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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## Visit to Georgia

### **Report of the Independent Expert on the promotion of a democratic and equitable international order, Livingstone Sewanyana\*, \*\***

#### *Summary*

The Independent Expert on the promotion of a democratic and equitable international order, Livingstone Sewanyana, conducted a visit to Georgia from 26 April to 5 May 2023. In his report, the Independent Expert assesses the situation in the country and its efforts, good practices, achievements and improvements. He also assesses the challenges to be overcome in maintaining peace and security from a national and a regional perspective. The assessment covers the fight against corruption; measures taken to guarantee freedom of assembly, of expression and of the media; cooperation with civil society; the independence of the judiciary; and the cooperation of the Government of Georgia at the international level. The Independent Expert makes recommendations aimed at enhancing progress in promoting democracy and the rule of law and achieving an equitable international order.

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\* The summary of the report is being circulated in all official languages. The report itself, which is annexed to the summary, is being circulated in the language of submission only.

\*\* Agreement was reached to publish the present document after the standard publication date owing to circumstances beyond the submitter's control.



## **Annex**

### **Report of the Independent Expert on the promotion of a democratic and equitable international order, Livingstone Sewanyana, on his visit to Georgia**

#### **I. Introduction**

##### **A. Visit**

1. The Independent Expert on the promotion of a democratic and equitable international order, Livingstone Sewanyana, visited Georgia from 26 April to 5 May 2023 at the invitation of the Government. In accordance with the mandate set out in Human Rights Council resolution 18/6, the objective of the visit was to gain a first-hand understanding of the country's efforts and challenges in promoting democracy and the rule of law through regional and international cooperation and to observe good practices and improvements in promoting a democratic and equitable international order, in line with the terms of the resolution. The Independent Expert expresses his appreciation to the Government for its cooperation before and during the visit and to the United Nations country team in Georgia for its valuable support and assistance. The country visit was the first conducted by the Independent Expert in the South Caucasus.

2. The Independent Expert met with the representatives of the Government based in Tbilisi and at the administrative boundary line in Khurvaleti, adjacent to the Tskhinvali region/South Ossetia. He also met with the adviser to the Prime Minister on human rights; the First Deputy Minister of Foreign Affairs and other senior officials from the Ministry of Foreign Affairs; the Head of the Anti-Corruption Bureau; representatives of the Policy Planning and Coordination Department of the Administration of the Government; the State Minister of Georgia for Reconciliation and Civic Equality; the heads of department of the Ministry of the Economy and Sustainable Development; the deputy ministers of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs; the Deputy Minister of Internal Affairs; the Head of the Department of International Relations and Legal Cooperation of the Ministry of Justice; representatives of the Ministry of Culture, Sports and Youth; and the Deputy Minister of Environmental Protection and Agriculture. He also met with members of Parliament, namely the Chair of the Human Rights and Civil Integration Committee and the Chair of the Gender Equality Council. The Independent Expert expresses his gratitude to the government representatives with whom he met. He also expresses his thanks to the representatives of civil society organizations with whom he engaged in open discussion on the efforts of Georgia to promote, protect and strengthen respect for human rights, democracy and the rule of law in the country and on the improvements made. Sincere thanks also go to the representatives of academia and in particular to Tbilisi State University for hosting the delegation for a public debate during the visit.

##### **B. General context**

3. Since Georgia gained its independence in 1991, the country has endured several periods of armed conflict and has invested significant effort in restoring peace and security, working in various areas of cooperation at the national, regional and international levels. In the years since the signing of the ceasefire agreement of 12 August 2008 following the five-day war, Georgia has made notable efforts to uphold the principles enshrined within it to maintain peace and security and avoid a return to hostilities.

4. The ceasefire agreement was focused on six principles, namely the commitment to renounce the use of force, the immediate and definitive cessation of hostilities, free access to humanitarian aid, the withdrawal of Georgian forces to their places of permanent deployment, the withdrawal of Russian forces to their lines of deployment prior to 7 August 2008 and the

convening of international discussions on lasting security and stability arrangements for Abkhazia and South Ossetia,<sup>1</sup> to which access continues to be restricted. Despite the efforts made to implement the ceasefire agreement, access to Abkhazia and the Tskhinvali region/South Ossetia is regrettably still restricted.

