Towards Inclusive Human Rights Policies in Georgia: Efficient CSO Engagement in Policy Planning, Implementation and Monitoring

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Contents

ACRONYMS

ACC	Anti-Corruption Council of Georgia
CiDA	Civil Development Agency of Georgia
CSOs	Civil Society Organisations
COE	Council of Europe
GYLA	Georgian Young Lawyer's Association
EMC	Human Rights Education and Monitoring Center
EU	European Union
EWMI	East-West Management Institute
GDI	Georgian Democracy Initiative
HR Committee	Human Rights and Civil Integration Committee of the Parliament of Georgia
HR Council	Interagency Council on Human Rights of Georgia
HR Secretariat	Human Rights Secretariat of Georgia
ILO	International Labour Organization
MFA	Ministry of Foreign Affairs of Georgia
OHCHR	Office of the United Nations High Commissioner for Human Rights
OSGF	Open Society Georgia Foundation
ODI	Overseas Development Institute
PDO	Public Defender's Office of Georgia
PHR	Partnership for Human Rights
PROLoG	Promoting Rule of Law in Georgia
UNDP	United Nations Development Programme
USAID	United States Agency for International Development
UPR	Universal Periodic Review

EXECUTIVE SUMMARY

The Human Rights Strategy and the Action Plan are key policy documents of Georgia involving diverse areas of human rights and a variety of stakeholders. To ensure an inclusive human rights policy, the role of civil society in designing, implementing and monitoring the implementation should be defined, procedures and rules for engagement with the Human Rights Mechanism (Human Rights Council, its Secretariat and the working groups/commissions) elaborated and put into operation. The government should provide opportunities for meaningful participation and genuine dialogue, on the one hand, and civil society should be competent, qualified and committed to such continuous and consistent engagement, on the other. The inclusive policy should extend to the regions as well.

CSO engagement is important for enhancing the quality of the policy, fostering partnership for its implementation and scrutinizing public administration to perform better. When engaged CSOs stay on top of the developments in the areas of their activity, have more opportunities to influence the decision-making process, and enhance accountability of the government. Knowledge, expertise and evidence on the specific human rights issues, advocacy and lobbying across the government, support to implementation and alternative, independent monitoring are among the benefits of CSO engagement.

The **objective** of this report is to analyse the current situation of civil society participation at various levels of human rights policy planning, implementation and monitoring and put forward practical proposals and recommendations to help the HR Secretariat, CSOs and other stakeholders build a better framework for dialogue on human rights issues. The **focus** of the report is the CSO engagement, nonetheless several crosscutting institutional and procedural issues that need overhauling for better CSO participation are also discussed. The report was developed based on the information received as a part of the bilateral meetings with various CSO representatives, government agencies, donor community, a brief survey of CSOs and the desk research, including the analytical work carried out so far in support of the institutional strengthening of the HR Secretariat.

It is important to engage CSOs at the early stage of **policy planning** to co-create the policy document, build the ownership and support for its implementation. The procedures, steps and timeframes of the process should be clearly defined and communicated to the stakeholders. As a part of the policy dialogue with the CSOs, feedback should be provided to explain why certain measures could not be included in the final document. On the other hand, for effective policy influence, CSOs need a wide range of capacities. Their meaningful engagement depends upon commitment to the process, level of expertise and the use of reliable data when advocating for inclusion of certain measures in the policy documents. Understanding the political context and timing for lobbying progressive initiatives is another important factor. Working in coalition rather than on their own will help create better leverage for their advocacy.

CSOs and the government can join forces for effective policy **implementation**. Some CSOs may act as service-providers, data sources, or otherwise support implementation of measures of the Action Plan. The government could provide for specific procedures for CSOs acting as implementers to ensure observance of certain standards (such as grant competition procedure, ethics rules through MOUs or other forms of engagement).

Strategic policy making would lose its essence if the outcome and the impact of the policy implementation are not properly assessed and the results of the assessment are not used in planning the next policy cycle. The **indicators** for assessment should be defined in relation to a broader cluster

of objectives/outcomes, not for every single activity/result, taking into account the available data. The inclusion of the CSOs in the process of defining indicators will not only help to come up with the good measurable indicators, but also will generate ownership and support to the policy document from their side. Eventually, the performance should be assessed based on the multiple sources and information with the participation of the CSOs.

An inherent part of evidence based policy-making is **monitoring and evaluation**. The Human Rights Council (HR Council) has the mandate for monitoring the implementation of the action plan, however, it does not yet have the related methodology and procedures. In order to meaningfully engage CSOs, there should be a defined methodology of monitoring and evaluation with the clear roles for them, including for monitoring progress, assessment of implementation and evaluation of impact. CSO contribution is also important in the form of **alternative monitoring**. NGOs in Georgia are already engaged in alternative monitoring, which is commendable. At the same time, it is desirable to address several existing shortcomings, such as non-standardized format and lack of methodology for alternative monitoring; working individually rather than in coalitions; covering only some parts of the action plan and not the entire policy document, etc.

The requirement for **parliamentary oversight** is one of the strengths of the human rights mechanism of Georgia. However, the procedure itself and its practical implementation would benefit from improvements, including for the purposes of better CSO inclusion. CSOs suggested a more structured process and more attention to the report at the plenary session of the Parliament in a similar procedure as the Public Defender's report. With a view of enhancing the practical implications of the parliamentary procedure, a clear role for CSOs should be envisaged, substantive discussions of the issues in the Parliament and the adequate follow-up measures ensured. It is also desirable to upgrade the procedure to the same standard as provided for the review of the Public Defender's reports, or otherwise ensure synergies of these two procedures.

CSOs have an important role to play within the framework of **international human rights mechanisms**. Active CSOs in Georgia are already engaged, submit alternative reports and take part in the sessions of the international mechanisms when the reports are discussed. To enhance the engagement further, NGOs are recommended to select the international human rights mechanism to work on that is in line with the activities and the mandate of the organisation; explore and use the opportunities for building capacity on the substance and the methodology of the human rights mechanism in question; work on alternative submissions to the international mechanisms in coalition with other CSOs to expand the coverage of the issues and create higher leverage; assist the government in preparing for its reporting using CSOs' expertise and data; use the available platforms to advocate for implementation of the recommendations of international mechanisms; raise awareness about the mechanism and follow up on the implementation. For better coordination and CSO engagement, the government could use the working groups or other available platforms under the HR Council to prepare for the reporting, increase awareness and follow up on the recommendations.

Several CSOs are represented in the **HR Council** and take part in its sessions. The main CSO concerns regarding the HR Council have to do with the operation, low frequency of meetings and need for improved administration, including preparation for sessions, agenda setting and communicating to the invitees, documentation and publicity of the outcomes of the sessions and the opportunity for CSOs to meaningfully take part in the sessions. Overall, in the assessment of CSOs, the HR Council so far has not been a proper forum for a policy dialogue with the Government of Georgia on human rights issues, nonetheless it has a potential to become one. Good planning, preparation and improved administration could address most of the concerns of CSO engagement.

Meaningful participation would mean participation in setting the agenda and the possibility to intervene during the sessions. Beyond the sessions there should be an opportunity to communicate with the HR Council or its members through the HR Secretariat to raise issues of concern and get their feedback.

CSOs stressed the importance of the **working groups** as main vehicles for the operation of the human rights mechanism. The working groups should be the core of the technical and analytical support provided to the HR Council. All the expert level preparatory work should be carried out within the working groups to serve as grounds for HR Council decisions. This way, the working groups would be the main platforms for CSO engagement as well. Thus, making them functional and efficient should be one of the primary objectives of the HR Secretariat. The **responsible state bodies** and the CSOs should support the HR Secretariat in this process. These state bodies should designate the **focal points,** that are competent to cover the issues of the bodies they represent and be instructed to support operation of the working groups. It would be practical to have one general group – **steering group or management group** – to work on procedures, methodologies or other issues related to administration.

Inclusive policies imply wide **stakeholder engagement**, broad access and an open-door policy. At the same time, capacity and resources may not always permit managing large group of stakeholders. While it may not be advisable to set criteria for participation, certain rules and procedures for engagement, and clarity and transparency on these rules would certainly help. Participation in the working groups could be open to all interested parties, however, continuous membership could be dependent on the commitment, level of engagement and the actual contribution they bring to the mechanism.

There is a common agreement among CSOs on the importance of the role of the HR Secretariat in the human rights agenda setting and stimulating implementation of the action plan. CSOs characterized engagement with the HR Secretariat as a positive experience, at the same time recommendations for improvement were expressed regarding the **mandate** and the **role** of the HR Secretariat on the one hand, and **resources** and **capacity** for better operation, on the other. The HR Secretariat needs to establish itself as a strong unit, increase capacity, specialization and profile as well as authority to drive the process and act as an intermediary for the CSOs, an instrument to lobby progressive human rights initiatives and reforms.

From the side of **CSOs**, efficient engagement requires commitment, consistency*,* prioritization, high quality work, working in coalitions, capacity to engage in the policy design, monitoring, advocacy, international mechanisms and parliamentary oversight. CSOs should carefully prioritize and select what to focus their efforts on, in line with their objective and activities and taking into account what activities can realistically be integrated in their own workplans. A selective approach will allow them to increase the quality of their products using reliable data and evidence. Furthermore, it is important to increase capacities, including subject matter, advocacy, monitoring and evaluation capacities.

INTRODUCTION

The human rights action plan is one of the key policy documents of Georgia involving diverse areas of human rights policy, a number of implementing agencies and a variety of players. Its design and implementation requires wide engagement, commitment and coordinated efforts of multiple groups of stakeholders. In general, inclusive policy-making requires willingness and resources from public administration to engage Civil Society Organisations (CSOs), sound communication channels, guidance and incentives to the CSOs. From the CSO side, commitment to the process and consistent efforts are needed as well. Human rights policy is no different in this regard. To achieve set objectives, the role of civil society in designing, implementing and monitoring the implementation of the policy document should be defined, procedures for engagement elaborated and put into operation.

To enhance the framework for civil society participation and dialogue with the public administration of Georgia, PROLoG invited the consultant Mrs. Rusudan Mikhelidze to study the existing situation with a view of providing guidance and recommendations for CSO participation.

The objective of this report is to analyse the current situation of civil society participation at various levels of human rights policy planning, implementation and monitoring and put forward practical proposals, guidelines and recommendations to help the HR Secretariat, CSOs and other stakeholders build a better framework for dialogue on human rights issues.

While the focus of the report is the CSO engagement, some crosscutting institutional and procedural issues that need overhauling in order for the CSO participation to be efficient are also discussed. These include the organisation and capacity of the HR Secretariat, its mandate and the role, procedures of operation, HR Council, working groups, cooperation with the PDO and other issues. This report builds upon and should be interpreted in the light of the wealth of research and analytical work carried out in support of the institutional strengthening of the HR Secretariat.

The report was developed based on the information received as a part of the assessment mission: bilateral meetings with various CSO representatives, government agencies, donor community, a CSO roundtable discussion, a brief survey of CSOs and desk research. Detailed information about the meetings conducted and collected information is enclosed as annexes 2-5 to this report.

