and protection. The training/retraining covered all representatives of the MoIA structural units;

- In October 2014, under the order of the Minister of Internal Affairs, was established Personal Data Protection Supervision Group in the administration of the Public Information Unit of administration, which function was determined as development of recommendations to personal data protection issues, to ensure periodic inspections of the implementation of protection of personal data in the Ministry, staff training on protection of personal data/processing issues, discussion of personal data processing non-standard cases and preparing of decision projects;
- Personal Data Protection Supervision Group of the Public Information Division of the MoIA Administration identified personal data contained in the file systems of the Ministry, in connection with which, the Order of the Minister of the Interior was prepared on "Defining the storage terms of the file systems containing personal data in the Ministry of Internal Affairs";
- On 2nd May, 2014, the Parliament adopted the draft law on the Criminal Code of Georgia amendments that was implemented by the MoIA. In recent years, the protection of the private and family life was minimized for the reason of widespread illegal wiretapping and bad practice of breaching privacy. In this line, there was the need for a proper legislative framework that would correspond to reducing of the arbitrary interference in private life. The amendments envisage increasing sanctions of the CCG articles (mainly, Article 157, Article 158 and Article 159) related to the intrusion in private life.

7. Protecting the Rights of Disabled Persons

The Ministry of Internal Affairs pays special attention to ensuring the protection of disabled persons' rights and the accessibility of information and services, considering their individual needs. For disabled persons special sound version on website of MoIA (voice.police.ge) was developed. Above ensures information posted and updated at the MoIA website to be accessed for blind and partially sighted persons.

Also, in order to fully involve disabled persons in road traffic, relevant safety protection system is being launched at the Service Agency of the Ministry of Internal Affairs;

The MoIA LEPL "112" elaborated a related project, in close collaboration with the UNDP, for ensuring the accessibility of the disabled persons to the Emergency Response Center. Persons with speech and hearing problems will be provided with the SMS and video call services to "112" under this project. The project is being implemented and will be functioning from autumn, 2015;

During the development of the above-mentioned project, LEPL "112" has been cooperating with the Union of the Deaf of Georgia and other various organizations active in the field of human rights protection of disabled persons. Their recommendations and demands were fulfilled. Also, the project considers relevant NGOs and state organizations to be actively involved in implementation process of each phase.

8. Ensuring Gender Equality

Ensuring gender equality is one of the main directions of the MoIA policy. The Ministry set the priorities and was actively involved in elaboration process of National Action Plan on ensuring gender equality for 2014-2016 considering international recommendations and suggestions;

The MoIA, with the support of UN WOMEN and SIDA, implements the project “Specialized Police Units”. According to this project, a network of trained police officers will be established in order to improve police response on gender based violence. Specialized Police Units will react on domestic and gender violence, including sexual violence. Police officers will undergo continuing trainings on victim survey, investigation, addressing the legal protection mechanisms, monitoring the conduct of restraining and protective orders and other issues. This will improve the police response to above mentioned offences;

Over the past two years, an annual regional conference “Women in Police” has been held in Tbilisi. The conference is organized with cooperation of the US Bureau of International Narcotics and Law Enforcement Affairs (INL) and the Ministry of Internal Affairs of Georgia. The conference is attended by Georgian female law enforcers and their colleagues from: Armenia, Moldova, Kazakhstan, Tajikistan and Kirgizstan. The conference focuses on the following issues: women in leading positions, mentoring skills, strategy of success and etc.

At the ministry of internal affairs participation gender audit is going, which aims to promote organizational teaching in order to effectively implement gender mainstream in strategies, programs and structures. Participation gender audit is conducted by two local and one international experts. The term of audit is two weeks. The main result of participation gender audit is report, which includes basic findings for structural divisions, best practices for gender mainstream issues, number of recommendations to improve the evaluation and specific actions for participant units in order to implement them.

9. Mechanisms of Internal Monitoring within the System of the Ministry of Internal Affairs

The function and role of the mechanism for human rights protection monitoring within the MIA system has been enhanced. These mechanisms of monitoring are as follows:

- On the one hand, the **General Inspection**, which is responsible for exposure of any violation of ethics or disciplinary norms within the system of the Ministry, improper fulfillment of service duties, the facts of certain unlawful acts committed and relevant response to the mentioned;
- On the other hand, **Human Rights and Monitoring Main Division of the Ministry of Internal Affairs**: the competence of the main Division covers placement of the detainees in the temporary detention isolators, provision of relevant conditions for them as well as monitoring of their rights.

The General Inspection

The General Inspection is an independent operative structural unit, which with the purpose of strengthening the internal control implements service inspection, operative-searching and investigative activities, takes specific measures to reveal and prevent the facts of disciplinary violations by the employees of the Ministry of Internal Affairs.

The objective of the General Inspection is to reveal and prevent the violation of human rights and other unlawful actions by the employees of the Ministry of Internal Affairs as well as review of individual complaints of the civilians.