5. Georgia has a good record of ratification of international human rights instruments, maintains good cooperation with the United Nations human rights mechanisms and has affirmed its willingness to implement the Sustainable Development Goals and the 2030 Agenda for Sustainable Development. However, it has not ratified the International Convention for the Protection of All Persons from Enforced Disappearance or the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Georgia is a member of a number of regional international organizations, including the Council of Europe and the Organization for Security and Cooperation in Europe (OSCE). In addition, Georgia has developed working frameworks for cooperation in various areas with regional organizations, including the European Union Monitoring Mission, an unarmed civilian monitoring mechanism deployed since 2008 to facilitate the resumption of a safe and normal life for the local communities living on both sides of the administrative boundary lines with Abkhazia and the Tskhinvali region/South Ossetia.

6. During the meetings the Independent Expert held with the various stakeholders, he had the occasion to discuss the efforts of Georgia to promote and contribute to political, economic and social progress at the national, regional and international levels through cooperation in diverse areas, in particular its efforts relating to peace and security at the national and regional levels; civic space and freedom of assembly, of expression and of the media; the independence of the judiciary; the fight against corruption; the implementation of the Sustainable Development Goals and compliance with the 2030 Agenda; and youth participation at the international level.

## II. Maintaining peace and security in the country and the region

7. The preservation of peace and security is one of the major objectives of the Charter of the United Nations. Violence and armed conflict undermine sustainable development. Human rights violations can constitute the root causes of conflict and insecurity, which can in turn increase human rights abuses. Strong human rights protection frameworks are invariably linked to conflict prevention, including through the adoption of preventive measures to maintain peace and security.

8. Georgia has made progress in maintaining peace within the country, despite its recent history of armed conflict. It has adopted a national human rights strategy for the period 2022–2030, which outlines the commitments arising from its international, regional and human rights challenges. Georgia is a party to most of the international and regional human rights instruments, which impose upon the State the obligation to uphold human rights standards. The national human rights strategy is aimed at developing and improving the human rights regulatory framework and creating sustainable enabling conditions for its fulfilment. It is encouraging to note that the strategy was formulated around four main pillars: (a) strengthening justice and rule of law principles and institutional democracy and the effective application of civil and political rights; (b) strengthening the protection of economic and social rights; (c) reflecting the constitutional guarantees of equality in State policy and in practice and of the enjoyment of human rights and freedoms without discrimination; and (d) protecting the rights and freedom of the people living in Abkhazia and the Tskhinvali region/South Ossetia.

9. Although the human rights strategy contains a specific focus on Abkhazia and the Tskhinvali region/South Ossetia, the Independent Expert expresses deep concern with regard to the human rights situation in those two regions. According to the information received from various stakeholders and from what he witnessed while visiting Khurvaleti, adjacent to administrative boundary line with the Tskhinvali region/South Ossetia, the living conditions

<sup>1</sup> See [https://www.un.org/en/sc/repertoire/2008-2009/Part%20I/Europe/08-09\\_Georgia.pdf](https://www.un.org/en/sc/repertoire/2008-2009/Part%20I/Europe/08-09_Georgia.pdf).

of the population in this region have apparently been neglected. There have been reports of very limited access to basic health services and severely restricted freedom of movement from the administrative boundary line for older persons. A serious lack of infrastructure, especially for older persons, particularly in the villages adjacent to the administrative boundary line, has also been reported. The Independent Expert regrets that, to date, access to Abkhazia and the Tskhinvali region/South Ossetia for the provision of humanitarian assistance has been strictly restricted to the International Committee of the Red Cross, preventing other humanitarian and international organizations from monitoring and reporting on the humanitarian situation. The Independent Expert would like to recall that monitoring the human rights situation in post-conflict situations can help to prevent human rights abuses and atrocities.

10. In addition, various sources have made allegations of kidnappings, arbitrary arrests, illegal detention, acts of torture and killings of civilians found in the “illegal crossings” beyond the administrative boundary lines by the de facto authorities. Such allegations should be immediately and comprehensively investigated. In addition, the Independent Expert notes the lack of data on the number of people arbitrarily detained or killed and the lack of an effective investigative mechanism in this regard. He is seriously concerned about the installation of barbed wire fencing along the administrative boundary lines and calls upon those responsible to immediately remove such barriers.

