



IMPLEMENTATION  
OF EU-GEORGIA ASSOCIATION  
AGENDA 2014-2016  
**ASSESSMENT BY CIVIL SOCIETY**



Kingdom of the Netherlands



OPEN SOCIETY GEORGIA FOUNDATION  
ფონდის ღია საზოგადოებას სპონსორი

MARCH, 2017

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The Open Society Georgia Foundation (OSGF) is a member of the Open Society Foundation's Network, which was set up in 1994. In more than twenty years of independence, Georgia has made progress in building a democratic society that strives to take its place as part of the European family of nations. Having undergone territorial conflicts, economic collapse and war with Russia, Georgia has nonetheless managed to turn itself from a near-failed state to a developing country with western aspirations. Through donor funding, partnership, training and helping to unlock the potential of talented Georgian young people, the OSGF has played a significant role in this process that continues to this day.

The Foundation has a strong record of achievements in developing civil institutions and the media, promoting civil values, contributing to improvement of election environment, and increasing access to education and healthcare; it has also provided major support to European and national integration programs and the development of social equality.

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The views, opinions and statements expressed by the authors and those providing comments are theirs only and do not necessarily reflect the position of the Foundation. Therefore, the Open Society Georgia Foundation is not responsible for the content of the information material.



Kingdom of the Netherlands

This report is prepared in the framework of the project “enhance accountability of state authorities through monitoring implementation of the EU-Georgia Association Agreement by coalition of civil society organizations” co-funded by the Embassy of the Kingdom of the Netherlands. The document does not necessarily reflect the views of the donor.

# ACKNOWLEDGEMENT

On behalf of the Open Society Georgia Foundation (OSGF) and authors of the report, we wish to express our sincere gratitude to the officials of the Dutch Embassy - Ms. Lela Lomia, Ms. Nino Bolkvadze, Ms. Floor Nuiten-Elzinga and H.E. Jos Douma, Plenipotentiary and Extraordinary Ambassador of the Kingdom of Netherlands to Georgia. OSGF and authors have been enjoying their support and attention at every stage of project implementation.

We also wish to thank H.E. David Bakradze, formerly State Minister of Georgia for European and Euro-Atlantic Integration and currently the Plenipotentiary and Extraordinary Ambassador of Georgia to USA for his ardent support and goal-driven cooperation. We also wish to express our appreciation to H.E. Gigi Gigiadze, formerly Deputy Minister of Foreign Affairs of Georgia and currently the Plenipotentiary and Extraordinary Ambassador of Georgia to the Kingdom of Denmark and Iceland.

Following individuals have played a significant role in the success of the project towards external advocacy: Ms. Nino Lezhava, Director of Regional Office of Heinrich Boell Foundation in South Caucasus; Mr. Stanislav Secrieru, Analyst of Open Society European Policy Institute (OSEPI) and Ms. Pamela Valentine, Program Assistant of the OSEPI. All their efforts are highly valued and much appreciated by the OSGF.

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# INTRODUCTION

Open Society Georgia Foundation (OSGF) actively joined the implementation monitoring process upon the conditional enforcement of EU Association Agreement of Georgia in 2014 to facilitate the engagement of civil society representatives in the initiative.

27 Policy Documents have been drafted on the grounds of the monitoring process in 2016 and present report elaborates on the issues envisaged in the EU-Georgia Association Agenda for 2014-2016. Non-Government Organizations (NGO) were engaged in the drafting of the Action Plan for the EU-Georgia Association Agreement for 2016 and 2017, along with the Association Agenda for 2017-2020. It is worth noting that considerable part of the presented recommendations have been incorporated in the official documents of the legislative and executive authorities of Georgia, as well as by the European Parliament.

Present report reflects a comprehensive assessment of the implementation of EU-Georgia Association Agenda for 2014-2016 by the country. Georgia has carried out significant reforms envisaged in the document, though more progress should be demonstrated by the country in justice, media, education, labour rights, environment and other areas.

Present report has been developed by the Open Society Georgia Foundation (OSGF) within its project titled as “Increased Accountability of Georgia through Monitoring of Implementation of the EU Association Agreement” under the co-financing of the Embassy of the Kingdom of Netherlands to Georgia.

OSGF expresses hopes that the present document will serve beneficial to the executive and legislative authorities of Georgia, EU institutions, media outlets and other stakeholders. It is believed to facilitate the further integration of Georgia in EU and ultimate accession process.

Vano Chkhikvadze  
EU Integration Program Manager  
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JUSTICE



## Topic 1

Developing Judicial Reform Strategy and Action Plan with clear benchmarks and priorities, including an appointment and training policy for judges and adequate resources to ensure proper judicial competencies.

**Overall assessment:** partially implemented

**Done:** The High Council of Justice set up a commission to work on the strategy.

**Not done:** The strategy has not been finalised yet.

## Topic 2

Continuing reforms, in particular of judiciary, Criminal Code and Criminal Procedure Code of Georgia, including enhancing the equality of arms in the criminal proceedings, undertaking a comprehensive review and submitting legal proposals on:

- strengthening the independence, efficiency, impartiality and professionalism of the judiciary;
- ensuring the right to fair trial;
- ensuring independent and effective investigation;
- reforming juvenile justice to protect rights of the children;
- making plea-bargaining system compliant with the EU and the Council of Europe / European Convention on Human Rights standards and practices;
- status and rights of victim in criminal proceedings;
- reform of the criminal jury trial.

**Overall assessment:** partially implemented

**Done:** Of the above-listed activities, the reform of the juvenile justice system was implemented. Although separate steps have been taken toward other above-listed activities, they cannot be considered accomplished.

**Not done:** Very serious challenges remain in the areas of independent and effective investigation, the status and rights of victim in criminal proceedings. A number of shortcomings are observed in terms of compliance of Georgia's procedural system with international standards. Serious efforts are required to ensure the independence, efficiency, impartiality and professionalism of the judiciary as well as the right to fair trial.

## Topic 3

Implementing the Prosecutor's Office reform following the 2013 amendments to the 2008 law. In particular, identifying proper constitutional setting for the Prosecutor's Office with effective oversight to build public confidence in the Prosecutor's Office and establish a truly professional prosecution service (including through adequate training of employees) independent from political party or other undue influence.

**Overall assessment:** partially implemented

**Done:** In 2015, amendments were made to the Law on the Prosecution's Office, which led to changes in the procedures of appointment and dismissal of prosecutors, and establishing two new units: the Prosecutorial Council and Conference of Prosecutors.

**Not done:** A proper constitutional setting for the Prosecutor's Office was not identified; public confidence in the Prosecutor's Office remains a serious challenge particularly in terms of its independence from political party or other undue influence.

## Topic 4

Ensuring that criminal prosecutions are conducted in a transparent and impartial manner, free of political motivation, in order to avoid any politically motivated selective justice.

**Overall assessment:** partially implemented

**Done:** Positive trends have been observed in separate areas of criminal justice though these trends are weak and more the exception than the rule.

**Not done:** Questions remain about justice being used as a political tool in concrete criminal cases.

## Topic 5

Continuing to implement rehabilitation and re-socialisation policies in criminal justice; promoting the use of non-custodial sentences, community orders, reinforced use of probation, early release through parole, diversion and mediation.

**Overall assessment:** partially implemented

**Done:** Certain measures have been implemented in the area of rehabilitation and re-socialisation.

**Not done:** The indicator of the use of non-custodial sentences remains very low.

## Topic 6

Ensuring access to justice by adequately funded and trained legal aid service.

**Overall assessment:** implemented

**Done:** The Legal Aid Service was established, which provides legal assistance to citizens though only on cases falling within certain categories.

## Topic 7

Increasing the accountability and democratic oversight of law enforcement agencies. Complaints against the police and prosecutors will require a professional, effective mechanism for credible response. Considering the establishment of a full-fledged independent and effective complaint mechanism to investigate such cases. Providing a comprehensive professional training of law enforcement officers on ethical standards and human rights.

**Overall assessment:** not implemented

**Not done:** The accountability of law enforcement agencies remains very problematic. An independent complaint mechanism to consider complaints against them was not established.

## Topic 8

Developing alternative means of dispute settlement (mediation, arbitration). Revising procedure of administrative detention in line with the standards of a fair trial.

**Overall assessment:** partially implemented

**Done:** Some amendments were made to the Law on Arbitration.

**Not done:** Proper steps have not been taken towards the introduction of alternative means of dispute settlement in practice.



# ELECTIONS

## Topic 1

Ensuring the democratic conduct of elections, addressing any shortcomings in the legislative framework and election administration as identified by the Inter-Agency Task Force on Free and Fair Elections (IATF) and Organisation for Security and Cooperation in Europe (OSCE) / Office for Democratic Institutions and Human Rights (ODIHR) including in view of the 2014 local elections<sup>1</sup>.

**Overall assessment:** partially implemented

### Done:

- Amendments adopted in the Election Code of Georgia introduced the direct election of Mayors and Gamgebelis, mandated an absolute majority of votes 50%+1 threshold, and established a 4% threshold for the election of Sakrebulo members in proportional elections.
- Amendments were adopted in the Election Code of Georgia on redrawing the boundaries of majoritarian districts in order to ensure the 'one person, one vote' principle.
- Amendments were adopted in the Election Code of Georgia on 22 June 2016, with the aim to improve electoral legislation and eliminate exceptionally created electoral precincts.

### Not done:

- Parallel electoral system for the Parliament of Georgia was not changed regardless of the recommendations of civil society organisations and opposition political parties. The current system causes disproportion between the votes and mandates received by political parties.
- While regulations have been introduced to address the issue of exceptionally created electoral districts, military servicemen still have the right to elect majoritarian MPs in a district different from their places of registration, which was the main problem behind the exceptionally created electoral precincts.