The consultant would like to thank the following for their valuable contribution: Members of Parliament of Georgia, Support Unit to the Human Rights Committee of the Parliament of Georgia, Personal Data Protection's Office of Georgia, Public Defender's Office of Georgia (PDO); Ministry of Justice of Georgia, Ministry of Internal Affairs of Georgia, Prosecution Service of Georgia, Assistant to the Prime Minister on Human Rights and Gender Equality Issues, Ministry of Foreign Affairs of Georgia, Georgian Young Lawyer's Association (GYLA), Human Rights Education and Monitoring Center (EMC), Georgian Democratic Initiative (GDI), Partnership for Human Rights (PHR) , UNDP, International Labour Organisation (ILO), European Union, OHCHR, Council of Europe (COE), Open Society Georgia Foundation (OSGF), SAFARI, Article 42, Civil Development Agency of Georgia (CiDA), Georgian Trade Union Confederation, Media Development Fund (MDF), Prison Reform International (PRI), Human Rights Centre.

Part one of the report looks into the current situation of CSO engagement in the human rights policy design, implementation and monitoring in Georgia and their capacity and commitment to engage. **Part two** analyses the role of CSOs in international human rights mechanisms. **Part three** discusses

the platforms and procedures for engagement. **Part four** lists the recommendations to the stakeholders: HR Secretariat, government agencies and donors. **Part five** provides a practical guide for the HR Secretariat to help streamline its work in general and specifically for more efficient CSO engagement. Various annexes illustrate the good practice examples found in the public sector of Georgia on the topic.

For the purposes of this report, **civil society** implies NGOs primarily but also the national human rights institution (PDO) professional associations, academic institutions and other non-governmental actors.[1] Consultations with the general public are touched upon but not covered extensively in the report.

BACKGROUND

The first ever Human Rights Strategy and the Action Plan (2014-2015) of Georgia were adopted in 2014. The implementation and oversight mechanism: the Human Rights Interagency Council (HR Council) and the Human Rights Secretariat (HR Secretariat) were created at the same time. Notably, the government report in 2015 describes the mechanism in the following way: "The Inter-agency Council established under the Government and chaired by the Prime Minister monitors the process of implementing the Action Plan. The Council has nine working groups on the level of deputy ministers and heads of department, focusing on different chapter of the Action Plan. The nine inter-council working groups unite and cover all 23 chapters of the Action Plan. As an additional guarantee for the effective implementation of the Action Plan, the Human Rights Secretariat, responsible for the productive Inter-Agency coordination and close monitoring of the execution of the Action Plan, was created in the Administration of the Prime Minister's Office. The updates on its implementation are regularly presented to the civil society organizations. On 6 July 2015, the very first progress report on the implementation of the governmental action plan was presented to the Parliament." [2]

Indeed, the working groups of the HR Council with the participation of civil society organisations started operation as well and were quite active in the beginning. However, regulations, procedures or guidelines for their work have never been adopted, their operation did not have a systemic or structured nature, and in 2016 they stopped working altogether. As of today, there is no format for structured and systemic CSO engagement in human rights policy in Georgia.

According to the recently revised Government Decree (13 December 2016) on creation of the HR Council and approval of its Statute, the HR Council is an inter-governmental body chaired by the Prime Minister co-chaired by the Assistant to the Prime Minister on Human Rights and Gender Equality Issues and composed of the government agencies and non-governmental stakeholders, including CSOs and international organisations. Six NGOs are currently represented in the HR Council as invited members. The mandate of the HR Council includes:

- elaboration and implementation of the unified human rights policy;
- elaboration of the human rights action plan;

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[1] According to the UN OHCHR (2002) <u>Handbook on National Human Rights Plans of Action</u> the CSOs in a broad meaning should take part in the action plan development process including: National human rights institutions, private sector, media and general public, at pg. 51-55.

[2] Georgia's National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*. Document A/HRC/WG.6/23/GEO/1; Human Rights Council, Working Group on the, Universal Periodic Review, Twenty-third session, 2–13 November 2015, paras 20-21.

- coordination and monitoring of the action plan through the thematic working groups.

To implement its mandate, the HR Council may establish thematic working groups and assign tasks to them, to government agencies and to the HR Secretariat. The HR Council is accountable to the government, reporting to it annually. The government in turn submits annual implementation reports to the Parliament. According to the Statute, the meetings of the HR Council are held biannually. The analytical and administrative support is provided by the special service under the Government of Georgia, HR Secretariat.

The HR Council has so far adopted only one interim report on implementation of the 2014-2015 Action Plan and submitted it to the Parliament. The HR Secretariat in collaboration with the responsible agencies and other stakeholders prepared the second 2016-2017 human rights action plan, which was adopted by the Government of Georgia in June, 2016. At the end of 2016, the new Statute of the HR Council was adopted by the Government of Georgia. The Commission on Children's Rights was established at the same time to serve as a thematic expert group supporting the work of the HR Council, and the creation of the Interagency Commission on Gender Equality, Violence Against Women and Domestic Violence issues is planned.

Currently, the HR Secretariat is in the process of reorganisation, drafting the Statute, setting up the working groups and designing the processes to give a new life to the national human rights mechanism in Georgia. The HR Secretariat receives extensive donor support. Key donors are the Promoting Rule of Law in Georgia (PROLoG) activity funded by United States Agency for International Development (USAID) and implemented by East-West Management Institute (EWMI), United Nations Development Programme (UNDP) project funded by European Union (EU), and the Office of the United Nations High Commissioner for Human Rights (OHCHR).

PROLoG is providing support to the institutional development of the HR Secretariat. Several products have been prepared with this purpose already, among them the Strategy and Action Plan of the Government Administration Secretariat on Human Rights (2016-2019) developed with the support of the Synergy Group, the report prepared by Marc Limon (2015) on institutional strengthening and organizational development of the Human Rights Council of Georgia, and Sabrina Buchler's report on recommendations for developing the second Human Rights Action Plan (2015).

Part I. Role of CSOs in Human Rights Policy Design, Implementation and Monitoring: Situation Analysis

1.1. CSO engagement: benefits and limitations

Civil society participation is one of the important features of modern public policy-making.[3] Stakeholder consultations at the early stage of policy planning and engagement across the entire policy cycle enhance the quality of the policy,[4] co-designing helps foster partnership at the stage of implementation, systematic feedback and scrutiny put pressure on public administration to increase performance. Benefits of engagement are multiple: the knowledge, expertise and evidence various groups can bring on board in relation to specific human rights issues, advocacy and lobbying across the government, support to the implementation and alternative, independent monitoring are among them. Engagement and close cooperation is in the interests of the CSOs in order to stay on top of the developments in the areas of their activity, influence the decision-making process, and enhance accountability of the government by exerting pressure on the responsible agencies to implement their commitments.

At the same time, there are limitations to engagement. Firstly, no matter how strong the partnership between the government and the CSOs is and how committed the CSOs are, ultimately the responsibility for quality of the policy and reforms rests upon the government. Secondly, the capacities of the NGOs are not always sufficient to cover all areas included in the policy documents. Further, there is a risk that the NGOs who work closely with the government can be seen as associated with the government, which may undermine their credibility and value of their work as independent actors. Lastly, civic engagement requires substantial time and resources from the side of public administration and consistent commitment from the CSOs.

Thus, for optimal results, public administration should provide opportunities for meaningful participation on the one hand, and civil society should be competent, qualified and committed to such continuous and consistent engagement on the other. Some procedures, standards and rules for engagement must be set up and followed from both sides.

The CSO representatives met during the assessment mission expressed their interest and commitment to the human rights mechanism of Georgia, if the Government in its turn demonstrates the commitment to make the mechanism operational and start delivering results. According to the CSO representatives, the HR Council started with the very high degree of trust and expectations, however it failed to become a political instrument for human rights policy dialogue in the country, became formalistic, fragmented and soon stopped operation. Respectively, the CSO interest decreased. In order to regenerate interest and regain trust, according to the CSOs, the mechanism needs to become a strong political instrument for setting up and implementing the human rights policy in Georgia and the public administration should demonstrate readiness to engage in real dialogue that goes beyond the routine and formalistic coordination.

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[3] EU (2015), Quality of Public Administration, a Toolbox for Practitioners, available at http://goo.gl/Hmectj.
[4] OECD (2015) Government at a Glance, at pg. 31. http://goo.gl/TA1RmN

1.2. CSO participation at various stages of policy cycle

A pre-condition for meaningful engagement in the policy cycle is the existence of sound procedures and the willingness/commitment of the public administration to engage stakeholders. It is beyond the scope of the present report to analyse the qualities and steps of good strategic planning, policy formulation, implementation and monitoring.[5] However, it should be noted that the requirement of inclusion applies to each of the main building blocks of evidence-based policy: identification of the problem based on the evidence and data and designing policy solutions, prioritizing resources, planning budget, execution timelines, targets and monitoring implementation. CSO participation throughout the policy cycle is discussed in the sections below.

CSO engagement in policy design

It is important to use the knowledge, expertise and evidence from multiple stakeholders in drafting policy documents. Consultations with the CSOs at the early stage of policy planning help to identify important human rights issues and consider their inclusion in the policy documents. CSOs may also contribute towards the better quality of the policy.

Format and platforms for obtaining feedback can be diverse, ranging from the working group discussions, e-consultations, collecting and analysing the evidence/sources by NGOs with specific expertise. Reasonable time should be allowed for meaningful participation and feedback. At the same time, balance has to be found between the inclusive and efficient process to avoid unnecessary delays. The procedures, steps and timeframes of the process should be clearly established and communicated to the stakeholders. Information about the schedule, timeframe and formats should be made available to all participants.

Ultimate decision regarding the priorities and measures in the action plan is made by the government, as the government is responsible to make sure that the policy document accurately defines the policy priorities and is feasible for implementation, not just a "wish list" of various desirable actions standing no chance to be translated into the concrete results. However, as a part of the policy dialogue with the CSOs, feedback should be provided to explain why certain measures cannot or will not be included in the final document. Accordingly, as long as the opportunities for participation exist, the CSO recommendations are discussed and considered for inclusion in the policy document and proper feedback is given, one may conclude that the process is inclusive.

Most of the NGOs met during the assessment mission confirmed that they had an opportunity to comment as well as take part in the discussion of the 2016-2017 Action Plan elaboration process (this was the case for the first action plan as well). The retreat in Borjomi organized with the donor support was assessed positively. HR Secretariat informed that approximately 85% of CSO recommendations were taken on board, which is very positive. However, the main points of criticism from the CSO representatives on the process of the Action Plan elaboration were the following: the lack of structured process and timeline for providing comments on the drafts, chaotic and vague steps, and most importantly lack of feedback on what has not been included in the final document and why. It was mentioned that even the adoption of the Action Plan came across as a surprise as nobody

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[5] UN OHCHR (2002) Handbook on National Human Rights Plans of Action offers interesting insights on the procedures and platforms for broad stakeholder participation in the national human rights mechanism, including the action plan development and the monitoring.

communicated the final document to them. On the other hand, several government representatives raised the issues of quality of input from NGOs, the validity of data and substantiation of their proposals, as well as the challenges of organisation of their work that do not always contribute to the efficient process.