11. As previously highlighted by other special procedure mandate holders who have visited Georgia,<sup>2</sup> the situation of over 300,000<sup>3</sup> internally displaced persons from Abkhazia and the Tskhinvali region/South Ossetia, who are unable to return to their homes, remains a primary preoccupation. Efforts by the Government to resolve the issue should be strengthened. The Law of Georgia on Internally Displaced Persons from the Occupied Territories of Georgia,<sup>4</sup> which was reviewed in 2014, provides for a monthly allowance and adequate housing for internally displaced persons. It also provides that such persons are entitled to free primary and secondary education, medical coverage under existing State programmes and assistance in finding temporary employment in accordance with their professions and qualifications. Under the law, they are also protected from arbitrary eviction. In practice, however, as reported to the Independent Expert during his visit, despite the initiatives and temporary measures taken by the Government in implementing the law, a large number of internally displaced persons are not registered administratively, particularly those in rural areas, preventing them from benefiting from the essential services. Many Georgians living in the regions neighbouring Abkhazia and the Tskhinvali region/South Ossetia, where most of the internally displaced persons are located, remain precariously close to the poverty line.<sup>5</sup> Those who have been forcibly displaced have lost their property, including houses, agricultural lands and possessions. They have suffered the deprivation of their fundamental economic, social and cultural rights. Several allegations of human rights violations have been made, including discrimination and the restriction of ethnic Georgians from access to education in their mother tongue and from access to the personal documents necessary for the enjoyment of human rights. Such concerns also include the adverse effects of restrictions on freedom of movement, access to livelihoods and an adequate standard of living, pensions, markets, health care, family life and property.

12. Noting the adoption, on 7 June 2016, of General Assembly resolution 70/265 recognizing the right to return of all internally displaced persons and their descendants to their homes throughout Georgia, the Independent Expert welcomes the international community’s recognition of the need to address forcible displacement. He highlights the importance of implementing the resolution and invites the international community to provide support for its implementation.

13. Notwithstanding the concerns noted above, the Independent Expert is encouraged by the progress made and the positive initiatives taken by the Ministry of Internally Displaced

<sup>2</sup> See A/HRC/35/27/Add.2, A/HRC/39/50/Add.1 and A/HRC/44/43/Add.1.

<sup>3</sup> See <https://www.unhcr.org/sites/default/files/legacy-pdf/4ad827f59.pdf>.

<sup>4</sup> See <https://matsne.gov.ge/en/document/download/2244506/1/en/pdf>.

<sup>5</sup> See <https://documents1.worldbank.org/curated/en/496731525097717444/pdf/GEO-SCD-04-24-04272018.pdf>.

Persons from the Occupied Territories, Labour, Health and Social Affairs and the Office of the State Minister of Georgia for Reconciliation and Civic Equality regarding social services provided to internally displaced persons. In particular, the Independent Expert welcomes the efforts made through the temporary governmental commission to address the needs of the conflict-affected population, including the provision of heating during the winter period, gasification, funding for students in the framework of the education programme<sup>6</sup> and the possibility of grants for students from villages located adjacent to the administrative boundary lines. Furthermore, according to the information received from the Government, around 1,400 infrastructure projects of various types have been financed and implemented since 2021, including the construction and rehabilitation of roads and the rehabilitation of water supply systems, day-care centres, schools and medical facilities, with an allocated budget of over 200 million lari (approximately \$772,200). According to the information received during meetings with government representatives, each registered internally displaced person and their family should receive an additional 45 lari (\$17.28) per month.

14. The Independent Expert is further encouraged by and commends the adoption, in February 2023, of the Strategy for the Development of Rehabilitation Services (2023–2027). The Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs developed the strategy in consultation with rehabilitation experts, government agencies, representatives of the non-governmental sector, universities and professional associations, with technical support from the World Health Organization Regional Office for Europe.<sup>7</sup> The strategy is aimed at improving access to timely, effective, person-centred rehabilitation services that are integrated into all levels of the health-care system.

15. Most notable in the area of international cooperation with respect to peace and conflict prevention in Georgia is the European Union Monitoring Mission in Georgia, a civilian mechanism established in September 2008 that monitors compliance by all sides of the negotiated six points of the peace plan and the measures to implement them. The mission's efforts have been primarily directed at observing the situation on the ground, reporting on incidents and, generally, through its presence in the relevant areas, contributing to an improved security situation. The mission has an especially important role in contributing to stability in Abkhazia and the Tskhinvali region/South Ossetia, which represent about 20 per cent of the territory of the country. Currently, the mission comprises a total of 223 monitors from 25 European Union member States and maintains three field offices in Georgia, in Gori, Mtskheta and Zugdidi.