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<sup>1</sup> The period covered by the Association Agenda between 2014 and 2016 marked two elections in Georgia – the Local Self-Government Elections of 2014 and Parliamentary Elections of 2016. Georgia has made significant progress in conducting elections and the October 2016 Parliamentary elections were assessed as competitive, generally respecting fundamental freedoms and the will of the voters. However, some shortcomings remain in the pre-election campaigning period, administration of the Election Day, as well as investigation and adjudication of electoral disputes. The legislative framework has seen some positive changes, including the introduction of direct elections for Mayors and Gamgebelis and the 50%+1 threshold for these elected positions ahead of the 2014 local elections; and amendments aimed at redrawing the boundaries of majoritarian electoral districts to ensure the 'one person, one vote' principle ahead of Parliamentary elections. These amendments are, however, not sufficient to address the significant shortcomings of the existing electoral system and civil society demands for more fundamental electoral reform have largely been unaddressed.

ADMINISTRATIVE  
REFORM AND  
PUBLIC SERVICE<sup>2</sup>



## Topic 1

Take part in international cooperation on combating corruption, and ensure effective implementation of relevant international legal instruments, such as the UN Convention against Corruption.

**Overall assessment:** partially implemented

### Done:

- Progress has been made toward implementing the majority of the Organization for Economic Cooperation and Development Anti-Corruption Network OECD/ACN recommendations.
- All five GRECO recommendations under Theme I (incriminations) and three recommendations under Theme II (transparency of party funding) were implemented satisfactorily.
- Of the total 29 OGP commitments for 2014-2016, 18 were completed by mid-2016.
- OGP Georgia Forum operated with stakeholder involvement in the implementation process.
- 2016-2017 OGP Action Plan was adopted.

### Not done:

- Most of the OECD/ACN recommendations remain partially implemented.
- No progress has been made toward implementing the seven outstanding recommendations under GRECO Theme II.
- The most important OGP commitments (developing a separate Freedom of Information Act, a petitions web-portal for citizens and an interactive crime statistics and map system) were not implemented.
- Many of the Georgian Government's commitments from the National Action Plan (12 out of 29) bear no relevance to OGP values.

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<sup>2</sup> The 2014-2016 Association Agenda established three main goals in the area of anti-corruption policy and administrative/civil service reform. The national action plans for 2014, 2015 and 2016 contained activities that were to facilitate the achievement of the goals set out in the Association Agenda. However, the link between those activities and the broader goals was sometimes questionable, while some of the items on the national action plans were formulated in a way that made it difficult to assess their implementation. For this reason, this assessment focuses primarily on the extent to which the main goals from the Association Agenda were achieved in 2014-2016 and only examines those items from the annual national action plans which clearly contributed to the progress toward these main goals (or would have contributed if they had been implemented).

## Topic 2

Take adequate measures at all levels of society to prevent, detect and address corruption especially high level corruption

**Overall assessment:** partially implemented

### Done:

- New National Anti-Corruption Strategy and Action Plan were adopted along with a monitoring and evaluation methodology.
- Progress reports on the implementation of the National Anti-Corruption Strategy have been published regularly.
- Important amendments to anti-corruption legislation were adopted that introduce, among other things, a verification procedure for the asset declarations of public officials, post-employment disclosure requirement for former public officials and stronger protections for whistleblowers.
- Training Sessions were organised for the employees of the Internal Affairs Ministry/State Security Service's Anti-Corruption Agency and the Analytical Department was established within the Agency.

### Not done:

- The verification of public officials' asset declarations was scheduled to begin in January 2017 but was postponed.
- The adoption of the new Freedom of Information Law has been delayed and the final draft is yet to be made public.
- Overall, Georgia still lacks an effective mechanism for addressing potential cases of high-level corruption.

## Topic 3

Topic 3. Pursue administrative reform with emphasis on public administration and on building an accountable, efficient, effective, transparent and professional civil service; and strengthening of local self-government in line with European standards.

**Overall assessment:** partially implemented

### Done:

- New Law on Civil Service was adopted.
- The Civil Service Code of Ethics was drafted.
- Multiple training sessions for civil servants on ethics and whistleblower protection were held.
- Job descriptions were prepared for multiple positions in the civil service.
- Steps were taken to introduce an evaluation system in the civil service.
- Electronic systems for human resources management were introduced in government ministries.

### Not done:

- The new Law on Civil Service did not come into force in January 2017 as was originally scheduled because of the delay in the adoption of the relevant secondary legislation.
- A fully transparent and objective system for the selection, promotion and dismissal of civil servants is yet to be established.

# COMBATING TORTURE AND CRUEL TREATMENT

## Topic 1

Update the National Strategy and Action Plan to combat ill-treatment and torture, and step up efforts to implement them in order to combat impunity.

**Overall assessment:** partially implemented

National Action Plan for 2015-2016 to combat ill-treatment and torture was adopted in May 2015 and it expired in December 2016. Determining whether efforts have been stepped up to implement the plan requires additional scrutiny, because an implementation report by the Ministry of Justice, in charge of overseeing the implementation within the remits of the Interagency Coordination Council for Combating Ill-treatment, has not been issued yet. The Action Plan will have to be further updated.

## Topic 2

Ensure a thorough, transparent, independent investigation into any allegation of the use of torture and ill treatment in the penitentiary system, police, military and other closed facilities.

**Overall assessment:** partially implemented

### **Done:**

- Prosecutors and investigators have been trained in effective investigation of allegations of torture and cruel treatment and accurate definition of torture crimes.
- Recommendations/guidelines for prosecutors on effective investigation of torture crimes have been revised.
- Military police under the Ministry of Defence has undergone structural re-organisation.

**Not done:** A concept has not been developed for a comprehensive, independent and effective mechanism for investigation of allegations of torture and other ill-treatment in the penitentiary system, police, military and other closed institutions (this commitment was envisioned in action plans 2014, 2015 and 2016 for the implementation of the Association Agenda/Agreement).

## Topic 3

Implement structural reforms and support the National Preventive Mechanism (NPM) under the Public Defender's Office to prevent future abuse and ensure the NPM's full access for monitoring closed facilities, including non-state institutions.

**Overall assessment:** implemented

The NPM has expanded its monitoring scope to include Liberty Restriction Institution (half-way house) under the National Probation Agency. This was included in Public Defender's 2015 Annual Report. Currently the NPM has access to all closed institutions, including children's homes under religious institutions (monitored for the first time in 2015).

Monitoring of implementation of the NPM's recommendations has been ongoing. Engagement with the Public Defender's Office and NPM improved. Parliamentary decrees were issued tasking the executive government bodies to follow up on recommendations issued to them and the parliament's Human Rights Committee has held sessions to hold executive government bodies accountable. This practice needs to continue under the new parliament.

Starting from September 2016, the NPM has been empowered to conduct photo recording of the conditions of and injuries sustained within prisons. This should be replicated in other closed institutions as well. The Minister of Corrections adopted special regulation №123 on rules of photo-recording in penitentiary institutions. NPM members have taken a special photo-recording course.

## Topic 4

Further strengthen effective internal and external monitoring of the penitentiary system, police, military and other closed facilities for the early detection and prevention of abuse and ill-treatment.

**Overall assessment:** partially implemented

**Done:** The Division for Systemic Monitoring improved the internal inspection system and a number of thematic monitoring visits have been undertaken in penitentiaries to monitor human rights protection of prisoners and the adherence of prison staff to legislation and regulations. Reports have been submitted to the Minister of Corrections.

Upgrading of the audio-video monitoring system is ongoing in penitentiaries. A new type of video surveillance system has been installed in several prisons.

New forms and procedures for documenting prisoner injuries in line with the requirements of the UN Istanbul Protocol were approved by the Minister of Corrections and have been in effective since 1 January 2017.

Training workshops have been conducted for prison medical staff and other personnel on effective documentation of prisoner injuries in line with European and UN standards (with the support from the Council of Europe/EU project). Penitentiary and Probation Training Center (PPTC) PPTC designed the curriculum.

**Not done:** Video recordings in prisons are kept for only up to 24 hours, despite the recommendations by the Public Defender to keep them for longer reasonable periods to enable effective investigations of ill-treatment allegations.

No independent public oversight mechanism has been established contrary to the provisions in the action plans for 2014 and 2015.

## Topic 5

Continue efforts to improve the penitentiary healthcare system and prisoners access to health care services. Build capacities and empower health care staff working in -or for- closed institutions in the denouncing and reporting of ill-treatment.

**Overall assessment:** partially implemented

**Done:** In 2015 Minister of Corrections approved standards of healthcare in prisons, additional standards of medical care of persons with specific needs, preventive healthcare package and list of basic medications in penitentiaries.

Specialised medical care is provided to the following categories of prisoners:

- Juveniles;
- Women prisoners;
- Pregnant, breastfeeding mothers in prison;
- Prisoners who have been victimised and those with mental challenges and disabilities.

Some improvements were made to the electronic referral system for regulating the transfer of prisoners to medical institutions. The classification of medical interventions (planned, emergency) has been further refined.

Medical equipment, including dental devises, is being gradually upgraded in penitentiary institutions.

The Hepatitis C Treatment Programme has been ongoing in penitentiaries since August 2015 in accordance with Government Decree (№169, 20 April 2015) providing medications to prisoners. On 10 June 2016, an Elimination Programme started and on 30 September 621 patients in prisons were provided approved medications. A separate order by the Ministers of Healthcare and Corrections will approve rules for the provision of medical care and medications to prisoners under the National Programme of Hepatitis C Elimination.

Prison doctors take training courses on rules of confidentiality and instructions for interviewing prisoners.

Operational instructions for medical staff employed at temporary detention isolators of the Ministry of Internal Affairs have been developed.

**Not done:** The equivalency and quality of medical care actually provided is often disputed. The provision of timely and appropriate services to prisoners with mental healthcare needs is still a challenge.





**TRADE UNION  
RIGHTS AND CORE  
LABOUR STANDARDS**

## Topic 1

Implementing the new Labour Code, adopted by the Parliament in July 2013, in accordance with the International Labour Organisation (ILO) standards.

**Overall assessment:** partially implemented

**Done:** The Labour Code, adopted in 2013, serves as the basis for creating the labour inspection in Georgia and determining the role of mediation in collective dispute settlement and negotiation.