With the purpose of raising the effectiveness of human rights protection and to provide the public with sufficient service the General Inspection established PR service “Hot Line - 126”. The Hot Line twenty-four-hour service is ensured by 2 operators in charge of reception of the civilians` notifications concerning the offences committed by the law enforcement officers, violation of the constitutional rights of the civilians and different unlawful actions. All telephone conversations are taped and monitored. During a twenty-four-hour period, approximately, 60 target and non-target telephone notifications are registered and distributed to the relevant units for immediate response.

In case of any disciplinary violation revealed as a result of service inspection or inquiry the relevant statement or report will be drawn up in compliance with the rules envisaged by the disciplinary regulations of the Ministry of Internal Affairs.

In case of presence of signs of the a criminal offence envisaged by the Criminal Code of Georgia the information about such crime will be forwarded to the Chief Prosecutors` office of Georgia (application, complaint and the data obtained as a result of operative-searching activity), after that the criminal case will be transferred to the General Inspection of the Ministry of Internal Affairs under procedural supervision by a prosecutor for investigation purposes. Effectiveness of timely solving of a crime is supported by a team work of the investigators of the General Inspection, while partiality and bias in investigation is excluded by a procedural supervisor – prosecutor. Publicity of works performed is ensured by the website of the General Inspection.

Till now certain subunits of the Ministry (Patrol Police Department, Border Police, Emergency and Special Measures Center and etc.) were delegated the authority to accomplish independent monitoring; namely there were structural units (divisions) in the mentioned Departments which accomplished monitoring and service inspection of the other subunits under the Department. However, the analysis showed that current mechanism of non-centralized work is ineffective. As a result, the Ministry of Internal Affairs **developed a new model** of the Regulations, Structure and Personnel Arrangements of the General Inspection. This new model ensures centralization of disciplinary proceedings and avoids any duplication in activity of the monitoring subunits; in particular the General Inspection is overseeing the monitoring subunits existing within the units of the Ministry of Internal Affairs (for more information and additional statistics see Annex).

Human Rights and Monitoring Main Division

In compliance with the legislation the Human Rights and Monitoring Main Division ensures temporary placement of the detainees in the Temporary Detention Isolators of the Ministry of Internal Affairs, protection of their rights, registration, examination as well as provision of the detainees with meals and relevant sanitarian conditions.

The Human Rights and Monitoring Main Division of the Ministry of Internal Affairs regularly conducts internal monitoring of the municipal and regional temporary detention isolators. For this reason the Monitoring Division was established within the Main Division, which pays unexpected visits to all the TDIs throughout Georgia. The process of monitoring is large scale and consists of:

- **Monitoring of detention conditions** – technical and sanitarian-hygienic conditions, conditions in the cells of the detainees, the issue of provision of the detainees with hygienic means, the right to walk etc.
- **Monitoring of the employees of the TDIs** – presence of the employees in the office, the facts of failure to wear uniforms, badges; relevant registration of detention records, provision of the detainees with the written list of their rights immediately upon their arrival and etc.
- **Monitoring of the individuals detained in the TDIs** – body injuries, availability of a lawyer and/or a physician, registration of claims and complaints of the detainees.

Within the scope of the recent reforms in the Ministry of Internal Affairs needs assessment of the TDIs system, detainees and persons in administrative imprisonment was accomplished; installation of video control systems was initiated; the existing practice and recommendations of different international and national human rights organizations were taken into consideration; as a result of the mentioned the Main Division implemented and still implements the number of changes in the fields of human resources, infrastructure and legislation.

- **Structural enhancement** - to safeguard elimination of ill-treatment and ensure the well-being of detainees the capacity of the Monitoring Division has been enhanced as well as the number of employees and their functional capacities;
- **Video Cameras** – to ensure protection of detainee’s rights and their safety, video cameras have been installed in all of the TDIs.
- **Infrastructure Rehabilitation** – renovation works are conducted in the TDIs throughout Georgia; heating systems, ventilation, lightning and sanitarian conditions were improved necessary;
- **Human Resources** - to maintain protection of the rights of detainees and their safety the number of staff members is increased, including female employees;
- **Support External Monitoring Mechanisms:** Control over protection of human rights in the TDIs of the MIA is accomplished by means of internal as well as external mechanisms. Access of the representatives of the Ombudsman’s Office to the TDIs throughout Georgia is allowed at any time for monitoring purposes. Besides the national preventive mechanisms the TDIs are frequently visited by international experts, international organizations and diplomatic missions accredited in Georgia.

With the purpose of revealing and preventing any facts of ill treatment the ministry of Internal Affairs operates the system of prompt and effective response to the complaints: in case of any complaint from the detainee against the police officer or the TDI personnel an individual act will be drawn up; the official of the TDI will contact the supervisor prosecutor, notify him/her about the incident and transfer the act.

Simultaneously, in connection with the mentioned fact the official of the TDI will contact the Monitoring Division of the Human Rights Protection and Monitoring Main Division, which in its turn will take relevant response measures and provide the General Inspection with a report about the incident.

In the temporary detention isolator the detainee may call the Hot Lines of the General Inspection of the Ministry of Internal Affairs, Ombudsman Office of Georgia and Prosecutors’ Office to declare the violation of his/her rights.

Also the detainee enjoys the right to have an unimpeded and unlimited appointment with his/her advocate at any time.