16. The mandate of the European Union Monitoring Mission revolves around four main areas of intervention. First, as a visible and regular presence along the administrative boundary lines, the mission contributes to the stability of Abkhazia and the Tskhinvali region/South Ossetia by increasing the sense of safety for the conflict-affected population. Second, the mission helps to facilitate the return to a normal life of the people most affected by the conflict. It is encouraging to note that mission had been gathering information before the Independent Expert's visit to Khurvaleti and other villages adjacent to the administrative boundary line about the basic rights and needs of the people living in those areas, such as their freedom of movement and its impact on their access to health services, education, pensions and property, and has continued to collect such information. Third, the mission's staff members monitor the human rights situation by talking regularly with people affected by the situation along the administrative boundary lines about their problems, worries and desires. Whereas the mission is mandated to cover the whole territory of Georgia within the country's internationally recognized borders, the de facto authorities in Abkhazia and the Tskhinvali region/South Ossetia have so far denied the mission access to those areas. Fourth, the mission is working to prevent the renewal of armed conflict and to make the areas adjacent to the administrative boundary lines safe and secure for local residents.

17. The challenge observed during the Independent Expert's visit is primarily that the mission is intended to assess needs, not to provide humanitarian services. It is particularly

<sup>6</sup> See <https://smr.gov.ge/en/page/50/ganatleba-sazgvargaret>.

<sup>7</sup> See <https://www.who.int/europe/news/item/26-04-2023-georgia-adopts-its-first-national-rehabilitation-strategy>.

important to collect gender disaggregated data to ensure that women, men, girls and boys are represented equally.

18. The Independent Expert is concerned that the European Union Monitoring Mission cannot entirely fulfil its mandate. He encourages the Government of Georgia to strengthen its cooperation with the mission in order to monitor the human rights needs of the population living in the areas adjacent to the administrative boundary lines of Abkhazia and the Tskhinvali region/South Ossetia.

19. Under the agreement reached at the Geneva International Discussions in February 2009, regular meetings between all the parties to the conflict are to take place to discuss and resolve specific incidents and issues with the aim of developing greater confidence and cooperation between the parties. The Independent Expert would like to commend the cooperation of the Government of Georgia with the mission to date and credits the authorities for allowing it to implement its mechanisms, such as the Incident Prevention and Response Mechanism, and to set up a hotline, which has proven useful to the participants in establishing a common understanding of events and to take measures to prevent any escalation of tensions.

20. While the results of the mission's work can be tangible and have improved since its establishment,<sup>8</sup> significant work is still needed to strengthen cooperation with the mission in order for it to increase its transparency and carry out more comprehensive monitoring of the situation. The Independent Expert would like to reiterate his support for an urgent appeal to guarantee access for international organizations, particularly humanitarian organizations, to Abkhazia and the Tskhinvali region/South Ossetia.

21. The Independent Expert acknowledges that, despite the challenges encountered in Abkhazia and the Tskhinvali region/South Ossetia, the Government of Georgia has formulated sound reconciliation and engagement policies for the two areas, which entered into force in 2010. The policies on building trust between the communities and providing care for the populations behind the administrative boundary lines are beginning to bear fruit, as witnessed by the current reintegration of the affected communities into Georgia.

22. The strategy also enables products from Abkhazia and the Tskhinvali region/South Ossetia to access both the internal markets of Georgia and foreign markets through the privileged export opportunities available to Georgia, *inter alia*, the Deep and Comprehensive Free Trade Area with the European Union. It also means that the supply of goods produced on Georgian-controlled territories or imported into Georgia, including Abkhazia and the Tskhinvali region/South Ossetia, encourages trade-related activities across the administrative boundary lines, including joint business initiatives.

23. In addition, the Independent Expert would like to encourage the continuity of the Geneva International Discussions with a view to addressing the consequences of the ceasefire agreement signed in 2008. The discussions are periodically held in Geneva and co-chaired by OSCE, the European Union and the United Nations. As the only internationally recognized political forum in which the resolution of the conflict in Georgia is discussed, the Geneva International Discussions provide a useful foundation for the regular review of the situation on the ground and updates on the security situation.