**Not done:** No necessary changes were made to facilitate the effective implementation of the Labour Code of Georgia and eliminate shortcomings in it. Changes are necessary to ensure the implementation of ILO standards since the Organic Law of Georgia on the Labour Code contains provisions that require further improvement with the view to bringing it in line with the international standards. Also, a number of issues are not regulated at all, which need to be rectified.

## Topic 2

Underpinning the new Labour Code with new institutions and procedures for resolving disputes and developing a negotiation culture (mediation centre). Also, focusing on improving safety at work and creating a mechanism and institution with adequate capacities for the inspections of working conditions in the spirit of the new law and International Labour Organisation (ILO) standards.

**Overall assessment:** partially implemented

**Done:**

- **Mediation Centre** – The Labour Code of Georgia regulates the rule of dispute settlement, though this regulation requires further improvement on the legislative level. Eight mediators cooperate with the Minister of Labour, Health and Social Affairs and participate in dispute settlements as representatives of the Minister. These mediators were retrained and have gained experience, which is applied in the practice of providing mediation services in settling disputes. According to statistical data, mediators were involved in approximately 25 disputes over the period from 2014 to 2016.

- **Labour Inspection** – On 21 April 2015, the labour inspection department was established within the Ministry of Labour, Health and Social Affairs. It is mainly responsible for monitoring working conditions and observing the labour rights. With the ordinance of 18 January 2016, the programme of inspecting working conditions was approved and the function of the labour inspection department was defined.

**Not done:**

- Procedure of mediation – although used in a number of cases the majority of which had a successful outcome, the activity of mediators in labour relations is not determined in detail on the legislative level. There is no comprehensive normative framework regulating mediation. The state has not approved a common register of mediators. All this raises questions about the efficiency of mediation as a collective dispute settlement mechanism. The development of this institution largely depends on the improvement of the legislative framework and the support of state institutions. One may say that the support towards developing a culture of collective dispute settlement and negotiation is merely of a nominal nature.
- The labour inspection mechanism with its functions and principles of activity cannot be evaluated as effective. A comprehensive legislative framework to regulate its operation does not exist. The department now employs only 25 trained monitors. The labour inspection mechanism is focused on labour safety alone. It lacks a mechanism of sanctioning; cannot conduct monitoring at its initiative, without advance notification to and consent from an entrepreneur; and recommendations drawn up by it are not binding. Information about violations detected and recommendations issued by the department is closed.

## Topic 3

Establishing an effective social dialogue, including through the systematic convening of the Tripartite Commission.

**Overall assessment:** not implemented

### **Done:**

- At the decision of the Prime Minister, the function of the secretariat of the Tripartite Commission was transferred from the Office of Prime Minister to the Ministry of Labour, Health and Social Affairs. This is expected to result in increased activity of the commission.
- At the initiative of the Ministry of Labour, Health and Social Affairs, a working group of the commission was set up, which prepares issues to be discussed at commission meetings. The group involves social partners, representatives of state and nongovernmental organisations.
- A meeting of Tripartite Commission, held on 11 April 2016, approved the action plan.

**Not done:** An effective dialogue was not developed among social partners due to the failure of Tripartite Commission to conduct meetings. It should be noted that the Tripartite Commission failed to meet not only once a quarter but even once a year. Since its inception, the Tripartite Social Partnership Commission met only twice – on 1 May 2013 and on 11 April 2016. Thus, there was only one meeting of the commission held from 2014 to 2016.

## Topic 4

### Continuing and intensifying dialogue and partnership with the ILO.

**Overall assessment:** partially implemented

**Done:** With the direct involvement of and support from the ILO, 25 selected monitors were retrained. An ILO representative is engaged in various working groups that have been set up upon the initiative of the Ministry of Labour, Health and Social Affairs. Moreover, to support ongoing reform, ILO conducts various events and promotes cooperation.

**Not done:** It has been more than 10 years now that Georgia has failed to sign and ratify ILO conventions. To approximate with ILO it is important to establish its standards in the country. This must be carried out through signing and ratifying conventions and procedures, initiating legislative changes and conducting other strategic communication and cooperation. However, none of this has been done. Important conventions such as the Minimum Wage Fixing Convention #131, the Maternity Protection Convention #183, the Safety and Health in Mines Convention #176 and the Tripartite Consultation Convention #144 have not been signed or ratified yet.



# EQUAL TREATMENT



## Topic 1

Enhance gender equality and ensuring equal treatment between women and men in social, political and economic life.

**Overall assessment:** partially implemented

The statement of AA text covers all aspects of social, economic and political life, however, in its national action plans the Georgian Government introduced activities only for Ministry of Defence and Judiciary, namely implementation of the gender action plan within the Ministry of Defence and trainings on gender for judges. These actions, although fulfilled, in no way correspond to the Association Agenda, which addresses economic, political and social equality of men and women.

Women's participation in political life is extremely low in Georgia: the number of women MPs is 14% in the Parliament of Georgia after the 2016 elections. In local self-government bodies, women constitute only 11%. None of the country's mayors are women and none of the governors are women. Only 1 out of 69 heads of local municipalities is woman. Draft laws on mandatory gender quotas failed in 2016. Similarly, no specific strategy, policies or programmes exist to promote women's economic empowerment. If the Georgian Government plans to enhance gender equality it must elaborate a state strategy to commence reforms directed at the improvement of de facto inequality of men and women in Georgia.

## Topic 2

Approximate to European standards as regards health and safety rules, rules on the protection of maternity, rules on the reconciliation of parental and professional responsibilities as envisaged by the Association Agreement

**Overall assessment:** not implemented

None of the National Action Plans of Georgia developed in 2014-2016 regarding implementation of Association Agreement contain any actions related to maternity protection and reconciliation of parental and professional duties. No information is provided by the state on the implementation of the mentioned obligations. Therefore the section related to maternity and parental protection is assessed as not fulfilled. The Georgian Government should design and implement safety rules related to the protection of maternity and parenting.

All the positive changes in regard to maternity protection were undertaken before 2014. There is no compulsory maternity leave envisaged in Georgian legislation. The maternity allowance is extremely low and is not paid to all pregnant women. The standards of parental protection are heavily underdeveloped in Georgia.

## Topic 3

Strengthen the implementation of legislation against domestic violence, including awareness-raising of both the general population and of specific professional groups, such as the police, and in particular in rural and minority areas. Increase the access of victims to counselling services and shelters.

**Overall assessment:** implemented

In 2015-2016 Georgia improved legislation regarding domestic violence. The implementation of laws related to domestic violence has also improved as the number of investigations and preventive orders issued by police has increased significantly. The Ministry of Internal Affairs holds awareness-raising campaigns on domestic violence on a yearly basis. A Crisis Management Department was established by the state in 2016, which contributed to improved access of victims to shelters.

The current weakness in the fight against domestic violence is social work. There are only 265 social workers for the entire country who have numerous functions apart from domestic violence. The government should consider hiring additional specialised social workers and allocate enough funds for the reform of social work. In addition, the government has to develop preventive mechanisms against domestic violence.

# CHILDREN'S RIGHTS

## Topic 1

Implementing measures to address child poverty, treating children from vulnerable groups with higher priority.

**Overall assessment:** partially implemented

### Done:

- A new methodology was elaborated for evaluating households' social and economic standing and a new scheme of its administration, which give better consideration to needs of children.
- Since May 2015, the evaluation/assessment of socially vulnerable families has been carried out by applying a new methodology and new rules of administration. Also, new rules of administering social assistance were developed.
- The Youth Club was developed as an environment favourable for the development of children with antisocial/delinquent behaviour.

### Not done:

- A new methodology of such a type that would meet existing children's needs was not developed.
- Groups of children such as children living and working on the street, children with disabilities, internally displaced children, children from ethnic minorities and others were not qualified as especially vulnerable groups and consequently, relevant measures were not undertaken.

## Topic 2

Focusing on relevant measures to protect children from all forms of violence.

**Overall assessment:** partially implemented

### Done:

- Renewal of legislative framework on child care referral.
- Operation of services for children living and working on the street.
- Establishment of a crisis intervention centre to provide services to child victims of sexual violence.

### Not done:

- The renewal of the legislative framework on child care referral is not reflected in practice. A lack of coordination among services as well as incorrect spending of resources is observed.
- Refusal of a state entity to provide service necessary to a child is still not qualified as neglect by the system, i.e. systemic violence.
- Measures undertaken towards children living and working on the street represent an attempt to camouflage a much larger systemic problem. The following was not done: (a) gathering statistics on these children, (b) studying their needs, (c) evaluating and monitoring efficiency of introduced services and spent funds.
- In working with children living and working on the street, attention is artificially diverted toward social and economic factors although several thousand street children fell victim to crimes envisaged under the criminal law of Georgia (trafficking, sexual exploitation, involvement in antisocial behaviour, etcetera). All measures undertaken by the state in relation to these children are quick, short-term and one-time actions; attention is not paid to the causes of this phenomenon and support to families with employment and living conditions is not provided as determined in a special UN report on Georgia.<sup>3</sup>
- The operation of the established crisis intervention centre is not effective; a standard of service for child victims of sexual violence has not been set; monitoring and evaluation of effectiveness of provided services is not ensured, while due to the uncoordinated activity of the Social Service Agency, children are not readdressed to shelters of the State Fund to provide services to them.