To illustrate the inclusive process, the example of the elaboration of the Anti-Corruption Action Plan of Georgia can be highlighted, which involved stakeholders from the very beginning of the strategic planning process until the end. It included the consultations at the stage of identifying priorities, working together on the sources to create the evidence-based document, consultations on the proposed template of the action plan and co-designing the substance of the action plan, including indicators. Whereas the main drafters were the ACC Secretariat, the responsible agencies and CSOs acting as co-rapporteurs of the thematic working groups the drafts were presented to the working group for their inputs at various stages, as the documents progressed. Strategic planning workshops have been organised with the support of donors and invited international experts to provide guidance in the process. Thus, civil society was engaged throughout the entire policy cycle. The process has been assessed as highly inclusive, however, it took a long time to finalize the documents. Thus, perhaps it could have benefited from a more structured approach with the optimal number of meetings and steps.

Another positive example is designing the OGP national action plan, characterized with the clear steps and timeline that was published on the website, public consultation plan and guidance from the HR Secretariat (presentations on quality action plans; measurable indicators and strategic planning process). These examples can provide ideas about the human rights policy process, also extensive guidance is available on the subject, including UN OHCHR (2002) *Handbook on National Human Rights Plans of Action* mentioned above.

For effective policy influence, CSOs need a wide range of capacities. Their meaningful engagement depends upon commitment to the process, level of expertise and the use of reliable data when it comes to advocating for measures for inclusion in the policy documents. Understanding the political context and timing for lobbying progressive initiatives is another important factor. Working in coalition rather than on their own will help create better leverage for their advocacy.[6]

Although not within the direct scope of this report, it is important to touch upon the issue of **indicators**, since this has been raised many times during the interviews as one of the key bottlenecks. General criticism voiced throughout the meetings had to do with the quality of indicators used in the action plan. It was suggested that most of the time they were linked to outputs of the process and did not measure whether the objective has been reached.

The UN OHCHR has devoted an extensive guide to the subject: Human Rights Indicators A Guide for Measurement and Implementation, that could constitute the point of departure for studying the issue of indicators. Marc Limon (2015) addressed the issue in his report in the context of Georgia[7] and a number of NGO alternative reports discuss it.

Practically speaking, the issue of indicators is complex and the policy design process may get trapped into long, almost scientific discussions on which indicator can actually measure the objectives and impact of the policy document in question. It is not always easy and sometimes even impossible to come up with a measurable impact indicator for each objective and action. Even those who argue for

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[6] On CSO capacity section 1.3. below.
[7] Marc Limon (2015) Institutional strengthening and organizational development of the Human Rights Council of Georgia, pages 5-7.

using such indicators may find themselves not very helpful in defining them. Another difficulty is the lack of data sources for using such indicators. In other cases, the indicators may in fact circumvent the process and not incentivise performance, as the agency in question may work to satisfy the indicator rather than achieve true objectives.[8]

Nevertheless, the strategic policymaking would lose its essence if the outcome and the impact of the work cannot be assessed. Thus, the middle ground should be sought when working on indicators. Firstly, the indicators should be defined not for every single activity/result but in relation to a broader cluster of objectives/outcomes; Secondly, it is important to use the indicators that have already been identified by authoritative organisations working in specific fields (for example: the UN manual for measurement of juvenile justice indicators,[9] EU indicators on Institutional Mechanisms for Gender Equality[10]). Thirdly, the decision should be made taking into account available data sources, be it national (national statistics, public surveys, CSO data) or international (various international ratings, compliance with recommendations of international bodies, etc.).[11] Most importantly, one should not get lost in the "science" of indicators and maintain the practical approach where the performance is analysed based on multiple sources and information, not only strictly pre-defined "SMART"[12] indicators. The inclusion of the CSOs in the process will not only help to come up with the good measurable indicators, but also will generate ownership and support from their side.

CSO engagement in implementation

There are many instances when the CSOs and the government can join forces for effectiveness of policy implementation. Some CSOs may act as service-providers or implementers of various measures defined in the policy documents. For instance, service-provider NGOs can support the implementation of programmes in the probation and penitentiary systems or juvenile justice or provide services to the victims of crime. Another example of partnership for implementation would be conducting joint trainings or public awareness activities or carrying out the surveys to provide evidence for the policy and its evaluation. One illustration of partnership for implementation is cooperation of the HR Secretariat with CiDA and the PDO to conduct the baseline research on business and human rights, as provided by the HR Action Plan. Interestingly, out of 14 participants of the brief survey, 6 NGOs indicated that they have competences and resources to engage in implementation. Thus, the CSOs should be consulted at the stage of the implementation to see if they can be of assistance as either data sources or research/service providers.

It is indeed reasonable to use the resources and expertise of various stakeholders for better implementation and have implementing partners.[13] At the same time, there are important factors to be taken into account: firstly, even though the government is delegating its certain functions to CSOs, the responsibility for the quality of implementation lies upon the government, thus the government needs to ensure that certain standards are adhered to. This is most importantly relevant to the service provider CSOs. Some countries use registration procedures for NGOs in order to ensure that they satisfy established criteria for quality services. In other cases, ethics and quality standards are

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[8] OECD (2006) Uses and abuses of Governance Indicators.

[9] UN (2016) Manual for Measurement of Juvenile Justice Indicators, available at: https://goo.gl/vaWZYL

[10] European Institute for Gender Equality (2014) Effectiveness of institutional mechanisms for the advancement of gender equality: Review of the implementation of the Beijing Platform for Action in the EU member States.

[11] For ideas see: 15 juvenile justice indicators; Anti-corruption action plan of Georgia using indicators only for results defined in the Action Plan.

[12] SMART stands for: Specific, Measurable, Attributable, Relevant, Timely.

[13] UN OHCHR (2002) Handbook on National Human Rights Plans of Action at pages 86-88.

developed for the CSO work. CSOs in turn have the responsibility to adhere to high standards of quality and due diligence when performing functions delegated by the government.

A decree of the Minister of Justice on grants[14] prescribes specific procedure and conditions for service providers for obtaining grants, results to be achieved by the service provider, selection criteria, concluding the grant agreement and monitoring of implementation of the grant agreement. The Decree of the Minister of Penitentiary Probation and Legal Aid provides for the ethical rules for NGOs working in the penitentiary institutions, prescribing obligations and ethical standards for the NGOs.[15]

These forms of formal engagement may not always be needed. Sometimes MOUs may be more relevant, other times commitment to the action plan in the process of its drafting and adoption may be sufficient. Nevertheless, some form of demonstrated engagement and commitment should be there.

Another issue is the clear division of the of NGO roles to prevent real or perceived conflict of interests, such as the CSOs conducting monitoring of measures that they themselves implemented or advocating for a measure for inclusion in the policy document in order to serve as an implementer later on. These situations should be avoided. The latter case can be addressed with policy document that is evidence-based and relevant and not based on individual interests.

CSO engagement in monitoring

An inherent part of evidence based policy-making is monitoring and evaluation.[16] Forms and methods of monitoring may vary: some countries choose more formal procedures, yet others give the preference to informal, interactive approaches. It is common to **integrate inputs** from the CSOs in the monitoring reports as well as use the **alternative/shadow reports** in the final assessment, provided they are of good quality and based on reliable data. There is a practice of using **external evaluation** of the final outcomes/impact of policy, the results of which are used to plan the next cycle. As a part of their regular interaction with the agencies and tracking the progress, there are instances of carrying out small "on-site missions" to the implementing agencies together with the CSOs to discuss the progress on the spot.

Monitoring and evaluation consist of several steps that follow various stages of the policy cycle:

- *Monitoring progress:* tracking the progress of the implementation of the measure of the action plan to make sure that it is not stalled. This can be done biannually with the indicators of the status of the activity (see the example of ACC methodology annex 10 using the following indicators: implementation not started; underway; suspended; terminated; completed. This will keep the responsible agencies in shape and prevent situations when the implementation starts only last minute before the deadline. It will also indicate if any support is needed for implementation of that particular activity. It would be practical to create a monitoring tool setting targets for every 6 months and have progress assessed against those.[17] It would also be useful to have the results discussed biannually with the participation of the CSOs.

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[14] Decree #160, 29 December, 2011.
[15] Decree #211, 19 August, 2013.
[16] UN OHCHR (2002) Handbook on National Human Rights Plans of Action at pages 94-99.
[17] See the monitoring instrument of the ACC here.

- *Assessment of implementation:* evaluating what portion of the measures listed in the action plan was implemented, how much have the objectives been reached and what remains to be accomplished. This can be done on an annual basis (in line with the reporting procedure of the HR Council). Implementation can be assessed using self-assessment reports by the implementing agencies and other available sources (for ideas on sources see the ACC monitoring tool: annex 11), including the CSO inputs and should include the analysis on what parts of the action plan have already been implemented and what remains to be done.
- *Evaluation of impact:* this is more complex exercise and can be undertaken at the end of the policy cycle to measure not only the level of implementation but also the impact on the human rights situation in the country. This could be performed by an external evaluator. It can also be carried out by the HR Secretariat, provided that its resources are expanded to include relevant competences and skills required for impact evaluation. The alternative reports by CSOs, reports of international organisation and PDO could be used as the sources.

CSOs may contribute to each of the above-mentioned stages. However, in order meaningfully engage the CSOs in the monitoring process, there should be a developed methodology and a procedure of monitoring and evaluation to begin with.

The HR Council does not yet have established such a procedure, even though monitoring of the action plan implementation is listed as one of its functions. The Statute only requires submission of annual reports on implementation to the government and subsequently to the Parliament.

The HR Secretariat intends to elaborate monitoring and evaluation methodology with donor assistance. In addition, there is a plan to introduce software that may streamline and simplify the process. However, before starting the work on the monitoring methodology, the desired level of monitoring and evaluation and the role of the Secretariat in the process have to be decided upon. It is clear that with the current resources and capacities it would be difficult if at all possible for the HR Secretariat to engage in full evaluation that requires sophisticated techniques of data analysis. Even if simple desk research is used for evaluation, it is hard to imagine how the unit of 4 can evaluate implementation of the action plan with 24 priority areas and more than 600 measures.

At the same time, many CSOs interviewed during the assessment mission strongly felt the need of at least some form of monitoring from the side of the HR Secretariat. Criticism was voiced regarding the report of the HR Council to the Parliament which only lists the activities carried out does not contain analytical part about the status of implementation, challenges and remaining steps. This concern is echoed in conclusions of the Human Rights and Civil Integration Committee of the Parliament (HR Committee) in the interim report of implementation of 2014-2015 action plan (see below).

There is a good practice of CSO engagement in the process of the monitoring and evaluation carried out by the Ant-Corruption Council of Georgia. According to the monitoring and evaluation methodology adopted by the Anti-Corruption Council in February 2015, the CSOs provide their inputs at every stage of the procedure: commenting on and rating the status of implementation by the agencies on a biannual basis using the special monitoring tool, contributing to the discussions of the evaluation and ratings at the working group meetings, providing sources for the evaluation document and commenting on the final outcomes. Thus, the evaluation reports together with other sources include the CSO opinions. The reports are drafted by the ACC Secretariat and adopted by the ACC. No Parliamentary supervision is envisaged by the legislation.