24. Regarding good practices in the area of peace and security, the Independent Expert is encouraged that Georgia adopted, in October 2022, the national action plan for 2022–2024 for the implementation of the Security Council resolutions on women, peace and security. The plan was formulated with the support of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and prepared in cooperation with the human rights secretariat of the Administration of the Government of Georgia.

25. Regarding the implementation of the resolutions on women, peace and security, it is important to stress the relevance of the participation of women's civil society organizations, mainly at the local and regional levels. An inclusive process is a prerequisite for the successful and sustainable implementation of the national action plan. On the basis of information received during the meetings with the Government and other stakeholders, the Independent Expert is convinced that women's role in peacebuilding should be enhanced,

<sup>8</sup> See [https://www.eumm.eu/en/about\\_eumm/facts\\_and\\_figures](https://www.eumm.eu/en/about_eumm/facts_and_figures).

especially at the local level, to ensure wide participation and ownership of the national action plan by the beneficiaries, including conflict-affected and internally displaced women and their groups and organizations. With the support of UN-Women, meetings should be organized involving regional grass-roots women's organizations, including in the villages adjacent to the administrative boundary lines with Abkhazia and the Tskhinvali region/South Ossetia.

26. The Independent Expert would like to commend the establishment of a gender division within Parliament and a commission on gender equality that ensure gender mainstreaming in the parliamentary work to increase women's contribution to peace and security. The commission on gender equality informed the Independent Expert about the involvement of non-governmental organizations working on issues relating to internally displaced women. The Independent Expert lauds the initiative of the commission in starting a thematic inquiry on financial accessibility for internally displaced women, which constitutes a major step forward in the targeted implementation of the policies set out in the national action plan.

27. At the regional level, the Independent Expert is encouraged to hear about the willingness of Georgia to serve as a facilitator of the dialogue with regard to resolution of the conflict between Armenia and Azerbaijan, with the support of the United Nations and other international organizations, and encourages the Government to strengthen its cooperation on the ground with the European Union Monitoring Mission and humanitarian organizations to ensure the safety of and a normal life, to the extent possible, for the local communities living on both sides of the administrative boundary lines with Abkhazia and the Tskhinvali region/South Ossetia.

### **III. Civic space and freedom of assembly, of expression and of the media**

28. Overall, in 2022, civil society organizations in Georgia enjoyed a favourable operating environment. However, continuous verbal attacks against critical civil society organizations and restrictions on their participation in decision-making processes and the initiation of restrictive legislation (now withdrawn) were reported to the Independent Expert during his visit, raising the question of the potential suppression of civic space.

29. According to testimonies received, civil society organizations are perceived negatively by the national authorities, engendering distrust and the stigmatization of civil society organizations and of human rights defenders.

30. Such distrust and stigmatization were triggered, in particular, by the aborted draft law on transparency of foreign influence. During the visit, it was reported to the Independent Expert that, on 20 February 2023, the ruling party presented a draft law on agents of foreign influence. Under the law, any civil society organization registered in Georgia that received more than 20 per cent of its income from a "foreign power would be penalized.

31. Although the draft law was recalled on 10 March 2023, democratic space in Georgia is still at risk of suppression. This could weaken international solidarity and conversations on the political situation in Georgia and the broader post-Soviet region. In view of the current polarization, the Independent Expert would welcome efforts towards expanding democratic space and encourages deliberate actions towards the increased involvement of alternative voices in decision-making processes.

32. Furthermore, concerns were reported by relevant stakeholders during the visit over measures to restrict the right to freedom of assembly, including several incidents of arbitrary arrest and the arbitrary detention of protesters. In the light of such concerns, the Independent Expert strongly recommends that the Government safeguard unwaveringly the right to peaceful assembly, calmly handle public protests, engage in a constructive dialogue with civil society organizations and adopt restrictive measures only as a last resort.

## **IV. Independence of the judiciary**

33. Judicial independence guarantees the protection of an independent and impartial court system, which is essential for the protection of human rights. The Independent Expert is concerned about allegations of the lack of independence of the judiciary, in particular the role of the High Council of Justice in the appointment and control of judges. The Independent Expert welcomes the efforts aimed at judicial reform and encourages all concerned parties to work towards the conclusion of the reform process.