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<sup>3</sup> End of mission statement of the United Nations Special Rapporteur on the sale of children, child prostitution and child pornography, Maud de Boer-Buquicchio, on her visit to Georgia (accessed on 18.01.2017). <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19836&LangID=E>

## Topic 3

### Integrating child rights into the National Strategy and Action Plan on the Protection of Human Rights more clearly.

**Overall assessment:** partially implemented

#### **Done:**

- Improvement of child protection and assistance system.
- Development of social service through improving programme services.
- Decrease in child mortality rate.
- Quality and inclusive education for every child.
- Elimination of violence against children.
- Development of child-oriented justice system

#### **Not done:**

- The problems identified in the Action Plan are not based on a survey and situation analysis conducted in the field of children's rights. Issues seem to have been selected by responsible entities with a view to the relative ease of achieving the objectives, not the actual needs of children.
- The Action Plan does not include: (1) gathering comprehensive statistics on all groups of children at every stage of life and introducing relevant mechanisms; (2) developing effective mechanisms to combat child poverty; (3) eliminating the practice of discriminating on the ground of age and other grounds; (4) assessing and strengthening access to child justice; (5) creating new services in the field of child welfare and protection against violence (rehabilitation of child victims of violence, child mental health support services); (6) closing down so-called shadow child homes and creating alternative, family-type services; (7) prohibiting corporal punishment of children; (8) increasing the number of professionals engaged in the field of child welfare (social workers, psychologists, psychiatrists and occupational, behavioural, speech and physical therapists); (9) introducing mechanisms for quality management of child services.

## Topic 4

Reforming juvenile justice to protect rights of children.

**Overall assessment:** Achieved

### Done:

- The Juvenile Justice Code was adopted and enforced in 2015.
- On 1 February 2016, the Minister of Justice issued Decree №120 On the Approval of the Rule of Use of Diversion and Mediation Programme and Main Terms and Conditions of Agreement to be entered into by and between the Parties.
- A joint decree №132/№95/№23 of the justice, interior and penitentiary ministers, dated 15 March 2016, approved the methodology, rule and standard for preparing individual assessment report during individual planning of juvenile prison sentence.
- Since 1 January 2016, home detention has been applied to juveniles.
- The decision of the High Council of Justice on the Approval of Specialisation Standard of Judge in Juvenile Justice entered into force on 1 January 2016.

## Topic 5

Enhancing the role of Public Defender and providing it with relevant resources to monitor work on child issues and situation in relevant institutions.

**Overall assessment:** implemented

### Done:

- Awareness raising campaign on children's rights was conducted in Tbilisi and regions within the Advisory Council.
- A relevant chapter on children's rights was prepared for the Public Defender's parliamentary report. Systematic monitoring of the implementation of children's rights in the National Human Rights Action Plan was implemented.
- Monitoring of state institutions to study the situation of minors' legal status conducted.
- Monitoring in the childcare state institutions/penitentiary facilities was conducted.





# PEACEFUL CONFLICT RESOLUTION

## Topic 1

Continue efforts aimed at ensuring the full implementation of the 12 August 2008 Six-Point Agreement and its subsequent implementing measures.

**Overall assessment:** implemented

**Done:** Response on the violations on both local and international levels. Given the fact that for a full resolution to the problem the parties (EU-Georgia) are limited by the political will of the Russian Federation (RF), the indications of the efforts are: a permanent and systematic reaction on violations by the RF side and keeping the international community, international forums and organisations (UN, OSCE, Council of Europe) informed about the violations.

There is a common understanding among the sides (EU, Georgia) regarding the violation of the Six-Point Agreement. As stated in the EU-Georgia Association Council - Joint press release (2 December 2016) that followed the 3rd Association Council meeting between the European Union and Georgia: 'The Association Council called on the Russian Federation to fulfil its obligations under the ceasefire agreement of 12 August 2008 and its subsequent implementing measures of 8 September 2008, and to provide EUMM access to the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia.'

## Topic 2

Maintain constructive participation in and ensure the support for the EU, UN and OSCE co-chaired Geneva International Discussions.

**Overall assessment:** implemented

**Done:** The Georgian side regularly consults with the co-chairs, representatives of the EU, UN and OSCE, of the Geneva International Discussions (GID) with the goal of gaining the co-chairs' support in the progress of the negotiation with RF of implementation agenda of the meetings. After the cessation of the UN and OSCE missions in Abkhazia and Tskhinvali Region/South Ossetia, respectively, following the August 2008 war between RF and Georgia, the Geneva International Discussions (GID) remains the only platform for all interested sides to discuss security related and humanitarian issues of the conflict-affected population. Since it was established in 2009 at the 4th round of the Geneva International Discussions, there have been 72 meetings under the Incident Prevention and Response Mechanism (IPRM) in Ergneti (Tskhinvali Region/South Ossetia direction). The meetings are an opportunity for interested sides to discuss the problems of the communities affected by conflict, identify potential security risks, follow-up on incidents and exchange information on a daily basis. The meetings are co-facilitated by the representatives of the European Union Monitoring Mission in Georgia (EUMM) and the OSCE.

As result of the constructive approach of the partners in May 2016, the Incident Prevention and Response Mechanism (IPRM) meetings in Gali (Abkhazia direction) that took place from 2009 and were interrupted in 2012 were again renewed.

The EU-Georgia Association Council (2016) 'stressed the crucial importance of the Geneva International Discussions for addressing and resolving the challenges stemming from the conflict in Georgia. It also agreed that fully functional Incident Prevention and Response Mechanisms (IPRMs) are essential for confidence, predictability and transparency on the ground'.

## Topic 3

Emphasise the importance of a meaningful international field involvement including the full implementation of the European Union Monitoring Mission (EUMM) mandate.

**Overall assessment:** implemented

**Done:** The mandate of the EU Monitoring Mission in Georgia (EUMM) was prolonged. Despite the fact the mandate of the EUMM is not fully implemented, because of the lack of access to the territory not controlled by the Georgian authorities, the EU-Georgia Association Council highlighted the contribution of the EU Monitoring Mission to security and stability on the ground. The Council of the European Union prolonged the mandate of the EU Monitoring Mission in Georgia (EUMM) until 14 December 2018. It also allocated a budget of €18 million for the period from 15 December 2016 to 14 December 2017.

## Topic 4

Maintain effective co-operation between the EU and Georgia towards a settlement of the conflict within agreed formats, including consultations with a view to establishing ways for appropriate involvement of Georgian regions of Abkhazia and Tskhinvali region/South Ossetia in the deepening of EU-Georgia relations.

**Overall assessment:** partially implemented

**Done:** the dialogue with de facto authorities of Abkhazia established based on the agreed format between EU and Georgia. The willingness to cooperate and the levels of acceptability by the de facto authorities of Abkhazia and Tskhinvali Region/South Ossetia to the partners (EU, Georgia) vary. South Ossetia, which has a policy of closer ties with Russia than Abkhazia, is keeping its borders more closed and strongly resists almost all forms of interaction.

The broad regional mandate of the EU Special Representative for the South Caucasus and the crisis in Georgia allows that official to visit Abkhazia and South Ossetia and interact with their de facto authorities. In 2016, Mr Thomas Hammarberg, a Swedish diplomat and human rights defender, by the instruction of the EU Special Representative for the South Caucasus and the Crisis in Georgia Herbert Salber, visited Abkhazia twice to assess the human rights situation as an independent expert. As it was declared ‘the mission had humanitarian objectives and has been implemented within the framework of the EU’s non-recognition and engagement policy. This activity could be considered as an effort to find ways to involve Abkhazia in the deepening of EU-Georgia relations’.

**Not done:** There is no evidence of the above mentioned activities in case of the Tskhinvali region/South Ossetia.

## Topic 5

Intensify effective co-operation and coordination between the EU and Georgia on conflict resolution including through regular political dialogue.

**Overall assessment:** implemented

Done: A Strategic Dialogue meeting between the EU and Georgian officials on the issues of conflict resolution and engagement without recognition was held in Brussels in April 2015. Partners agreed on an informal format of the meeting, as well as not to make the details of the discussions public. This meeting was in addition to the annual meetings of the EU-Georgia Association Council and the EU-Georgia Parliamentary Association Committee, where the partners discussed the resolution of the conflict among other topics.

## Topic 6

Support peaceful conflict resolution efforts, including via undertaking contacts with the populations of Georgian regions of Abkhazia and Tskhinvali region/South Ossetia in light of Georgia's reconciliation and engagement policy and EU's non-recognition and engagement policy, on which they cooperate.

**Overall assessment:** implemented

### Done:

- Free Medical assistance referral programme for the residents of Abkhazia and Tskhinvali region/South Ossetia.
- Special academic programmes for the residents of Abkhazia and Tskhinvali region/South Ossetia to promote access to professional, high-quality education and travel to the member states of the EU and to facilitate participation in continuing education and academic work in leading American, European and Asian universities through full and/or partial funding.
- Medical supply programme for Abkhazia via the Liaison Mechanism.
- '1+4' programme for high education in Georgia.

The EU-Georgia Association Council agreed on the importance of continuing and intensifying a broad policy that includes the whole society. The Council encouraged Georgia to sustain its efforts to reach out to its communities throughout its entire territory.

## Topic 7

Take appropriate steps to encourage trade, travel and investment across the administrative boundary line, including a review of legislation such as the Law on Occupied Territories.

**Overall assessment:** partially implemented

**Done:** A multi-functional trade centre was built close to the administrative boundary line with Abkhazia to encourage trade across the line. The Ministry of Justice's Community Centre is in the same building, which provides a full range of services. A multi-functional health care centre is under construction in the same area (be completed by 2017).

There are no legal or practical obstacles from the side of the Georgian authorities for the flow of goods and products toward Abkhazia. The de facto authorities of Abkhazia and Tskhinvali Region/South Ossetia consider such traffic to be illegal.

**Not done:** A review of the Law on Occupied Territories.

## Topic 8

Work towards enabling the safe and dignified and voluntary return of all IDPs and refugees to their habitual places of residence in line with principles of international law.

**Overall assessment:** implemented

**Done:** On an annual basis the UN General Assembly is adopting a resolution sponsored by Georgia that recognises the Right of Return for Refugees and Internally Displaced Persons to Georgia's regions of Abkhazia and Tskhinvali/South Ossetia. The same applies to the period covered by the Association Agenda 2014-2016.



## Topic 9

Taking steps towards the sustainable solution to conflict and without prejudice to the existing formats for addressing the conflict-related issues, the peaceful conflict resolution will constitute one of the central subjects on the agenda of political dialogue between the Parties, as well as in the dialogue with other relevant international actors.