Thus, the CSOs may contribute to the monitoring and evaluation process by providing their inputs/comments to the HR Secretariat throughout the standardized process, participating in the meetings when the reports are discussed, as well as conduct their own alternative monitoring.

Alternative monitoring reports are most useful when they follow defined methodology and the standard format. Furthermore, it is more likely that the unified alternative report, covering wide range of issues of the policy document developed by NGO coalitions rather than each NGO will be used by the government. When conducting the monitoring it is important to use the accurate and reliable evidence. There already is some practice of **alternative monitoring** of the action plan on selective human rights issues. GYLA, EMC and GDI[18] have developed such reports. GDI organized a roundtable discussion on the results. This is very welcome and further encouraged. At the same time it would be desirable to address several existing shortcomings, in particular non-standardized formats and lack of methodology for alternative monitoring; working individually rather than in coalitions; covering only some parts of the action plan issues of validity of data used and quality of the reports.

CSO engagement during the parliamentary oversight

One of the strengths of the human rights mechanism of Georgia is the statutory requirement for parliamentary oversight: an instrument which is not available for other policy areas such as anti-corruption or criminal justice. However, in practice and in its current form this instrument is not fully and efficiently used and could be better applied for substantive discussions of major human rights issues in Georgia and for pushing performance of the implementing agencies.

According to the Statute of the HR Council, the report on implementation should be submitted to the Parliament annually. The report is discussed at the Human Rights Committee session. The main rapporteurs are the HR Secretary and the Assistant to the Prime Minister on Human Rights and Gender Equality Issues. The key implementing agencies are present. There is an opportunity for CSOs to participate and present alternative reports. As the HR Committee staff explained, Committee makes a public notice two days in advance of the session and CSOs can register for participation. The report is approved after the discussions. However, no follow up mechanism is envisaged. The Parliament takes the report as a notice only, contrary to the Public Defender's reports for which a parliamentary resolution is passed with the recommendations to the responsible agencies. Only the protocol (summary record of the discussions) and the conclusions of discussion are developed in relation to the HR report. So far, only one interim report on implementation of the action plan (2014-2015) went through the parliamentary procedure. The HR Secretariat is in the process of preparing the report on implementation of the 2016-2017 Action Plan.

According to the **protocol** of the HR Committee session of 6 July 2015, which discussed the interim report, CSO representatives attended the session. The **conclusions** of the same session prepared by the HR Committee outline the progress achieved in the human rights area in the country listing the accomplishments of various line ministries and agencies, legislative and institutional reforms in judiciary, prosecutor's office, the police and others. The HR Committee concludes that there is a positive dynamism in implementation of human rights reform in the country, which should continue until each and every objective of the strategy and the action plan is reached. The document does not contain any information about the existing challenges, however it notes that: *"It is desirable that the final report on implementation [to be submitted by the Government] reflects the detailed information about the progress achieved as well as identified challenges in each area of human rights, list of*

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[18] GDI (2016) Report on implementation of the Chapter 1 of the Human Rights Action Plan.

planned measures with the timelines of implementation and indicators. Such report will give a better opportunity to the Parliament and the public to assess the existing human rights situation, challenges and future prospects."[19]

CSOs met during the assessment mission pointed to the need for improved parliamentary supervision and suggested that there should be a more structured and clear process for participation. Also, in order to increase the attention to the report, it should be discussed at the Plenary meeting of the Parliament and perhaps have the similar procedure as the Public Defender's report.

The Public Defender's report on the Human Rights Situation in Georgia is submitted to the Parliament annually. The report is a lengthy, detailed document (1261 pages in 2015) addressing the individual human rights violations as well as human right policy and providing recommendations to the relevant public bodies. The report undergoes special procedure of hearing at the parliament plenary where CSOs participation is also envisaged. Based on the discussions the parliament adopts a resolution with the recommendations to the relevant agencies, which in turn are responsible to report about the implementation to the HR committee within the given deadline. Taking into account the matching timeframe for the submission of the human rights action plan implementation report with the Public Defender's report it would be advisable to have the processes eventually combined or linked to save resources, ensure that the PDO recommendations are fully reflected in the HR Action Plan and provide for more meaningful CSO participation. Additionally, it is important to ensure synergies of the Public Defender's recommendations with the human rights strategy and action plan. The HR Secretariat informed that the report of the Public Defender with the recommendations is used as one of the sources of the action plan. Consultant was informed about the attempts to merge these two procedures; however, concerns have been expressed as to the risks of diminishing the value and importance of the PDO reports and the idea was dropped.

One positive practice which indeed helps cohesion in the implementation process is that the workplan of the HR committee reflects the Human Rights Action Plan (at least this was the case in 2016). It is recommended to continue with this practice.

Worth mentioning is the interaction and coordination between the Public Defender's Office and the HR Secretariat. PDO representatives pointed to the importance of the HR Secretariat's coordination role and emphasized good cooperation they had in the process of elaboration of the action plan. PDO provided its comments on the action plan and the implementation report. The PDO supports renewal of the working groups and underscores the need for a structured process with better timeframes for feedback. Public Defender itself has operational thematic formats to work with the CSOs such as: consultative council of the National Preventive Mechanism, consultative council on rights of persons with disabilities and others.[20] It is critical to have the role of the PDO strengthened in the human rights policy planning monitoring of implementation.

With a view of enhancing the practical implications of the parliamentary procedure, some of these recommendations could be considered:

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[19] Conclusions (#8130, 8 July, 2015) of the Human Rights Committee of the Parliament of Georgia on the results of the discussion on HR Council's interim report on implementation of HR Action Plan (2014-2015).
[20] See the 2016 Activity Report of the Public Defender of Georgia available at: http://www.ombudsman.ge/uploads/other/4/4188.pdf at pg. 25-26.

Clear role for CSOs: strengthen the parliamentary procedure to allow for better CSO participation, envisage clear role for CSOs to enhance the value of their contribution, ensure substantive discussions in the Parliament and an adequate follow-up.

Preparation for the reporting: it is important that the HR Secretariat prepares for the hearing together with the responsible agencies and the CSOs using one of the available platforms (such as thematic working groups or management group if established - see below).

Follow up: conclusions of the discussion, if they are substantive, may serve as basis for revision/additions to the action plan. It is recommended to envisage the follow up from the parliament as well, if not in the form of the resolution with the concrete recommendations to the agencies, then in the form of summary of the main challenges that could form part of the conclusions documents of the HR Committee. This will enhance the outcomes of the parliamentary procedure and impact of CSO contribution.

CSO engagement at the regional level

The HR Secretariat informed the consultant about its plans to start work at the regional level to ensure that the regions do not fall behind compared to the central government. Indeed, it is important to include the regions especially when it comes to the identification of human rights problems they are facing and including solutions in the policy documents. At the same time, it is true that the human rights mechanism of Georgia needs to become operational at the central level first in order to expand to the regions later. However, already at this point, the HR Secretariat in cooperation with the CSOs and donors can start outreach to raise their awareness and bring up the problems the regions are facing with a view of including them in the policy documents. OHCHR and PROLoG already work with the HR Secretariat on the regional level to raise awareness.

A good starting point could be regional consultations for the action plan development which could serve two objectives at the same time: raising awareness and identifying issues for the inclusion in the action plan. PROLoG has already started facilitating presentations by the HR Secretariat to inform regional actors of key human rights issues and the Secretariat's activities. Another example of possible activities that can be followed is the OGP public consultations organised by the ACC Secretariat in cooperation with civil society according to the action plan for public consultations, which set the target groups and the schedule for public consultations. At a later, stage mini-models of the national HR mechanism could be created at the regional level.

Recommendations for the public administration/HR Secretariat

- Engage CSOs early in the **policy planning** process.
- Set clear procedures**, steps and timeframes of the process**. Communicate the plan to the stakeholders.
- Decide on the **format** and **platform** for obtaining **feedback**: e-consultations, meetings etc.
- Allow for reasonable **time** for **meaningful** participation and feedback.
- Use evidence from multiple **sources**, including the CSO work and international recommendations as basis for the draft action plan.

- Define **indicators** for each objective/result not for each measure/activity using the experience of specialized international/regional institutes; include the CSOs in working on indicators.
- Provide **feedback** on the final decision with the **explanations** what has not been included and why.
- Provide for certain **procedures** for CSOs acting as implementers (grant competition procedure, rules on standards, ethics, MOU or other forms of engagement). Develop standards of quality and ethics for services for CSOs.
- Envisage the role of CSOs in the **monitoring** and **evaluation** methodology, timeline and schedule. Engage CSOs in developing these procedures.
- Design a **monitoring tool** with the interim targets/benchmarks, standard format for annual reports and the alternative reports.
- Make the **progress** and **evaluation** reports public.
- Clearly define the role of the CSOs in the **parliamentary procedure** with a view of enhancing the value of their contribution.
- Continue and intensify cooperation with the **PDO**, including possible synergies of the parliamentary procedures, with a view of including the relevant recommendations in the Human Rights Action Plan.
- Subject to available resources in the **PDO** ensure their participation in the monitoring of the action plan, or use their available mechanisms to inform the monitoring process.

1.3. CSO capacity and commitment to engage

Previous sections mainly discussed what the public administration has to do in order to create opportunities for meaningful CSO participation. This section focuses on CSOs and what is required from them for efficient engagement. The above section already referred to the guidance documents available for the CSOs including those developed by UN OHCHR. Those documents represent an interesting read for the CSOs on the issues highlighted below as well. [21]

The assessment mission showed various glitches and need for improvement in the performance of the CSOs. Main issues had to do with the **commitment to the process and consistency***;* **prioritization**; **quality** of their work, including using reliable evidence and data to support their proposals for policy; **capacity** to engage at the stages of the policy design, monitoring, advocacy, international mechanisms and parliamentary oversight; **work in coalitions** and the need for closer cooperation with each other.

The **brief survey** of Georgian CSOs put forward the following recommendations to the CSOs for better engagement: [22]

- **Prioritize** and allocate resources to be active contributors to the process, envisage these activities in the **priorities** and the **workplan** of the organisation.
- **Actively** participate and meaningfully **contribute** to the **thematic working groups**: come up with the proposals for improved **policy** as well as **implementation**. It is crucial to have critical analysis

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[21] See Part II on International Human Rights Mechanism.
[22] See the survey questionnaire, annex 5.

of the action plan, its objectives and whether the included **measures** contribute to achieving those declared objectives.

- Working in **coalitions** is important to increase the role of the CSOs. This will help come up with the **joint position** and **strategies** on how to best achieve the desired results.
- Be **proactive** but observe the established **rules of procedure** and **formats** of work.
- Increase **competencies** and subject matter expertise.
- Engage in the **monitoring** of the action plan **implementation**. Ensure quality alternative monitoring in line with the single methodology and in coalitions to ensure broad coverage of all aspects of the action plan in the alternative reports.
- Strengthen **advocacy** on the international level as well as parliamentary supervision.
- Generate **public interest** towards the action plan.