34. Article 64 of the Constitution of Georgia provides for the High Council of Justice of Georgia to be established in order to appoint and dismiss judges to and from office and to perform other tasks. It also provides for more than half of the High Council to be composed of members elected by a self-governing body of judges of the courts of Georgia of general jurisdiction, for the Chair of the Supreme Court of Georgia to chair the High Council and for the power and the procedures for the establishment of the High Council to be defined by an organic law.

35. In view of the discussions held during the visit, the Independent Expert notes that increasing the independence, accountability and quality of the judicial system is key to strengthening democracy.

36. The Independent Expert recommends working towards strengthening the independence and impartiality of judges and the judicial system. He notes that the judicial reforms carried out to date are reported to have achieved some positive results in Georgia.

37. The judicial reform should arguably be focused on increasing the independence, accountability and quality of the judicial system to further enhance transparency and merit-based selections in the appointment of judges to first instance and appeal courts.

38. The Independent Expert is encouraged to learn that, as part of the judicial reform process, a substantive reform of the High Council of Justice has been proposed to increase transparency, integrity and accountability, including regarding appointments, appraisals, promotions, transfers, disciplinary measures and appeals. The proposal is due to be submitted to the European Commission for Democracy through Law (Venice Commission).

## **V. Fight against corruption**

39. The Independent Expert welcomes and commends the establishment of the Anti-Corruption Bureau as a centralized independent body aimed at promoting financial transparency and accountability. The key responsibilities of the Bureau, which became operational in February 2023, are to monitor the finances of political parties and the asset declarations of public officials and to draft the national anti-corruption strategy and action plan.

40. The upcoming adoption of the Bureau's five-year strategy on the fight against corruption (currently under review) is a positive development that should be applauded. To be fully operational, the Bureau needs to be provided with the financial and technical support necessary to enhance its investigative powers, implement an effective financial system and build its capacity to implement its mandate. In addition, the Bureau can be successful only if it is equipped with an adequate mandate and if its independence is unequivocally maintained.

41. According to the amendments adopted in November 2022 supporting the establishment of the Anti-Corruption Bureau, the Bureau should be accountable to Parliament and to the Inter-Agency Coordination Council to Combat Corruption. In addition, the appointment and dismissal of the Head of the Bureau is within the competency of the Prime Minister.

42. In view of these positive steps, the Independent Expert encourages the Government to take further steps to ratify the United Nations Convention against Corruption following its accession to the Convention in 2008.



43. Allegations of a complete distrust of governmental institutions raised the Independent Expert's concerns with regard to the appointment of high-level political officials, in particular those having financial control over State institutions.

44. Georgia has not significantly improved its standing regarding corruption over the past years, scoring 56 out of 100 and ranking 41 out of 180 countries on the Corruption Perceptions Index in 2022. This could indicate that the situation is stagnating and that the halting of efforts to combat corruption could result in a noticeable increase in the risk of corruption.

45. In line with his observations during the visit, the Independent Expert would welcome efforts towards the investigation and monitoring of alleged high-level corruption cases. He would also welcome the strengthening of the role of oversight institutions, in particular the Inter-Agency Coordination Council to Combat Corruption, within Parliament and their collaboration, where possible, with civil society organizations, including international non-governmental organizations, in the monitoring process.

46. Regarding positive aspects, practical measures to fight corruption have also been observed in the sphere of public administration, including the establishment of the Legal Entities of Public Law, an agency of the Public Service Hall, which demonstrates a harmonized working methodology for the delivery of public services in record time. The establishment of such a body is a good practice and a good example for the region.

47. Among other good practices observed, the Independent Expert notes the Legal Entities of Public Law's Enterprise Georgia initiative, established in 2014 to provide financial support to individuals. He also notes the joint production and partnership projects under the Enterprise for a Better Future grant programme, which issues small grants of between 7,000 and 35,000 lari for start-up businesses to facilitate trade and other economic activities.

48. The Legal Entities of Public Law promotes entrepreneurial activity in Georgia by assisting in the creation of new businesses and the expansion and refurbishment of existing ones through mechanisms that increase access to finance for small and medium-sized enterprises and provide them with technical assistance.