**Overall assessment:** implemented

**Done:** Conflict resolution is one a priority for partners both in bilateral dialogue among parties and with international actors. As stated in EU-Georgia Association Council - Joint press release 2016: 'EU is committed to using all instruments at its disposal through a comprehensive approach, including its policy of non-recognition and engagement in Georgia. The EU Special Representative for the South Caucasus and the Crisis in Georgia and the EU co-chairmanship of the Geneva International Discussions, the EU Monitoring Mission in Georgia (EUMM) are visible and substantial signs of this commitment.'

## Topic 10

Seek ways to share the benefits and opportunities stemming from the EU-Georgia Visa Liberalisation Dialogue, political association and economic integration process, inter alia from the Association Agreement, with the populations across the administrative boundary lines.

**Overall assessment:** partially implemented

**Done:** Informational campaign on benefits from EU-Georgia Visa Liberalisation Dialogue, political association and economic integration process with ethnic minorities living in the territory controlled by Georgian government.

**Not done:** The above-mentioned campaign was not undertaken on the territory not controlled by Georgian government and there is no EU information centre in Abkhazia and Tskhinvali Region/South Ossetia.

## Topic 11

Undertake measures to foster people-to-people contacts, confidence-building and reconciliation efforts between communities divided by conflict.

**Overall assessment:** implemented

**Done:**

- The projects that facilitate confidence-building and people-to-people contacts supported by COBERM<sup>4</sup> and Council of Europe.
- Informal Georgian-Abkhazian, Georgian-Ossetian dialogue-meetings with the participation representatives of civil society and politicians.
- A project with IDPs to support Georgian-Abkhazian and Georgian-Ossetian informal dialogue.

The EU-Georgia Association Council noted the importance of further supporting people-to-people contacts across the divide and confidence building measures between conflict-affected communities and encouraging reconciliation efforts.

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<sup>4</sup> **Confidence Building Early Response Mechanism (COBERM)** is an apolitical, impartial and flexible programme funded by the European Union and implemented by the United Nations Development Programme (UNDP). The objective of COBERM is to strengthen an enabling environment involving conflict affected communities by addressing local needs and supporting initiatives aiming to build social cohesion and confidence that foster peace and stability.



COOPERATION IN  
THE AUDIOVISUAL  
AND MEDIA FIELDS

## Topic 1

Carrying out work on issues of reinforcing independence and professionalism of media and approximating legislation with the EU legislation in audio-visual field in accordance with the Association Agreement, also audio-visual policy and relevant international standards, including the fight against racism and xenophobia, through exchange of opinions.

**Overall assessment:** partially implemented

### Done:

- Preparation of a package of legislative amendments based on gap analyses between the Georgian legislation and EU Directive on Audiovisual Media Services and submission of this package to the Government of Georgia is scheduled for December in the 2016 National Action Plan. According to a most recent report on the implementation of the 2016 Action Plan, covering the period of nine months, a report on the gaps between the legislations is being drafted.
- In 2015, the Georgian National Communications Commission (GNCC) took steps to implement EU Directive №2010/13/EU (Audiovisual Media Services Directive or AVMS). The amendments made to the laws of Georgia on Advertising and on Broadcasting, which entered into force on 1 April 2015, modified the regulations on advertising. In particular, the length of TV commercials has been limited to 12 minutes per hour.
- The amendments to the laws of Georgia on Advertising and on Broadcasting, which entered into force on 1 April 2015, modified the regulations on teleshopping; in particular, the broadcast of teleshopping on a TV channel has been limited to 12 minutes during an hour. Moreover, the regulations concerning Teleshopping Spot (a teleshopping integrated into a commercial break as a broadcast advertising) and Teleshopping Window (a teleshopping aired as a broadcast programme and lasting for at least 15 minutes) were separated (Articles 23 and 24 of the AVMS).
- With the amendments to the laws of Georgia on Advertising and on Broadcasting, which entered into force on 1 April 2015, the broadcast time for sponsorship service has been decreased to four minutes per hour. In total, 16 minutes are allowed for both advertising and sponsorship.
- In accordance with Article 10 of AVMS, sponsorship and advertising services have been separated. The Commission developed explanatory guidelines for sponsorship service.

- Based on Article 11 of AVMS, legislative regulations were modified to include a new type of advertising service – product placement in a programme. The regulation does not impose time limits on product placement but defines conditions to be met in placing a product/service in a programme. The conditions of product placement fully comply with the requirements of AVMS Directive.
- Teleshopping is prohibited on the Public Broadcaster and the Ajara TV and Radio of the Public Broadcaster whereas sponsorship and commercial advertisements are allowed only during the broadcasting of sports events, international festivals and contests, namely, at the beginning, during a natural break or at the end of such broadcasts.
- To carry out the work on the package of legislative changes, eight working groups have been operating since 2015 in the GNCC, according to the 2015 GNCC annual report. The activity of the groups includes the planning and implementation of changes in accordance with, among other directives, the Audiovisual Media Services Directive, recommended rules for product placement in programmes, and the EU practice of ensuring equivalent access to telecommunications service and availability of relevant terminal equipment for persons with disabilities.

**Not done:**

- The 2014 and 2015 National Actions Plans of the Government of Georgia did not contain activities designed to approximate the legislation with the EU legislation in the audiovisual field in accordance with the Association Agenda (Section 2.6. Other Cooperation Policies, Cooperation in Audiovisual and Media Field). Although corresponding activities were implemented in those years, they were carried out without adequate planning and informing the public in advance (by means of the action plan) and incompletely.

## Topic 2

Exchange of best practices in media freedom, media pluralism, decriminalisation of defamation, protection of sources, and aspects of cultural media diversity through developing a regular dialogue.

**Overall assessment:** not implemented

### **Not done:**

- The 2014, 2015 and 2016 national action plans did not specify even a single measure designed to serve the goals specified under this topic. However, separate measures that serve other goals, namely, peaceful conflict resolution (Section 2.2. Foreign and security policy), promote media diversity. These measures include: dissemination of brochures and release of video clips about the EU integration processes in the languages of ethnic minorities, meetings with media representatives, preparation and dissemination of print and audio-video information materials for ethnic minorities. In a similar manner, production of TV and radio programmes, publication of thematic articles and students' essays in newspapers and magazines, and establishing webpages in minority languages in accordance with the action plans of 2014-2017 Communication and Information Strategy of the Government of Georgia on EU integration issues promote media diversity.

## Topic 3

### Enhancing capacity and independence of media regulatory bodies.

**Overall assessment:** partially implemented

**Done:**

- According to the 2015 GNCC annual report, the GNCC, in cooperation with the European Bank for Reconstruction and Development (EBRD), developed a special project in 2015; the largest part of the project value – 90%, is funded by the government of Slovakia while the remaining 10% is funded by the GNCC. One of the components of the project (#3) envisages the development of the GNCC in the following areas: a) Universal service and measures to reduce the cost of deploying high-speed electronic communications networks; b) Radio spectrum; c) Market analysis; d) Measures to be implemented by the regulatory body in case of the emergence of a monopoly.

**Not done:**

- The 2014, 2015 and 2016 national action plans of the Government of Georgia did not include measures designed to enhance the capacity and independence of media regulatory bodies in accordance with the Association Agenda (Section 2.6. Other Cooperation Policies, Cooperation in Audiovisual and Media Field).





# ENERGY COOPERATION

## Topic 1

Completing negotiations concerning Georgia's formal accession to the Energy Community as a contracting Party in line with the Association Agreement.

**Overall assessment:** partially implemented

**Done:** On 14 October 2016, the Minister of Energy of Georgia signed the accession protocol of Georgia to the European Energy Community (EnC) Treaty. It is expected that the parliament of Georgia will ratify the protocol in the spring of 2017. However, according to the Association Agreement, Georgia's accession to the Energy Community Treaty should have become effective in September 2016. The Accession Protocol was signed in October 2016 and according to the statements by the government the Protocol is expected to enter into force in spring 2017.

**Not done:** Preliminary procedures (related to Treaty translation from English into Georgia, among others) needed to accelerate ratification of the Protocol by the Government of Georgia have not been implemented.

## Topic 2

Taking steps towards the integration of Georgia's energy market with that of the EU, and strengthening Georgia's energy security and regulatory convergence through the implementation of relevant EU legislation applicable to Georgia, in line with the AA and Energy Community commitments and in accordance with the timeline agreed by Georgia in the framework of the Energy Community Treaty.

**Overall assessment:** partially implemented

### **Done:**

- The 10-Year Gas Network Development Plan (2016-2025) has been prepared by the Oil and Gas Corporation (GOGC).
- The 10-Year Network Development Plan of Georgia in electricity (2016-2026) was elaborated by the TSO of Georgia JSC Georgian State Electrosystem (GSE).
- Amendments to the law are under preparation in line with Directive 94/22/EC on the conditions for granting and using authorisations for prospecting, exploring and producing hydrocarbons.
- The 10-Year Development Plan of the electricity transmission network was adopted by the Minister of Energy instead of regulator (GNERC).

### **Not done:**

- The 10-Year Network Development Plan should have been prepared by the Georgian Gas Transportation Company (which actually serves as a transmission/transportation system operator in the gas market and not by the company engaged in supply activities) and adopted by the regulatory authority (GNERC).
- The implementation timeframe for Directive 94/22/EC is September 2017. The first draft of amendments to the law should have already been prepared to ensure its timely adoption by September 2017.

## Topic 3

Reinforcing Georgia's energy infrastructure network and interconnections, in particular: with regard to electricity, continuing the implementation of the "Black Sea Regional Transmission Network" project, including by starting operations of the 400kV connection Georgia (Akhaltzikhe) - Turkey (Borchkha), strengthening interconnections with Azerbaijan and Armenia, and reinforcing Georgia's transmission grid; with regard to natural gas, facilitating the implementation of the expansion of the South Caucasus gas pipeline on the Georgian territory.