The following points merit attention along with the recommendations expressed throughout this report:

Prioritizing: The brief survey carried out by the consultant showed that the majority of CSOs work on multiple themes and express interest to be engaged in several working groups taking on multiple roles at the same time. CSOs should carefully prioritize and select what to focus their efforts on, in line with their objective and activities and taking into account what activities can realistically be integrated in their own workplans. Selective approach will allow them to increase the quality of their products using reliable data and evidence. This is especially important when it comes to the CSO policy recommendations put forward for the inclusion in the strategy and the action plan and alternative monitoring.

Work in coalitions: would increase the efficiency of CSO work and the likelihood of influencing the strategic planning process and well as the follow up. The issues attract more attention when channelled through coalitions;[23] working in a coalition is also effective for alternative monitoring; creating coalitions would also resolve some of the issues of representation at various levels of the national human rights mechanism (nominating the HR Council members, representatives for the Steering Group, or co-rapporteurs, representative to the Parliamentary hearings). Coalitions positively affect working relations among CSOs. At the same time, the challenges of working in coalitions may include the resources and time needed for coordination, reaching consensus and agreeing on priorities and roles. There are coalitions operating on certain issues that can already be integrated in the process (Coalition for Independent Judiciary, Anti-Discrimination Coalition, Children and Youth and others), it is recommended to actively use coalitions for better engagement in the national and international human rights mechanisms.

Strategic planning capacities: the proposals for policy should be based on reliable data and good quality evidence,[24] deep expertise on the subject and should be realistic in terms of political feasibility.

Lobbying and advocacy capacities: effective advocacy messages should contain information the human rights problem and aim at persuading and moving to action. The outcome documents of human rights mechanisms with the conclusions and recommendations among other sources can be used as the tools for advocacy.

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[23] UN OHCHR How to Follow Up on United Nations Human Rights Recommendations: A Practical Guide for Civil Society, at pg 18.
[24] ODI (2006) Policy Engagement, How Civil Society Can be More Effective.

Monitoring capacities: to hold the government accountable**, the ability to generate reliable and accurate findings** is important**.** Alternative monitoring requires coordinated action between the CSOs. CSOs should use donor support to advance their monitoring capacities and work in coalitions.

Substantive expertise: there may be significant capacity gaps in civil society requiring attention and action. One observation is that the knowledge and expertise is lacking to cover all the aspects of the action plan. Donor support should promote more or less consistent substantive coverage of the issues and the newly emerging CSOs should try to fill in these gaps.

Recommendations to CSOs

- Fully engage in the **drafting of policy documents**, advocate for including important measures, contribute to the higher quality of policy documents in general, including objectives, measures, targets and indicators. Follow through in the process of implementation.
- **Prioritize**, allocate resources for consistent contribution to the process. Ensure regular attendance to the meetings and provide inputs. Envisage these activities in the work plan of your organisation.
- Fill in the gaps of the substantive coverage of the Action Plan from the CSO side. Especially, the new CSOs should seek donor support to diversify and enhance their expertise to fill in those gaps and contribute to the full substantive coverage of the Action Plan.
- Enhance strategic planning and monitoring **capacities**, including the ability to generate reliable and accurate findings, using evidence and data for policy planning, advocacy and monitoring.
- Be **proactive** but observe the established **rules of procedure** and **formats** of work.
- If permitted by the purpose of the organisation, engage in the process of **implementation** through awareness raising or training activities or by providing services as appropriate.
- Work with the HR Secretariat on the **methodology** for monitoring and evaluation, including alternative reporting.
- Help create and follow **standardized format** and procedure for alternative reporting.
- Engage in the **monitoring** of the action plan **implementation**. Ensure quality alternative monitoring in line with the single methodology and in coalitions to ensure broad coverage of all aspects of the action plan in the alternative reports.
- Seek **donor support** to advance monitoring capacities, create efficient system of monitoring and work in coalitions.
- Strengthen **advocacy** on the international level as well as parliamentary supervision. Designate representatives to report to the parliament the CSO position.
- Generate **public interest** towards the action plan.
- Avoid situations of **conflict of interests**.

Part II. International Human Rights Mechanisms and the Role of CSOs

CSOs have an important role to play within the framework of international human rights mechanisms. Opportunities range from submitting alternative reports, to helping governments prepare for reporting, to raising awareness and following up on the implementation of recommendations. CSOs can use the concluding observations of the relevant mechanisms in their policy dialogue with the Government; monitor human rights situation in the countries; organize thematic discussions and inform the treaty bodies about the progress made in implementation of recommendations.[25] The active CSOs in Georgia are engaged in the international mechanisms, they are submitting alternative report and taking part in the sessions when the report is discussed, are working with the government to prepare for the sessions. Donor community supports this work as well.

This section gives ideas and recommendations primarily to the CSOs on how to improve the engagement further. Since the human rights mechanisms applicable in the context of Georgia are diverse, in order to engage fully and meaningfully, CSOs need to prioritize and take selective approach, get familiar with the procedures and methodologies and build capacity.

United Nations Office of the High Commissioner for Human Rights (OHCHR) offers thorough guidance on the subject.[26] The *Handbook for Civil Society* as essential partners for the UN human rights system in promoting and protecting human rights is one of them.[27] Another one is the practical guide for civil society *How to Follow up on United Nations Human Rights Recommendations*.[28] The guide describes the follow up procedures for various human rights mechanisms, including Human Rights Treaty Bodies, the Human Rights Council and UPR, from awareness raising and dissemination of information to advocacy, to coalition, capacity-building, sharing good practices, monitoring, and contributing to the follow up procedure of the monitoring mechanism in question. Furthermore, the OHCHR has created the Civil Society Unit to support the CSO work.

The Universal Periodic Review (UPR) is an international human rights mechanism operating on a four-year cycle. Review is based on the information submitted by the State under review, OHCHR and civil society actors (also prepared by OHCHR). The detailed guidance on how to contribute to the UPR process is provided on the website.[29] CSO may participate by:

- Working with the state to prepare national reports: UPR encourages the countries to prepare their submission through a national stakeholder **consultation**.[30]
- Stakeholder **submissions** to the OHCHR, which in turn is responsible for submitting the summary in the required format to the UPR. CSOs may work in coalition to prepare such a submission. Detailed guidance on the format is available on the UPR website and described in the handbook mentioned above.

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[25] UN OHCHR (2008) Working With the United Nations Human Rights Programme, A Handbook for Civil Society; also available in Georgian.

[26] Please consult the civil society section of the OHCHR website: http://www.ohchr.org/EN/AboutUs/Pages/CivilSociety.aspx

[27] UN OHCHR (2008) Working With the United Nations Human Rights Programme, A Handbook for Civil Society; also available in Georgian.

[28] UN OHCHR How to Follow Up on United Nations Human Rights Recommendations: A Practical Guide for Civil Society.

[29] https://www.upr-info.org/en/how-to-role-ngos

[30] See the case example of Switzerland where the NGO Coalition played key role in preparing the UPR submissions at pg. 147.

- **Attending the sessions** of the Working Group on UPR and the Human Rights Council Sessions, if accredited with the ECOSOC and **making oral statements**.
- **Following up**, working with the national administration on implementation, monitoring the HR situation in the light of the UPR outcomes, **raising awareness** about the UPR.
- **Collaborating** with other civil society actors in preparation and submission of the UPR. [31]

Georgia is a party to a number of international and regional human rights mechanisms (UPR, CEDAW, CRC and others[32]). Reporting to these mechanisms is coordinated by the Ministry of Foreign Affairs of Georgia (MFA). According to the representative of MFA they have established practice of cooperation with the NGOs organized around the **schedule** and **methodology** of each of the mechanisms. MFA is also cooperating with the HR Secretariat that provides substantive input to the report, including by writing some of its parts. According to the HR Secretariat the **recommendations** of the human rights mechanisms are included in the national action plan.

As an example, in the following passage from the report of the government the preparation for the last UPR are described: "Consultation process started as early as June 2012. In 2015, the Ministry of Foreign Affairs of Georgia, in cooperation with various line ministries, hosted or participated in various consultation meetings related to the UPR with the **participation of NGOs**, the Office of the Public Defender of Georgia and the UN Office of the High Commissioner for Human Rights (OHCHR). In addition, upon request of the Ministry of Foreign Affairs of Georgia, the OHCHR organized **a round table with the participation of government representatives and the non-governmental sector** which offered a very good platform to discuss and share views on the UPR process. For the purpose of considering **stakeholder feedback and comments**, the final draft of the report was uploaded on the web page of the Ministry of Foreign Affairs and before submitting to the HRC, the report was presented to the OHCHR, the UNDP, the Office of the Public Defender and NGOs. All comments and suggestions were considered in the course of the finalization of the report.[*emphasis added*]"[33]

The consultations process described above is indeed commendable if it is institutionalized across the board of all the international mechanisms. However, against this background, the CSOs that have worked on the alternative reports to international human rights mechanisms informed that there is no internal mechanism of coordination before submitting the report to the international mechanisms and that the role of the HR Secretariat in this process is insufficient suggesting that coordination must be enhanced. Marc Limon's report (2015), referred to above, also discusses the existing shortcomings and stresses the need for integration of the recommendations and harmonising the domestic and international reporting cycles.

While it would be barely possible and perhaps even not desirable to transfer the key role in the reporting to the HR Secretariat taking into account its current resources and a number of international mechanisms Georgia is party to, the coordination could indeed be enhanced. This can be done by integrating the coordination into the thematic working group of the national human rights mechanism.

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[31] http://www.ohchr.org/EN/AboutUs/CivilSociety/Documents/Handbook_en.pdf at pg 138, chapter VII.

[32] Human Rights Committee, Committee on Economic, Social and Cultural Rights, Committee on Elimination of Racial Discrimination, Committee on the Rights of the Child, Committee Against Torture and others. For an extensive overview see: http://www.ohchr.org/EN/AboutUs/CivilSociety/Documents/Handbook_en.pdf chapter IV.

[33] Georgia's National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*. Document A/HRC/WG.6/23/GEO/1; Human Rights Council, Working Group on the, Universal Periodic Review, Twenty-third session, 2–13 November 2015, para: 4.

The MFA, instead of convening its own coordination meetings, could use the relevant platforms/thematic working groups created by HR Secretariat to coordinate and prepare for the procedure, increase awareness and follow up on the recommendations at the later stage. This can be done by including the upcoming reporting/monitoring as one of the agenda items of the working group in question (such as Child Rights Commission on the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on the Commission on Gender issues, etc.). The HR Secretariat could invite MFA representatives to make brief presentations to explain to the focal points the methodology and timeline and inform about the next steps and further use the working group for coordination. This would save the resource and increase efficiency for the CSO engagement as well. CSOs on the other hand could intensify and improve their contributions taking into account the following recommendations.

One positive aspect to capitalize on is that the relevant recommendations of the human rights mechanisms are reflected in the action plan, this should continue as it will allow the HR Secretariat to follow up on the implementation of those recommendations.