## **VI. Implementation of the Sustainable Development Goals**

49. Georgia has a good record of taking steps towards achieving the Sustainable Development Goals, which it has demonstrated through the establishment of the Inter-Agency Council for the Sustainable Development Goals and the alignment of its national and sectoral policies with the Goals. Georgia submitted its second voluntary national review in 2020, which demonstrated its commitment to the effective integration of the Goals into its national policies and action plans. Its commitments in line with the Goals and arising from international and regional legal instruments on human rights protection can also be seen in the country's human rights strategy for the period 2022–2030.

50. The purpose of the present section is not to assess the achievement of specific Goals but rather to identify the best practices and the challenges relating to the implementation of the Goals in Georgia and their link to promoting a democratic international order. The Independent Expert notes the encouraging efforts towards the integration of the Goals into national policies since 2015, when the Administration of the Government of Georgia led the coordination process at the highest political level. The Independent Expert welcomes the involvement of all relevant stakeholders in accordance with General Assembly resolutions 70/1 and 71/313.

51. The Independent Expert has noted, however, that in the strategy to devolve the Sustainable Development Goals across all agencies of the Government and to translate them for local communities, there is a lack of data disaggregated by age and gender, in particular regarding Goals and targets that deal with labour rights, gender issues, poverty and unemployment.

52. The Independent Expert recalls that it is essential that the Inter-Agency Council for the Sustainable Development Goals adopt an innovative and targeted approach, in cooperation with other relevant agencies, to monitoring the implementation of the Goals at the local level, in particular in rural communities.

53. The Independent Expert welcomes the national census proposed for 2024 and reiterates his call for the mainstreaming of the Goals within local and national policies.

## **VII. Youth participation in decision-making processes**

54. Youth participation at the regional and global levels, mainly within intergovernmental forums, was a main focus of the country visit.

55. In this context, the Independent Expert welcomes the adoption of the national youth strategy for the period 2023–2026, which promotes youth participation in social and democratic processes.

56. Strategic goal 4 of the national youth strategy is aimed at increasing civic responsibility and strengthening democratic processes, programmes and services tailored to the needs of young people with disabilities; ethnic and religious minorities; and young people living in Abkhazia and the Tskhinvali region/South Ossetia. The five tasks under strategic goal 4 are: (a) strengthening civic responsibility among young people; (b) supporting volunteering; (c) promoting youth involvement in decision-making processes; (d) developing support mechanisms for youth organizations and initiative groups; and (e) developing programmes and services tailored to the needs of young people with disabilities and ethnic and religious minorities.

57. Currently in Georgia, large number of youth organizations depend upon funds received from donor organizations and foreign countries. According to information received during the visit, youth-led organizations face a severe lack of local funding. It is therefore imperative for financial support to be extended by local governments to youth organizations and initiatives to give them an opportunity to participate actively in the implementation of policies and strategies targeted at young people.

58. In addition, the lack of outreach regarding specific and inclusive programmes for young people, particularly for those living in rural areas, internally displaced young people and those belonging to minority groups, has been highlighted as one of the main obstacles to youth engagement. The Independent Expert calls for strengthened technical support for capacity-building for such groups.

## **VIII. Conclusions and recommendations**

59. In the light of these developments, the Independent Expert concludes by affirming that Georgia has demonstrated that positive changes can break a cycle of conflict. In spite of the challenges relating to the status of Abkhazia and the Tskhinvali region/South Ossetia, the Government of Georgia has formulated reconciliation and engagement policies to build trust among communities on both sides of the administrative boundary lines that separate the regions from the rest of the country.

60. Georgia has made considerable efforts to maintain and implement the rule of law through regional and international cooperation in various areas.

61. Nevertheless, some challenges remain, namely in relation to the climate of distrust between civil society organizations and the national authorities. The Independent Expert notes that freedom of assembly, of expression and of the media should be guaranteed.

62. The Independent Expert reaffirms his encouragement to the Government of Georgia to strengthen its efforts to enhance democracy and respect for human rights and the rule of law.