**Overall assessment:** implemented

### **Done:**

- To facilitate implementation of the regional projects, Georgia participated in an opening ceremony dedicated to the foundation of the Trans-Anatolian Natural Gas Pipeline (TANAP). The Minister of Energy also attended the ministerial held in Brussels (in 2015), where the joint declaration was signed by the stakeholders to support implementation of the interconnector project Azerbaijan – Georgia – Romania (AGRI). Technical-economic justification was elaborated for the Azerbaijan – Georgia – Romania (AGRI) project.
- To support the implementation of the South Caucasus Pipeline Expansion (SCPX) project, the Georgian Government issued a decree granting land use permits for construction purposes on surrounding areas.
- Intensive construction and rehabilitation works have been undertaken by Georgian Electrosystem (GSE) aimed at reinforcing Georgia's internal and cross-border transmission system.

## Topic 4

Improving energy efficiency and developing the use of renewable energy sources in Georgia in line with the Association Agreement.

**Overall assessment:** partially implemented

### Done:

- The document between The Ministry of Economy and Sustainable Development of Georgia and European Bank for Reconstruction and Development (EBRD) was signed on elaborating the National Energy Efficiency Action Plan (NEEAP). The draft of the NEEAP has been circulated among the relevant stakeholders for discussion and comments.
- Preparation of the National Renewable Energy Action Plan (NREAP) is under discussion with donors.

### Not done:

- No actions have been undertaken from the viewpoint of legal convergence with EU requirements in the sphere of renewables since the Association Agreement entered into force.

## Topic 5

Each Party shall designate independent regulatory authorities empowered to regulate the gas and electricity markets. These regulatory authorities shall be legally distinct and functionally independent from any other public or private enterprise, market participant or operator.

**Overall assessment:** partially implemented

**Done:** The Georgian regulator has been mandated to develop and adopt the electricity distribution network rules, gas commercial service rules and power supply reliability rules, including the preparation of a uniform system of accounting for the electricity sector, monitoring rules for energy markets and regulatory audit rules.

**Not done:** Although, the above-mentioned activities are intended to enhance the regulator's capacity, no actions have been undertaken to empower the regulatory authority to regulate gas and electricity wholesale and retail markets independently, in line with the European standards.

## Topic 6

The Parties shall ensure that energy markets are operated with a view to achieving competitive, secure and environmentally sustainable conditions and shall not discriminate between enterprises as regards rights or obligations.

**Overall assessment:** implemented

**Done:** The 2nd phase of electricity market simulation has been implemented.

# ENVIRONMENT AND CLIMATE CHANGE<sup>s</sup>



## Topic 1

### Full implementation of Georgia's National Environment Action Plan for 2012-2016.<sup>6</sup>

**Overall assessment:** partially implemented

#### Done:

- **Environmental governance:** The National Environmental Education Policy document was prepared and adopted and methodology for a cumulative EIA for hydropower projects was developed.
- **Air quality:** Three additional automatic measurement stations were installed in Tbilisi, European standards for petrol have been established in an amended bylaw and, from 2017, the electronic air pollution reporting system from point sources will be enacted.
- **Waste:** Reducing environmental pollution from accumulated waste – around 230 tons of POP obsolete pesticides from the Iagluja dumpsite were collected, packed, transported and safely disposed of in Belgium and France. Rehabilitation/construction of a number of sanitary landfills is underway.
- **Water:** The pilot river basin management (RBM) plan was prepared for the Chorokhi – Adjariskali river basin. The wastewater treatment plant for Batumi and surrounding villages was completed.
- **Forest and forestry:** The final draft of the Forestry Code is in place, public hearings were conducted and the majority of activities, including the drafting of relevant bylaws and/or relevant studies to be conducted have been started.
- **Nuclear and radiation safety:** The National Chemical, Biological, Radiological and Nuclear Defence Strategy and Action Plan for the period 2015-2019 was adopted. New amendments to the Law on Nuclear and Radiation Safety, which also includes security components, were elaborated and adopted. The Integrated Nuclear Security Support Plan (INSSP) for the period of 2015-2019 was elaborated and adopted. The CSF security system – a special facility,

<sup>5</sup> It should be stressed that the EU-Georgia Association Agenda addresses the major areas in the field of environmental protection. A number of the activities listed under different priorities, such as the full implementation of NEAP or some priorities like protection of biodiversity and/or climate change, address issues that have later deadlines under the Association Agreement between Georgia and EU.

<sup>6</sup> In general, while the Ministry of Environment and Natural Resources Protection established a NEAP for 2012–2016, there was no proper budgeting of the costs associated with various envisaged measures and there is little information on its implementation. It should be also stressed that overall government expenditures on environmental protection are low and insufficient to adequately address the major environmental problems in the country. The NEAP covers many of the issues highlighted in other priorities.

where a number of disused sealed radioactive sources (DSRS) is stored (including recovered DSRS found as orphan radioactive sources) - was upgraded. The security system for the radioactive waste disposal site was upgraded.

### Not done:

- **Environmental governance:** The environmental permitting and EIA system was not improved. The system of 'calculating environmental damage' has not been abolished and the system for determining fines for environmental violations has not been repealed in order to achieve compliance with the environmental liability directive. The preparation of the law on environmental liability is behind schedule.
- **Integration of environment in other sectors:** The country still has no state environmental policy or sustainable development policy that will ensure the integration of the environment in the economic sectors.
- **Air quality:** The traffic management improvement/optimisation in Tbilisi has not been established, as well as intermodal transportation schemes for safe and sustainable transportation. The technical inspection and emissions control scheme for cars has not been established. The measures to reduce the age of the car fleet were introduced only from January 2017 and still need to be tested.
- **Hazardous waste:** Legislation is still not in compliance with the Basel Convention. The draft law was prepared, but there were no public hearings or discussions and it is not clear when it will be adopted. Despite the funding available from the Dutch Government and a detailed study of the arsenic contamination in the ash and sludge in Tsana and Uravi, the territory was not cleaned. There is around 100,000 tonnes of arsenic contaminated waste.
- **Water quality:** Wastewater treatment plants in Poti, Ureki, Borjomi, Kutaisi and Bakuriani were not built.
- There were no improvements in the environmental permitting and EIA system. A comprehensive Environmental Information Management System has not been established and is substantially behind schedule.

## Topic 2

Starting preparation for the adoption and implementation of national legislation and designation of competent authorities in the fields of environmental impact assessment, strategic environmental assessment, waste policies (including: waste management, landfill of waste, management of waste from extractive industries, identification and classification of waste facilities, and urban waste water treatment), water policy and natural resource management (including quality of water intended for human consumption), biodiversity (including conservation of wild birds, conservation of natural habitats and of wild fauna and flora), development of a coherent method of environmental data collection across the different ministries under the Shared Environmental Information System (SEIS), and public access to environmental information.

**Overall assessment:** partially implemented

### Done:

- **Environmental Governance:** The draft of the environmental assessment law was elaborated and includes strategic environmental assessment. It is expected to be adopted in 2017.
- **Waste sector:** The waste law, waste management strategy for 2016-2030 and action plan for 2016-2020, as well as number of bylaws addressing municipal waste treatment, hazardous waste, and etc. were adopted.
- **Water sector:** A number of bylaws on water management were prepared, including the bylaw on wastewater discharges; however, the adoption of bylaws depends on the water resources management law (see below). Draft amendments to the existing Marine Code (new environmental chapter) were developed and will be adopted in spring 2017.
- **SEIS:** The second phase of SEIS II East project is ongoing.

### Not done:

- **Waste sector:** The bylaws on animal waste, incineration and healthcare waste, as well as mining waste was not prepared and adopted.
- **Water sector:** The law on water resources management was prepared in autumn 2015 and public discussion and inter-ministerial consultations were conducted, but its adoption was stopped.

## Topic 3

Adoption and implementation by Georgia of a national biodiversity strategy and action plan for its implementation in 2014-2020.<sup>7</sup>

**Overall assessment:** partially implemented

**Done:** Georgia's national biodiversity strategy and action plan 2014-2020 been elaborated and adopted; management plans for seven protected areas developed and approved and another seven elaborated; the guidelines for managing Emerald sites were developed.

**Not done:** The new draft law on biodiversity in compliance with the AA has been prepared. It is supposed to become the framework law for biodiversity protection and incorporate the requirements of the AA as well as international conventions. Despite two years of drafting, there are still a number of issues not agreed between different stakeholders or unaddressed by the law itself.

## Topic 4

Implementation of the Aarhus and Rotterdam Conventions and drawing-up a roadmap for ratification and implementation of the Espoo Convention and Gothenburg Protocol.

**Overall assessment:** partially implemented

**Done:** The new draft law on environmental assessment contains the requirements of the Aarhus Convention.

**Not done:** The relevant roadmap has not been prepared for ratification and implementation of the Espoo Convention and Gothenburg Protocol.

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<sup>7</sup> A number of activities envisaged by the biodiversity action plan are ongoing, taking into account that funding in the sector comes from various donors and includes the active involvement of other stakeholders (NGOs, academia). However, there are already delays in terms of deadlines defined under the action plan.

## Topic 5

Strengthening dialogue on climate change, aiming at the preparation and signing of a new global agreement on climate change.

**Overall assessment:** partially implemented

**Done:** Georgia signed the Paris Agreement on Climate Change.

**Not done:** Ratification of the Paris Agreement is still pending.

## Topic 6

Strategic planning and developing measures to mitigate and adapt to climate change; and approximation of legislation to EU acts and international instruments as envisaged by the Association.<sup>8</sup>

**Overall assessment:** partially implemented

**Done:**

- The intended nationally determined contribution (INDC) document (third national communication) for the UNFCCC secretariat was submitted in 2015.
- The nationally appropriate mitigation actions (NAMAs) on low carbon buildings (energy saving measures) has been submitted and registered under the UNFCCC secretariat.
- The NAMAs on efficient use of biomass for equitable, climate proof and sustainable rural development was also prepared and registered in the UNFCCC NAMA registry.
- Both NAMAs need revision to improve their quality.
- Sustainable Energy Action Plans (SEAPs) were prepared for nine cities out of 11 signatories under the Covenant of Mayors (CoM); Of those, eight SEAPs were submitted to the Secretariat of the CoM for the following cities: Tbilisi, Rustavi, Telavi, Batumi, Zugdidi, Kutaisi, Akhaltsikhe and Gori.