Recommendations for the public administration: HR Secretariat and MFA

- Use the platform of the thematic working groups that includes CSOs to raise awareness about the international human rights mechanism in question, prepare and coordinate the reporting.
- Fully integrate the recommendations of international organisations in the action plan.
- Use the evaluations of the international human rights mechanisms for national monitoring and evaluation purposes and planning the next cycle.

Recommendations to the CSOs

- Select the international human rights mechanism to work on that is in line with the activities and the mandate of your organisation.
- Explore and use the opportunities for building capacity on the substance and the methodology of the human rights mechanism in question.
- Work on alternative submissions to the international mechanisms in coalition with other CSOs to expand the coverage of the issues and create higher leverage.
- Help the government prepare for the reporting using your expertise and data.
- Use the HR Secretariat working group meetings to advocate for implementation of the recommendations of international mechanisms.
- Raise awareness about the mechanism and use concluding observations as policy advocacy tools.
- Follow up on the implementation of the recommendations of the human rights mechanisms using available platforms of the national human rights mechanism in Georgian, including thematic working groups, HR Council, HR Committee, etc.

Part III. Platforms and Procedures for Engagement

This section discusses the existing platforms and procedures for CSO engagement in the national human rights mechanism of Georgia and proposes solutions for an enhanced framework. As mentioned above, some countries opt for minimal regulation and maximum interaction as opposed to overregulation. Notably, one NGO representative named the flexibility and less formal approach compared to other interagency frameworks as one of the positive features of the national human rights mechanism. However, the practice so far has shown, that in the context of Georgia, at least some form of procedures are needed to ensure the operation of the mechanism and not leave it up to the individuals alone who may or may not act as drivers of the process. On the other hand, the advantages of a flexible format should not be forgotten and balance should be found between regulation and efficiency.

One of the biggest concerns CSOs voiced is the lack of clear procedures for engagement through the process of designing the policy documents or monitoring. As an example, if we take the elaboration of the action plan: what is the timeline, what are the steps, roles for stakeholders is unclear. Similarly, there are no established protocols for tracking the progress and monitoring of implementation, neither is it clear how CSOs participate in the parliamentary process. A number of international tools provide guidance and basis for developing such procedures, among them is the UN Guide (2012) mentioned above. Nevertheless, there are no two mechanisms with the identical procedures, this means that the Secretariat should consult the available guidance but in the end come up with the optimal procedures that are suitable in the existing context. Recommendations for better administration are provided in **Part V** of this report.

3.1. CSOs and the Human Rights Council

As mentioned above, the Human Rights Council was established in 2014. Several CSOs are included in the HR Council as invited members with advisory status. Expectations to the newly launched national human rights mechanism in Georgia were high. CSOs were active, took part in the meetings, submitted comments to the draft action plan and prepared alternative reports on implementation. However, the Council meetings have not been systematic. So far, the Council only met twice. There were no meetings in 2016. The HR Council approved the Strategy and 2 Action Plans so far and one interim implementation report.

CSO representatives met during the assessment mission expressed concerns with regard to the *operation* of the HR Council and the *format* of its sessions, which in their view does not allow for meaningful civil society participation. CSOs informed that the dates, frequency or the agenda of the sessions were not communicated in advance and there was no follow-up of the sessions. Reportedly, CSO representatives could not even ask questions at the last session.[34] CSO *membership* issue has been raised as well, as it was not clear to the CSOs how they are selected to participate with advisory status. According to CSOs, all this causes the general apathy and scepticism affecting the interest and willingness of CSOs to participate. Overall, in the assessment of CSOs, the HR Council so far has not been a proper forum for a policy dialogue with the Government of Georgia on human rights issues, nonetheless it has a potential to become one. The statutory preconditions for an operational

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[34] GYLA (2015) Evaluation of the Report on the Implementation of the Action Plan of the 2014 National Strategy of Georgia on Human Rights Protection.

framework are already in place. The political will to make the mechanism operational and the good administration of the work should enable the mechanism to address the existing concerns and stimulate the CSO participation.

The following issues merit attention with regard to the CSO engagement in order to ensure real policy dialogue and engagement:

- **Membership/representation:** clearly, it is unrealistic to attempt including all the CSOs working in the areas covered by the action plan. At the same time, it is important to extend the thematic coverage as much as possible. Either one of the following approaches could be used: the CSOs themselves could nominate representatives within the certain quota from the thematic coalitions, or in a similar manner, CSO co-rapporteurs/chairs of the thematic working group could be selected to take part in the sessions. In any event, there must be some clarity and transparency around the issue of membership.
- **Participation at the sessions/interventions:** the participation at the HR Council sessions from the CSO side should be meaningful. Firstly, they should be able to contribute to the agenda of the meeting, secondly, they should be able to speak to raise their concerns and issues. In case responsible agencies would like to be informed what issues CSOs plan to raise in order to prepare full answers, CSOs may be asked to submit their main points/questions in advance.
- Opportunity to **communicate** with the HR Council: beyond the sessions there should be an opportunity to communicate with the HR Council or its members through the HR Secretariat to raise issues of concern and get their feedback.
- Receiving **feedback** from the Council: in the form of the answers to their questions or the argumentation/rationale for the decisions, be it on the adoption of the action plan, its implementation or other issues.

The following can serve as **guidance** to the Secretariat on what needs to be done in practical terms:

- **Good preparation of sessions:** setting the agenda in consultation with the working groups. If the CSO representative would like to intervene, this could be communicated in advance with the written outline of the intervention, if needed, to ensure predictability of the issues and as complete and meaningful interaction as possible.
- Only issues of **top importance** and the **highest priority** should be dealt with by the HR Council. The main technical work should be done at the lower/thematic working group level.
- The **focal points** of each **responsible agency** should be responsible for **preparing** their Minister/Deputy Minister or the head of agency by liaising with the Secretariat in advance of the sessions. The HR Council members should be well-prepared in order to anticipate the issues and have the responses ready so that there are no big surprises at the HR Council session itself.
- The draft **decisions** of the HR Council should be prepared in advance by the Secretariat in cooperation with the working groups to make sure that the objectives of each session are reached.
- The **minutes** of the HR Council should be regularly published as provided for by its Statute.

3.2. CSOs and the Working Groups

The HR Secretariat established 9 thematic working groups in 2014. Working group meetings were held in 2015 as well but they were not systematic and eventually stopped operation.[35] Nevertheless, CSOs met during the assessment mission stressed the importance of the working groups as main vehicles for the operation of the human rights mechanism and strongly recommended reactivating them. Indeed, the working groups should be the core of the technical and analytical support provided to the HR Council. All the expert level preparatory work should be carried out within the working groups to serve as grounds for HR Council decisions. This way, the working groups would be the main platforms for CSO engagement as well. Thus, making them **functional** and **efficient** should be one of the primary objectives of the HR Secretariat. The **responsible agencies** and the CSOs should support the HR Secretariat in this process.

Recently, the reactivation process was launched and the formation of the thematic working groups is now ongoing. The Commission on the Child's Rights was already set up with the governmental decree (13 December 2016) as a thematic working group of the HR Council. There is a plan to establish more thematic working groups as needed, while maintaining and integrating some of the existing thematic Inter-Agency Council's work led by various line ministries into the national human rights mechanism to serve as the thematic "working groups" of the HR Council. Indeed, it would be wise to use already established coordination mechanisms with their administrative, analytical and secretarial capacities to spare resources, even though some CSOs advocated for creation of additional platforms separate for the HR Action Plan in order to balance sometimes rigid policy decisions taken on the level of the inter-agency coordination councils.

Taking into account the 24 themes of the action plan and the limited resources of the Secretariat, establishing and managing the thematic working groups is quite a challenging task. Along with the new working groups, making sure that the existing structures are fully integrated is another even more challenging task, but standardization of their work will be worth it in the long run. For the latter, the HR Secretariat should be fully engaged and following up on the work of a given thematic mechanism. The staff members of the HR Secretariat specialized in given themes could serve co-chairs of the mechanism, or if not, systematically participate in its meetings.

The following potential working groups attracted the interest of the CSOs who participated in the brief survey: [36]

1. Justice system, judiciary, prosecution service, law enforcement agencies
2. Penitentiary, fight against torture and inhumane treatment
3. Privacy, freedom of expression, freedom of association
4. Minority rights
5. Gender equality, women's empowerment, domestic violence
6. IDPs
7. Rights of persons with disabilities
8. Labour rights
9. Rights of the child

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[35] About the deficiencies related to the functioning of the 9 working groups of the HR Council see GYLA (2015) *Evaluation of the Report on the Implementation of the Action Plan of the 2014 National Strategy of Georgia on Human Rights Protection.*

[36] Please note that the respondents were asked to limit the choice to 3 and prioritize. 14 responses received in total.

10. Business and human rights

It is important to have one general group (perhaps similar to the Expert Level Working Group of the ACC Council) and work with them on the procedures, methodologies and formats of work. A **steering group/management group** could consist of the Secretariat and the rapporteurs/chairs of the working groups (including from the CSOs) and any other key institution/positions that are needed for the general management of the mechanism. This group could be consulted on the documents before their submission to the wider stakeholders or the HR Council, such as draft terms of references for the working groups, and other documents related to the general administration of the mechanism. The meetings of the steering group can be held more frequently than those of the thematic groups.

Once the decision is made on which working groups to establish the HR Secretariat should announce the call for registration (for details see section 3.4 on mapping), actually set up the working groups and convene the first sessions.

Some practical suggestions:

The terms of reference should be developed to detail the objectives of the working groups, membership, tasks of the rapporteurs and co-rapporteurs and the HR Secretariat and the working procedures (for ideas on what to include see annex 6). The CSOs should be proactive and engaged in the work on developing procedures. CSOs represented in the working group could be asked to nominate the candidate(s) for a **co-rapporteur** to be elected by the group for a specific time period (for example 2 years - for the duration of the action plan). This way, CSOs will be involved in **setting the agenda** for the meeting and will be incentivised to take additional responsibilities such as preparing proposals on specific issues under consideration for the meetings or taking on other **initiatives** and **tasks**. CSO co-chairs could be included in the **steering/management group** (discussed above) and the **HR Council** itself, they could take **lead in preparing alternative monitoring reports** and voicing CSO views during the **Parliamentary Committee** hearings.

Apart from regular tasks of working on the action plans, helping with the implementation and monitoring, working groups should be able to discuss and address one way or any other *ad hoc* human rights issues as well. The agenda of working group meetings could also include thematic discussions or presentations on relevant issues to serve as thematic roundtables on relevant human rights issues.

The issue of the responsible agency **focal points** should be highlighted here as they are key in the success of the working groups. To avoid the situation which CSOs spoke about, with agency representatives not being well informed or otherwise in a position to answer questions, serious consideration should be given to the nomination of the agency focal points. Firstly, they should be representing one of the key positions of the agency in question and competent to speak on behalf of the responsible agency as a whole. The designated focal points should be positions at each agency, not the specific persons in question. The tasks of the focal points should also be prescribed: such as representing the agency at the meetings, ensuring the preparations for the Council Sessions, providing the proposed actions for the action plan, reporting, etc. Focal points should be instructed to give a high priority to the process, be prepared and engaged.