63. In the light of the observations above, the Independent Expert wishes to address the following recommendations to the Government of Georgia:

(a) With regard to maintaining peace and security in the country and in the region:

- (i) Further strengthen the human rights-based approach to conflict prevention and adopt an agenda of human rights in favour of peace and security for the country and the region, as human rights violations are key indicators for the early detection of conflicts;
- (ii) In line with the human rights-based approach, address internal displacement and intensify efforts to protect internally displaced persons, especially those from Abkhazia and the Tskhinvali region/South Ossetia, and assist them on the basis of their needs rather than their status as internally displaced persons;
- (iii) Separate the political considerations with respect to Abkhazia and the Tskhinvali region/South Ossetia from the humanitarian issues affecting the population living in those areas and address the human rights situation by mainstreaming the protection of internally displaced persons into social and economic development strategies and actions;
- (iv) Ensure that the domestic framework on the protection of internally displaced persons adheres to internationally accepted human rights standards, including with respect to registration, the definition of status and full and equitable access to social services and benefits;
- (v) Ensure better coordination and monitoring of the situation of internally displaced persons, especially those in rural areas, and establish a dedicated mechanism to ensure that the beneficiaries receive State subsidies as provided by law;
- (vi) Promote greater engagement and dialogue between ethnic Georgians and ethnic Abkhazians and Ossetians;
- (vii) Continue to fully comply and cooperate with the Office of United Nations High Commissioner for Human Rights in the implementation of Human Rights Council resolution 49/33;

(b) In relation to expanding civic space and guaranteeing freedom of assembly, of expression and of the media;

- (i) Promptly investigate all cases involving the abuse of power by law enforcement officers during demonstrations in an impartial and objective manner;
  - (ii) Ensure that all regulations and guidelines adopted are in line with the Venice Commission recommendations;
  - (iii) Eliminate any possible hostile environment for engagement, ensuring that public institutions respect the right of individuals to participate in decision-making processes and ensuring their meaningful involvement in developing draft laws and policies;
- (c) In relation to the fight against corruption:
- (i) Make efforts towards the financial monitoring of political parties;
  - (ii) Define a clear anti-corruption strategy and a related action plan covering all areas of the public sector;
  - (iii) Adopt stronger mechanisms and policies on the accountability of local elected representatives;
  - (iv) Integrate a human rights-based approach into the anti-corruption strategy;

- (v) **Implement the recommendations of the Anti-Corruption Task Team of the Organisation for Economic Co-operation and Development (Istanbul Anti-Corruption Action Plan);**
- (vi) **Equip the Anti-Corruption Bureau with more resources, capacity and independence to enable it to fulfil its mandate;**
- (vii) **Enhance the capacity of the Anti-Corruption Bureau in matters of appointment, financing, reporting and follow-up on its recommendations;**
- (viii) **Determine more stringent criteria for the selection of the Head of the Anti-Corruption Bureau, including a requirement for legal education;**
- (d) **In relation to the Sustainable Development Goals:**
  - (i) **Diversify the set of entities responsible for each Goal and indicator;**
  - (ii) **Assess the national human rights strategy from a gender and disability perspective and in terms of its advancement of the implementation of the Sustainable Development Goals, in accordance with the 2030 Agenda;**
- (e) **In relation to youth participation and involvement:**
  - (i) **Allocate sufficient resources, in particular financial resources, for outreach programmes aimed at increasing youth participation, including at the global level;**
  - (ii) **Allocate sufficient budgetary resources for the implementation of the national youth strategy;**
  - (iii) **Establish youth councils at the municipal level;**
  - (iv) **Encourage youth participation in decision-making processes in the public sphere.**

64. **The Independent Expert wishes to address the following recommendations to the parties to the European Union Monitoring Mission:**

- (a) **Support the Monitoring Mission to fulfil its mission without hindrance, including by encouraging access to both sides of the administrative boundary line with Abkhazia and the Tskhinvali region/South Ossetia;**
- (b) **Support the Monitoring Mission to serve as an example of regional cooperation, which could lead to the long-term stability of the post-conflict affected regions;**
- (c) **Facilitate the collection of accurate information by the Monitoring Mission;**
- (d) **Support the Monitoring Mission to mediate between the Government of Georgia and the military forces at the administrative boundary lines.**

65. **The Independent Expert wishes to address the following recommendations to the international and donor community:**

- (a) **Encourage the continuity of the Geneva International Discussions;**
- (b) **Encourage the lifting of any administrative requirements for so-called illegal crossings of the population living near the administrative boundary lines and the removal of fences;**
- (c) **Discourage any “borderization” of Abkhazia and the Tskhinvali region/South Ossetia, which could divide minorities and internally displaced persons living in villages near the administrative boundary lines;**
- (d) **Support the Government of Georgia by continuing to provide funding for initiatives aimed at achieving sustainable solutions in line with the integration of internally displaced persons in other regions of Georgia.**