**Not done:**

- The Low Emission Development Strategy (LEDS)<sup>9</sup> is still under preparation and is behind schedule.
- The National Adaptation Plan (NAP) is not prepared and is behind schedule.

<sup>8</sup> According to experts, while there is some progress in the area of climate change, Georgia has no united strategy or action plan in this field that would ensure a coordinated approach to address climate change, including coordinated mechanisms for preparation of adaptation and mitigation plans. The only exemption is the State Coordination Committee on LEDS. In addition, it is important to mention that both NAMAs registered by secretariat are supposed to be revised to improve their quality.

<sup>9</sup> There were no deadlines in the AA. However, elaboration of the LEDS started in 2013 and was supposed to be finalised by 2014. The final draft should now be ready by spring 2017.

AGRICULTURE  
AND RURAL  
DEVELOPMENT<sup>10</sup>

## Topic 1

**Facilitating the gradual adoption of marketing standards for agriculture products to support a higher food safety and the implementation of quality schemes.**

**Overall assessment:** partially implemented

**Done:** In order to support higher food safety, a number of legal acts related to animal identification and registration, animal disease control, placement of chemicals on the market, etc. were adopted in 2015. Furthermore, the Legislative Approximation List was developed and submitted to the EU in February of the same year. Three legal acts were adopted in the field of food safety in 2016. During 2015-16 several meetings were organised to inform farmers, cooperatives, private sector actors and students on EU market entry requirements and legislative changes to be adopted as part of approximation. Legal acts were uploaded to the website of the Ministry of Agriculture (MoA) before adoption by the parliament of Georgia in order to enable interested parties to submit their comments.

As part of implementing quality schemes, in 2015-16 the National Intellectual Property Centre – Sakpatenti, organised two regional conferences, printed one brochure and one flyer and organised two meetings with farmers, entrepreneurs, veterinarians and staff of laboratories regarding geographical indications.

The major challenge, however, is implementation of the adopted legal acts. The outreach of relevant governmental structures is rather limited. The 2nd Congress of Georgian Farmers, which brought together the vast majority of agricultural producers, found that households are rarely informed about food safety requirements. The same is true for the implementation of quality schemes, considering the low number of outreach activities. Therefore, the practical effectiveness of the adopted legislation is extremely low.

**Not done:** While renewing the Food Safety Strategy and Approximation Programme was part of the 2015 National Action Plan for the Implementation of the Association Agreement (NAP), implementation was postponed until their ratification by the Parliament of Georgia and was completely absent from the 2016 NAP.

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<sup>10</sup> Agriculture was excluded from the NAP of 2014 and this document is based on the one-year report for 2015 and 9-month report for 2016.

## Topic 2

Improving the competitiveness of agricultural production, by fostering economies of scale via market-oriented agriculture cooperatives, by developing advisory and extension systems to increase production and augment exports; and by easing access to viable credit and financial resources for agriculture.

**Overall assessment:** partially implemented

**Done:** Several activities were implemented to support cooperatives. Approximately 20 meetings were organised in 2016 to inform the audience about the importance and advantages of cooperation. In order to build their capacity, 544 agricultural cooperatives received equipment (power tillers and sowing machines) in 2015 and 387 shareholders of cooperatives participated in trainings on taxation issues. Two more trainings on food safety legislation and exporting honey to the EU were organised in 2016. The same year several cooperatives had an opportunity to present their products during independence day celebrations and ten more participated in an exhibition later that year. In 2015 the Agricultural Cooperatives Development Agency (ACDA) developed a database of honey producers' cooperatives, which enables them to submit requests for the laboratory examination, receive results and post information about their products online. Exactly the same progress was reported in 2016, which leaves one to wonder whether there have been any additional activities.

Access to extension services is an important part of the Agricultural Strategy. For this purpose, 51 Information and Consultation Centres on municipal level across Georgia and nine Regional Units of the MoA were established in 2013. Currently these employ 247 staff members. Sixty-seven trainings on different topics were organised for staff of the centres and units in 2015. The same year 28 trainings for farmers in different municipalities were organised. The Scientific-Research Centre of Agriculture established in 2014 is another unit, with approximately 300 staff members, responsible for the provision of extension services through developing manuals and textbooks and organising trainings for farmers. In 2015 the Centre developed manuals about annual plants, conducted a study programme about bio-production, composed a list of bio-farmers in Georgia, produced technological maps and financial analysis conducted. Considering the large number of households involved in agriculture, the above activities are barely enough to make an impact.



In order to provide access to financial resources for those involved in agriculture, 3,482 credits with the value of 143,737,982 GEL and 436 credits with the value of 37,101,511 USD were provided through preferential agricultural credit schemes during 2015. In 2016 this number decreased to 630 credits with the value of 30,301,137 GEL and 677 credits with the value of 35,256,554 USD. However, according to the 2nd Congress of Georgian Farmers, the access of small farmers to such schemes is extremely low. In 2015, 6,895 agricultural insurance policies were provided, covering 4,751 hectares of agricultural land. In 2016 this number went up to 15,134 policies. This, too, is very low, considering farmers possess 787,700 hectares of agricultural land according to the 2014 census. Therefore, the overall effectiveness of the agricultural insurance programme is questionable.

**Not done:** The effectiveness of attempts to involve vulnerable groups and women in agricultural cooperatives is hard to measure. No particular figures were reported concerning the vulnerability of shareholders, while women's engagement is low, considering there are 214 women-led boards (which, in practice, have very limited decision-making powers, unlike directors) and only 23 women's cooperatives out of approximately 1600.

## Topic 3

**Modernising institutions responsible for agriculture development, including through participation of all relevant sector stakeholders in this process.**

**Overall assessment:** partially implemented

**Done:** In 2015 the National Food Agency (NFA) started working on the Institutional Reform Plan (IRP) and met with the Comprehensive Institution Building Programme (CIB) experts to identify NFA needs. In 2016 several trainings were organised for NFA and MoA staff, including on MS Access, IT and the English language. Staff involved in the approximation process attended several training courses and participated in study visits during 2015-16 to improve their knowledge and skills. Several study visits, trainings and meetings were organised for improving the effectiveness of phytosanitary, veterinary and food safety checks at border checkpoints. New equipment was purchased for three checkpoints under the CIB Programme.

Steps were taken to improve the capacity of laboratories across the country, including organising trainings and seminars for staff members, introducing standardised procedures and acquiring better equipment. In 2015, the Scientific-Research Centre of Agriculture also received equipment and furniture and staff participated in several trainings. In 2016 laboratories across the country achieved full capacity to conduct microbiological examinations and the LEPL Laboratory of the MoA received international accreditation to conduct examinations in the fields of plant diseases, microbiology of food and animal feed, etc. However, the 2nd Congress of Georgian Farmers underlined that access to and the quality of laboratory services is one of the problems identified by many farmers.

In order to support the private sector in fulfilling the requirements imposed by legislation approximation, in 2016 several bodies of the MoA signed memoranda with the USAID funded Restoring Efficiency to Agriculture Production (REAP) project. This enabled them to organise trainings for 50 employees of 29 companies on food safety management systems and standards.

**Not done:** According to the NAP for 2015 the training programme for staff involved in the approximation process should have been developed. However, this was not completed in 2015 and was dropped in 2016.

## Topic 4

The progressive convergence towards effective agricultural and rural development policies, on the basis of proven EU models.

**Overall assessment:** partially implemented

**Done:** The Strategy for Agricultural Development for 2015-2020 was adopted in February 2015. In 2016, with support of the FAO, the MoA started working on the Rural Development Strategy and for this purpose a working group was set up. In cooperation with the UNDP a draft strategy was developed and presented to a wider audience. The document was adopted on 30 December 2016. However, the added value of the document is questionable, considering the document mostly covers issues addressed by already adopted strategies for Regional Development for 2010-2017 and Agriculture Development for 2015-2020.

**Not done:** In 2016 the MoA started working on the National Strategy for Agricultural Extension and according to the 9-month report of the 2016 NAP, feedback and remarks from various parties was being analysed. The strategy was expected to be adopted in 2016, but as of the beginning of January 2017 it is not yet available either on the official website of the MoA, or the Legislative Herald of Georgia – the official journal publishing all normative acts adopted by state agencies.

# EDUCATION, TRAINING AND YOUTH

## Topic 1

Carrying out joint work and exchanges with a view to supporting Georgia's further integration into the European Higher Education Area, in the context of its membership of the Bologna process, including through fostering the independence and autonomy of Georgian universities.

**Overall assessment:** partially implemented

### **Done:**

- The National Qualifications Framework was revised. A project to ensure compatibility of the National Qualifications Framework with the European Qualifications Framework was implemented. A new draft of National Qualifications Framework was prepared.
- Revision of the standards of authorisation and accreditation in the field of higher education and development of corresponding international models began.
- Diagnosis of quality assurance system in the field of higher education and analysis of problems were conducted.
- Various activities and social programmes were carried out towards improving quality and access to general and higher education, including for persons with special educational needs, persons with disabilities and accused/convicted persons. The state scholarship programme was implemented for high-performing bachelor degree students.
- In 2015, the Information and Communication Technologies (ICT) Policy document was drawn up. Infrastructure of educational institutions was developed and a new management information system was introduced.
- A new assessment component - SABER (Systems Approach for Better Education Results) was added to the existing teacher assessment system. An electronic system for teacher assessment was developed.
- The introduction of an electronic register for general educational institutions began.
- To ensure approximation of higher education system with the European Higher Education Area, meetings and international seminars were conducted within the framework of the Bologna Follow Up Group (BFUG).
- A working document on authorisation standards and assessment criteria of higher educational institutions was prepared on the basis of analysis of international practice and European standards and guidelines of the European Higher Education Area. In 2016, amendments were made to the Law of Georgia on Education Quality Improvement to renew quality assurance mechanisms.