3.3. CSOs and the Secretariat

Analysis of the institutional strength and weaknesses of the HR Secretariat is beyond the direct scope of this report, however, several issues merit attention from the CSO participation angle that have been

repeatedly stressed during the interviews as essential factors for efficient engagement with the Secretariat. Also, as it is in the midst of reorganising its processes, the HR Secretariat was eager to hear ideas from the CSOs on what to improve and how.

The main issues raised in this context can be grouped around the **mandate** and the **role** of the HR Secretariat on the one hand, and **resources** and **capacity** for better operation, on the other.

CSOs interviewed during the assessment mission very positively assessed the HR Secretariat team and communication with them. The staff members are open for cooperation, active, flexible, and responsive. The recent cooperation on the action plan had a positive feedback as well. However, there was a common dissatisfaction with the sporadic and chaotic process of work, every time leaving the impression of crisis management, lack of clarity with regard to the steps, lack of feedback and follow-up from the HR Secretariat, short time-frames and *ad hoc* actions.

One essential issue raised is the lack of clarity with regard to the **role** and the **mandate** of the HR Secretariat in the national human rights mechanism of Georgia as it stands now. Is it a technical support unit that coordinates the meetings and collects the information or is it also the source of analytical support as well? What is its role in the monitoring of implementation? Additionally, the CSO representatives were not sure what is the mandate of the HR Secretariat for example, vis-à-vis the Assistant to the Prime Minister on Gender and Equality issues, which sometimes could promote "forum-shopping" and lack of coordination.

As to what the CSOs would like to see: all the interlocutors were unanimous on the importance of the role of the HR Secretariat in the human rights agenda setting and stimulating implementation of the action plan as well as driving the whole mechanism. For this, the need for increasing the capacity, profile and authority of the HR Secretariat were strongly voiced, underling the need for improving the analytical quality of products, including the monitoring reports.

In answering a brief questionnaire (see annex 5) the CSO representatives put forward the following recommendations to the HR Secretariat:

- **Strong coordination:** strengthen inter-agency coordination, have better cooperation with the implementing agencies, stay on top of the developments in the relevant areas, have the authority and back-up to enforce the procedures of representation to the working groups and the reporting. Secretariat should be seen as influential to be taken seriously, able to politically influence the relevant agencies and raise the issues to the highest level to find relevant solutions.
- Effective and **intensive working formats**: define the objectives of the working groups, structure and organize their work. Ensure that the working groups are operational and deliver results.
- Engage in **better monitoring**, monitoring should be independent. Communicate the progress and challenges in implementation to the top level. Track and follow up on the status of implementation of the action plan to avoid delays and last minute activities.
- Ensure the **CSO engagement** in the decision-making process and efficient use of CSO experience and resources. Ensure inclusive and transparent processes of policy development implementation and monitoring. Ensure that the recommendations of alternative monitoring are taken into account and reflected in the final monitoring report.
- Have the relevant **knowledge and expertise**, increase the quality of the products.
- Work on **awareness raising** on the human rights situation and the existing challenges.
- Take the initiatives and address the challenges proactively.

Even if only a few of these concerns are valid, the critical challenges of capacity, organisation and resources of the HR Secretariat are still obvious. It is also clear that the HR Secretariat needs higher profile and authority in order to effectively perform its coordination functions. Separate extensive work has been undertaken for strengthening the HR Secretariat, increasing its capacity and efficiency with the support of PROLoG,[37] therefore the consultant will not provide in-depth analysis and recommendations on this issue. However, a few points that would help increase trust, credibility and maximize cooperation are reflected in the Part V of this report.

Administration and documentation of work

The HR Secretariat is in the driver's sit of the human rights mechanism in Georgia; if they don't drive, the process will stop, as it has happened once already. To make it work, the HR Secretariat needs to have main instruments and start persistently and consistently putting them into practice to get the ball rolling. The most of these instruments, such as for example TOR of the working groups and guidelines for developing the action plan, are short documents easy to develop and will eventually pay off – they will be very useful when put into practice easing the daily operation of the HR Secretariat and making its work look professional as well.

Some useful instruments include[38]:

- **TOR of the working groups**, including the frequency of the meetings, roles of the rapporteurs etc. (for an example see the TOR of the OGG in annex 6)
- **Guidelines** and steps for developing the action plan, including its template.
- **Sources** of the strategic documents
- **Methodology for monitoring and evaluation**
- **The template** for monitoring and evaluation
- **Procedure** for preparing for the Council Sessions
- **Template** for HR Council Decisions
- **Standard** agenda of the Council Sessions
- **Standard** letter to the Council/working group members
- Standard **template** for the minutes of the sessions
- **Guidelines** for administration and work of the HR Secretariat.

Other tools for increased efficiency could be the **website/online** platform for communication, that would provide for the possibility for online interaction of the participants of the mechanism, including the CSOs (with various levels of access to the system), include all the documents in preparation, published for consultation or already adopted, contact points, calendar of activities, newsletter, etc. Similarly, **software for reporting and monitoring** could be used for simplifying the monitoring process, however it should be ensured that the software in fact eases the work of the implementing agencies and other stakeholders and does to create additional work for them.

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[37] Strategy and Action Plan of the Government Administration Secretariat on Human Rights (2016-2019) developed with the support of the Synergy Group.
[38] Some of these are in the annexes. The most of these have been developed for the ACC and the OGP.

3.4. Mapping CSOs, criteria for participation

Inclusive policies imply wide stakeholder engagements, broad access and an open door policy. At the same time, capacity and resources may not always permit managing large group of stakeholders. There may be CSOs who do not contribute to the process either because they are not committed to spend their resources or lack expertise, knowledge and capacity. There are extreme cases as well, when some, having their own personal agenda, jeopardize the efficiency of the whole process and consequently hamper the participation of others as well. There are two ways to address this issue, first is setting some criteria for participation, second is a natural selection process.

The CSO representatives met during the assessment mission mostly favoured an open door policy, the opportunity for everyone's participation, rather than imposing limitations or criteria for inclusion. It was suggested that a structured, well-organized process with the set agenda, clear procedure, timeframes and steps, together with the strong facilitation would minimize the instances of negative interference. Moreover, as the working process implies that the CSO representatives have to do work as well, those who are not ready to put in the resources and deliver will naturally drop-out.

Only a few expressed an idea that there should be at least some **criteria**: **experience of working** on the subject, **demonstrated** qualifications, new grant to work on the issue or others and most importantly, demonstrated **commitment** by preparing and submitting **contributions**, since participation implies dedicating **resources** to the process not just attending the meetings.

In the view of the consultant, restrictions on participation at the operational level will create more troubles for the HR Secretariat than they would resolve. The criteria, no matter how objective they are, will be subject to negative interpretation and create perceptions of a closed process. As many have said during the meetings, an established, structured format and procedures will indeed allow for better management of the process. If the CSO representatives are given leading roles (such as co-rapporteurs) they would be of assistance in facilitation and setting good examples of efficient work, too.

As to the mapping of interested CSOs and their capacities, the following can be used to map the CSOs with relevant qualifications, competences experience and interest to participate:

- Open announcement about the creation of the working groups and call for participation, that could be advertised on the internet. Survey could be used to sign up for the desired working group.

- CSOs could be identified based on HR Secretariat list together with the lists of all the line ministries involved, PDO and others.

- CSOs could be requested to disseminate the information including at the regional level.

Part IV. Recommendations

Recommendations for the public administration/HR Secretariat

- Engage CSOs early in the **policy planning** process.
- Set clear procedures, **steps and timeframes of the process**. Communicate the plan to the stakeholders.
- Decide on the **format** and **platform** for obtaining **feedback**: e-consultations, meetings etc.
- Allow for reasonable **time** for **meaningful** participation and feedback.
- Use evidence from multiple **sources**, including the CSO work and international recommendations as basis for the draft action plan.
- Define **indicators** for each objective/result not for each measure/activity using the experience of specialized international/regional institutes; include the CSOs in working on indicators.
- Provide **feedback** on the final decision with the **explanations** what has not been included and why.
- Provide for certain **procedures** for CSOs acting as implementers (grant competition procedure, rules on standards, ethics, MOU or other forms of engagement). Develop standards of quality and ethics for services for CSOs.
- Envisage the role of CSOs in the **monitoring** and **evaluation** methodology, timeline and schedule. Engage CSOs in developing these procedures.
- Design a **monitoring tool** with the interim targets/benchmarks, standard format for annual reports and the alternative reports.
- Make the **progress** and **evaluation** reports public.
- Clearly define the role of the CSOs in the **parliamentary procedure** with a view of enhancing the value of their contribution.
- Continue and intensify cooperation with the **PDO**, including possible synergies of the parliamentary procedures, with a view of including the relevant recommendations in the Human Rights Action Plan.
- Subject to available resources in the **PDO** ensure their participation in the monitoring of the action plan, or use their available mechanisms to inform the monitoring process.
- Use the **platform** of the **thematic working groups** that includes CSOs to raise awareness about the international human rights mechanism in question, prepare and coordinate the reporting.
- Fully **integrate** the recommendations of international organisations in the action plan.
- Use the **evaluations** of the international human rights mechanisms for monitoring and evaluation purposes and planning the next cycle.

Recommendations to CSOs

- Fully engage in the **drafting of policy documents**, advocate for including important measures, contribute to the higher quality of policy documents in general, including objectives, measures, targets and indicators. Follow through in the process of implementation.
- **Prioritize**, allocate resources for consistent contribution to the process. Ensure regular attendance to the meetings and provide inputs. Envisage these activities in the work plan of your organisation.
- Fill in the gaps of the substantive coverage of the Action Plan from the CSO side. Especially, the new CSOs should seek donor support to diversify and enhance their expertise to fill in those gaps and contribute to the full substantive coverage of the Action Plan.
- Enhance strategic planning and monitoring **capacities**, including the ability to generate reliable and accurate findings, using evidence and data for policy planning, advocacy and monitoring.
- Be **proactive** but observe the established **rules of procedure** and **formats** of work.
- If permitted by the purpose of the organisation, engage in the process of **implementation** through awareness raising or training activities or by providing services as appropriate.
- Work with the HR Secretariat on the **methodology** for monitoring and evaluation, including alternative reporting.
- Help create and follow **standardized format** and procedure for alternative reporting.
- Engage in the **monitoring** of the action plan **implementation**. Ensure quality alternative monitoring in line with the single methodology and in coalitions to ensure broad coverage of all aspects of the action plan in the alternative reports.
- Seek **donor support** to advance monitoring capacities, create efficient system of monitoring and work in coalitions.
- Strengthen **advocacy** on the international level as well as parliamentary supervision. Designate representatives to report to the parliament the CSO position.
- Generate **public interest** towards the action plan.
- Avoid situations of **conflict of interests**.
- **Select** the international human rights mechanism to work on that is in line with the activities and the mandate of your organisation.
- Explore and use the opportunities for **building capacity** on the substance and the methodology of the human rights mechanism in question.
- Work on **alternative submissions** to the international mechanisms in coalition with other CSOs to expand the coverage of the issues and create higher leverage.
- Help the government **prepare** for the reporting using your expertise and data.
- Use the HR Secretariat **working group meetings** to advocate for implementation of the recommendations of international mechanisms.