### **Not done:**

- A new National Qualifications Framework compatible with the European Qualifications Framework was not approved.
- A preliminary assessment report of the LEPL National Centre for Education Quality Enhancement for accession to ENQA was not prepared.

## Topic 2

Promoting academic cooperation, capacity building and student and staff mobility through the new Erasmus+ programme and researchers' mobility and training Marie Skłodowska-Curie Actions.

**Overall assessment:** implemented

### Done:

- A new interactive informational webpage [www.erasmusplus.ge](http://www.erasmusplus.ge) and a system for searching grants and funding [www.progeorgia.ge](http://www.progeorgia.ge) were set up.
- To increase student mobility, awareness events (meetings, seminars, thematic trainings, etc.) were conducted about Erasmus+ programme for stakeholders, a video clip was produced and broadcast. European partners were provided with the information about Georgia's institutions of higher education.
- Exchange programmes were funded. A programme on promoting the education of foreign citizens in Georgia was approved in 2015.
- To promote lifelong professional development and exchange of experience, school teachers got engaged online and developed contacts with teachers from European countries (eTwinning Plus).
- English language and methodology training courses were conducted for English language teachers. The English Language Fellow programme was implemented and 796 teachers retrained.
- Within the framework of Teach and Learn with Georgia programme, foreign volunteer teachers were brought to Georgia and distributed among Georgian public schools to teach the English language.
- Programmes were implemented for citizens of Georgia and citizens of foreign countries, allowing them to continue their studies in higher education institutions of Georgia without completing the Unified National Examinations.
- Grants and funding programmes were implemented within the framework of the lifelong learning concept.
- International mobility preparation programmes for vocational students/teachers were developed. To learn about other countries' experience, teachers from vocational education institutions visited the Republic of Poland.
- The project Teacher - Guide to Europe was implemented.

## Topic 3

Encouraging a strategic approach to vocational education and training (VET) with a view to bringing Georgia's VET system in line with the modernisation of EU VET structures as pursued in the Copenhagen Process and through its instruments.

**Overall assessment:** partially implemented

### **Done:**

- Quality assurance mechanisms in vocational education were revised with a view to bringing them in line with EQARF.
- Inclusive education system was established and development/promotion of this system began; competencies of teachers of vocational education institutions were enhanced in the field of inclusive education. Educational materials were adapted for persons with special educational needs and disabled persons to ensure a fully-fledged educational process for them. Vocational education programmes were implemented for inmates, former inmates and members of their families.
- Revision/development of vocational standards and development of vocational education modules were carried out by applying DACUM methodology.
- The development and implementation of career planning system began.
- Concept of teachers' professional development was drawn up.
- Infrastructure of a number of vocational education institutions was developed, rehabilitated, renovated and equipped with modern equipment. Infrastructure was adapted for persons with special educational needs. Information and communication technologies were introduced.
- Revision of the existing legislation on vocational education began in view of common European approaches envisaged under the Copenhagen Process.
- A concept for recognition of non-formal/informal vocational education was prepared. The rule for recognition of non-formal education was developed. The system of recognition of non-formal education was piloted in the field of agriculture.
- Encouragement/promotion of employment of students with special educational needs and with disabilities began.
- The Estonian experience was studied to increase the competitiveness of Georgia's vocational education system. Modernisation of VET systems began within a UNDP-SDC project. The format of social partnership in vocational education was revised and its elaboration began.

- Concept of Employment-Oriented Vocational Training System was developed within a UNDP project.
- To ensure accessible, inclusive and quality education, a project for supporting the development of vocational education was implemented.
- Study/analysis of labour market demand on core competences was conducted and their integration into professional standards began. One hundred professional standards were edited and 99 professional standards drafted.
- Introduction and development of modular education programmes began.
- Capacity building programmes for vocational education teachers were implemented.
- Vocational programmes were implemented in regions densely populated by ethnic minorities.
- Study tours were organised to various countries to share international experience in the field of vocational education.
- The creation of opportunities to continue studying from vocational to higher education began. An action plan was devised and a concept of integrating general education into vocational education was developed.
- Introduction of vocational education programmes to public schools began.
- The Action Plan 2016 of the project EU Technical Support on Reforms of Vocational Education and Employment (EUVEGE) was implemented.

**Not done:**

- The legal framework necessary for the operation of the vocational training system within formal vocational education was not developed.
- Opportunities for persons left outside the general education system to obtain vocational education were not created.
- A new draft law on Vocational Education in Georgia was not initiated.
- A new rule and procedures of recognition of informal vocational education were not approved.
- An awareness raising campaign on the recognition of informal education was not prepared and implemented.



## Topic 4

Encouraging strategic approach to youth policies and reinforcing cooperation and exchanges in the field of non-formal education for young people and youth workers as a means to promote intercultural dialogue and support civil society, including through EU programmes in the area of youth.

**Overall assessment:** partially implemented

### Done:

- A framework document on key competences of informal education was developed in 2014. A state programme on informal education was developed and implemented. A strategy for the development of youth activities was prepared.
- A database of youth nongovernmental organisations was created and a common electronic system of communication with them was set up. A forum (annual) of youth organisations was held.
- A youth policy document was approved and an action plan of state youth policy developed in 2014.
- A programme of Georgia's young ambassadors, Become a Young Ambassador of Your Country, was implemented.
- Various educational competitions were held for Georgian youth living abroad. The project Camp of the Future was implemented.
- A volunteering development programme Volunteer of Georgia was launched; the work on developing a volunteering strategy began.

### Not done:

- Programme of trainers was not developed.
- Action plan for the development strategy of youth activities was not developed and approved.
- Draft Law of Georgia on Support of Youth Activities was not elaborated and submitted to the parliament.

COOPERATION  
IN THE CULTURAL  
FIELD

## Topic 1

Promote the implementation of the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

**Overall assessment:** not implemented

### Not done:

- Promotion of the implementation of the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions: the awareness of 2005 UNESCO Convention among the state and civil cultural actors is very low.
- The six-month report of the Ministry of Culture for implementation of National Action Plan 2016 does not mention activities that promote cultural expression of representatives of culturally diverse groups like ethnic, religious, gender or other minorities or any special projects for social inclusion of different groups.
- There were no steps undertaken to preserve and valorise the diversity of the cultural heritage of Georgia.
- The draft law on intangible cultural heritage has not been adopted.
- Even though protection of the diversity of cultural expression is stipulated as one of the expected results of the Cultural Strategy 2025 implementation, there are no mechanisms indicated and no real steps undertaken to achieve this result. The cultural heritage of different ethnic groups of Georgia and diversity of cultural expression is endangered.
- The regional, geographical, typological and creative diversity of the tangible and intangible cultural heritage of Georgia and the need for its protection is not adequately reflected in the Cultural Strategy 2025.
- The cases that openly limit cultural expression and artistic freedom and violate cultural property rights are frequent in Georgia and are left without response from the state authorities or agencies

## Topic 2

Cooperate on the development of an inclusive cultural policy in Georgia and on the preservation and valorisation of cultural and natural heritage with a view to fostering socio-economic development.

**Overall assessment:** not implemented

### Not done:

- The Cultural Strategy 2025, adopted by the Government of Georgia in 2016, is deficient, especially with regard to the cultural heritage field, and cannot be considered as an inclusive cultural policy paper. Cultural heritage is not considered one of the pillars of the sustainable socio-economic development of Georgia.
- The Cultural Strategy 2025 does not contain any indication of the need for structural reforms or improvement of the legislative framework in the field of cultural heritage. There is no mention of risk prevention or management. Also, the need for physical safeguarding and protection of the cultural heritage of Georgia is underestimated: it is stipulated only in the end of the chapter 3, Specific Tasks, under number 14.
- The drafted by ICOMOS Georgia document National Policy of Cultural Heritage of Georgia has not been adopted.
- Despite the responsibilities undertaken with the AA and Association Agenda, there are no changes in state vision: the real policy of the Georgian state in the field of cultural heritage proves that the country's cultural and natural heritage is still considered an obstacle to economic development. The unique cultural and natural heritage of Georgia is sacrificed for the sake of 'economic development'.
- The link between the cultural and natural heritage and socio-economic development of the country is non-existent. Cultural heritage is even not mentioned in the Socio-Economic Development Strategy of Georgia 2020, adopted by the Government of Georgia in 2014.
- The Ministry of Culture and Monument Protection of Georgia and the National Agency for Cultural Heritage Protection of Georgia do not fulfil their mission in terms of cultural heritage preservation and valorisation.
- The decision-making process with regard to issues related to cultural heritage is not transparent and not participatory: professional councils do not exist anymore within the Ministry.
- There is a serious problem of human resources within the decision-making bodies in the field of cultural heritage: the lack of expertise within the Ministry of Culture and Monument Protection and the National Agency for Cultural Heritage Protection of Georgia negatively affects the cultural heritage field.
- The principles of good governance are non-existent in the real policy of Georgia in the cultural heritage field, causing irreversible damage to the cultural and natural heritage of the country.

## Topic 3

Promote the participation of Georgian cultural actors in cultural co-operation programmes, including Creative Europe.

**Overall Assessment:** partially implemented

### Done:

- The EU Programme Creative Europe became accessible for Georgian cultural actors.
- The National Cultural Strategy Document “Cultural Strategy – 2025” was prepared and approved in 2016.
- Public consultations and information meetings in the process of National Cultural Strategy development were conducted.

### Not done:

- The National Cultural Strategy document is not based on the vision of inclusive cultural policy and lacks priorities that are outlined by the Association Agreement.
- The public consultations and information meetings were more focused on speeches by Ministry representatives than on the working process and collaboration of experts, civil society organisations and public authorities’ representatives.
- Cultural strategy action plan is not yet being developed.
- The mobility of artists, as well as the promotion of contemporary art, are not specified in the strategy document as a priority.

# AUTHORS

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