- **Raise awareness** about the mechanism and use concluding observations as policy advocacy tools.

Recommendation to responsible agencies

- Designate the focal points, ensure continuity of the information and knowledge and that the focal points take responsibility to cover the issues of the agency as a whole.
- Have internal processes of planning and preparation for the Council meetings.
- Ensure adequate preparation for the reporting in the parliament.
- Cooperate with the HR Secretariat and support it in carrying out its mandate, including supporting the harmonisation of the processes across the inter-agency mechanisms.

Recommendations to donors

- Study development needs of the CSOs and help increase their capacity.
- Allocate resources to as many themes as possible under the action plan to expand the coverage.
- Coordinate with other donors to avoid duplication of efforts.
- Support developing the alternative monitoring, uniform methodology/format for CSOs to conduct monitoring and work on increasing their capacities for monitoring and evidence-based policies in general.
- Facilitate the work of the NGOs in coalitions, particularly for alternative monitoring.

Part V. How to make it work in the Georgian Context: step-by-step practical guide for the HR Secretariat (recommendations for better administration)

This part gives a few practical suggestions to the HR Secretariat on how to make to the process work based on what has already been tested. These proposed steps are not cut in stone, however. In fact, as mentioned above some countries opt for less formal approaches, while others like to have the rules and procedures set for every step. Depending on how formal and regulated a process Georgian public administration wants to have, one or all of the following steps could be applied.

- **Launch the new process:** in order to re-gain the interest and the trust in the process from the CSOs, it is absolutely necessary to re-launch the mechanism declaring the political will and readiness to make it operational. A session of the HR Council could be dedicated to the presentation of the work that was already carried out to strengthen the human rights mechanism of Georgia and to plan the activities ahead. The decisions of the first session of the renewed HR Council could be creation of the management group/steering group and the announcement of the thematic groups. However, it is recommended to develop the working methods/terms of references through stakeholder consultations in advance.
- **Steering group/management group:** there are issues of general administration and management that need consultation with the stakeholders. The Steering Group could consist of the Secretariat and the rapporteurs/chairs of the working groups (including from the CSOs) and any other key institutions/positions that are needed for the general management of the mechanism. This group can be consulted on the documents before their submission to the wider stakeholders or the HR Council, such as draft terms of references for the working groups, and other documents related to the general administration of the mechanism. The meetings of the steering group can be held more frequently than those of the thematic groups, especially at the outset to put in place the relevant procedures and methodologies.
- **Thematic working groups:** conduct a pre-survey of the stakeholders to see for which thematic groups there is an interest. Estimate the level of participation (could be similar to the survey that was used by the consultant), conduct consultations with the government bodies managing inter-agency working groups to decide how to integrate them in the process as the instrument of the HR Council.
- **Interagency working groups managed by other line ministries**: The HR Secretariat should be involved in these groups, either as co-chair (co-rapporteur) or as representative in the working groups to ensure inclusion of the HR action plan process and other related issues in the agenda of those working groups. The HR Secretariat should regularly attend these meetings and work for harmonising the working processes across the board as much as possible.
- **Mapping the CSOs for the working groups:** announce the **creation of the new working groups** and which existing structures/interagency mechanisms will be used/integrated in the coordination process. Use the available lists of stakeholders, ask for additional lists from the responsible agencies and donors, ask to have the information disseminated to ensure as broad coverage as possible. Announce the **call for participation in the working groups** for stakeholders, this can be done with the google survey, disseminate information, and advertise through widely accessible means (Jobs.ge or other).

- **Membership and participation of CSOs:** document all the requests for participation; work on the criteria/rotation principle for participation in the HR Council in the **management group**. Approve the criteria/principles for membership at the HR Council session.
- **Set up the thematic working groups**, select **co-rapporteurs from state bodies and CSOs**, could also be approved by the HR Council following the example of the Anti-Corruption Council.
- On the first session of the working groups propose **TORs**, detailing the rules and procedures of operation of the working groups, agreed upon with the management group. For ideas about the TORs see the annex 6.

Operation of the HR Secretariat

- **Capacity:** allocate time for increasing **capacity** and **qualifications** of the staff. Assess the existing **resources** and ask for more if needed. Work on delivering high quality products.
- **Specialization:** split the thematic areas between the staff members/designate responsible persons for each of the themes and work for their in-depth specialization in these issues. Considers introducing the institute of "advisors" of prime minister on dedicated issues, a new title/position for the persons responsible for each direction in the Secretariat, who would be specialized in a given theme and be on top of developments in the area as well as seen as qualified experts of the subject.
- **Secretariat as an intermediary:** act as an intermediary for the CSOs, an instrument to lobby progressive human rights initiatives and be a catalyst for reform.
- **Regular meetings with the management:** seek introduction of the practice of regular briefing meeting with the management (Chair or the Deputy Chair of the Council) on a few top ongoing issues.
- **Organisation/Discipline:** to the extent it is within the powers of the HR Secretariat, ensure observing the timelines for the meetings and reporting. Follow up with the rapporteurs through the steering/managements group in case the working group meetings are not scheduled or held as committed.
- **Prepare internal guidelines** for administration of the HR Council: including guidance on organising the Council sessions and the working group meetings, preparing reports, cooperation with international partners, etc. (consult Anti-corruption Council for such an internal guideline, document is not made public).
- **Standardize the documents:** create formats for the decisions of the HR Council, minutes of the Council sessions, agenda of HR Council, standard email to convene the HR Council, list of organisational issues before the meeting, procedure of organisation of the session. These will help the new staff members understand the process and get plugged in to the work right away.
- **Create calendar of activities**: this can be a part of the online tool that is planned to be established. Make at least some parts of it public.
- **Increase transparency:** assign the responsibilities for updating the webpage regularly to make sure that it is up to date. Proactively publish information.
- **Visibility:** increase visibility and profile of the staff, engage with media.
- Develop and publish annual **Activity Reports** of the HR Secretariat.

Strategic planning

- Plan for sufficient **time** for the inclusive process of development of the action plan.

- Set the **timeline, clear steps and procedures** for the action plan development (bilateral meetings, meetings of the working groups, public consultations), publish the timeline online.
- Prepare **sources/evidence** for the policy documents (for ideas on the sources of the action plan see annex: 12 Sources of Anti-Corruption Strategy and the Action Plan).
- Organise **strategic planning workshops** with expert participation for the steering group if necessary, provide general **guidance** on the action plan elaboration process.
- Convene **the first general** working group to agree on the process, outline/priority areas of the Action Plan and the sources.
- Design the **format** of the new policy document, amend if appropriate, have the working group agree on the new format.
- In cooperation with the responsible agencies prepare the **first draft of the measures** with indicators and discuss them at the working group meetings/or task the working groups to prepare the first draft action plan.
- Define the **indicators** for results and not for each activity. Use the indicators already developed on the theme by reputable organisations.
- Conduct public consultations in the **regions**, to ensure their inclusion.
- Decide on the **draft action plan** to be submitted to the HR Council within the working group.
- After the adoption of the action plan by the HR Council provide **feedback** on the taken decisions.

Implementation

- Check **progress** on the implementation regularly, to provide assistance if necessary and keep responsible agencies in shape.
- Create a **schedule** of which agency reports on which meetings of the working group, taking into account the implementation deadlines, limit meetings to a maximum four agencies to allow time for substantial discussions. Disseminate the schedule in advance, for everyone to be prepared.
- **Support** the agencies **lagging behind**. This may include arranging separate meetings, providing guidance, seeking donor assistance, raising issues to the political level.
- **Raise awareness** of the action plan and its implementation including at the regional level.
- Convene **thematic roundtables** - or include the issues of interest in the upcoming meetings, a new study carried out by CSOs, etc.

Monitoring and reporting

- Create **standard format** for reporting for the agencies, set and enforce the deadlines for submitting the reports (monitoring tool, etc.).
- Define the **methodology** for monitoring and evaluation. For ideas see the ACC monitoring and evaluation methodology.
- Integrate the **CSO submissions** in the report.
- Include analysis on **challenges** and what remains to be done under each objective.
- Come up with the **format** for alternative reporting or ask the CSOs to develop it, promote coalition approach to the alternative reporting.
- Promote **capacity** building of the CSOs; support their requests for **donor** assistance, as appropriate.
- **Review** the action plan based on the results of evaluation.

- Raise the **issues** requiring the attention to the top management.
- Council Sessions Agree on the two tentative **dates** of next year's HR Council sessions in advance.
- Send out **the email** to invite the HR Council Members well in advance of the meeting.
- Prepare the **agenda** in consultation with the CSOs.
- Send out the **documents** to be discussed at the session at least two weeks in advance.
- Prepare the **draft decisions** in advance.
- Prepare the **minutes** of the meeting and publish on the website.
- Follow up with the **adopted/final documents, protocol.**

Working group meetings

- Set up the **working groups**/mail list
- Appoint the **rapporteurs.** Decide on the frequency of the meetings and the **TOR.**
- Set up a **management group/steering group**.
- Have the **schedule** of the working group meetings and monitor it regularly.
- Send out the save **the dates/information** about the meeting in advance. In cooperation with the rapporteurs, propose the agenda items and consult with the group on any additional items.
- Send out the documents well in advance of the meeting to allow time for preparation.
- **Document** the results of discussions and of the meeting in general.
- Follow up.

Good luck!

ANNEXES

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29. UN (2016) Manual for Measurement of Juvenile Justice Indicators.
30. UN OHCHR How to Follow Up on United Nations Human Rights Recommendations: A Practical Guide for Civil Society
31. UN OHCHR web-site.
32. UPR and the role of NGOs.

Annex 2. List of representatives met as a part of the bilateral meetings

1. Tamar Chugoshvili, The First Vice-Speaker of the Parliament of Georgia
2. Natalia Jaliashvili and the HR Secretariat team
3. Tamuna Kaldani, Personal Data Protection Inspector of Georgia
4. Nino Sarishvili, Office of the Personal Data Protection Inspector of Georgia
5. Staff of the Secretariat of the Human Rights and Civil Integration Committee of the Parliament of Georgia
6. Zurab Sanikidze, Ministry of Justice of Georgia
7. Tatia Salukvadze, Ministry of Internal Affairs of Georgia
8. Londa Toloraia, Office of the Chief Prosecutor of Georgia
9. Ina Bartaia, Ministry of Foreign Affairs of Georgia
10. Natia Katsitadze, PDO
11. Niko Tatulashvili, PDO
12. Ana Natsvlishvili, Chairperson, GYLA
13. Tamta Mikeladze, EMC
14. Sopho Verdzeuli, EMC
15. Lina Ghvinianidze, EMC
16. Giorgi Mshvenieradze, GDI
17. Ana Arganashvili, PHR
18. Rusudan Tushuri, UNDP
19. Giorgi Chkheidze, Chief of Party, PROLoG

Annex 3. Informal discussion with donors participants

1. Besarion Bokhashvili, UN OHCHR
2. Yvonne Gogoll, EU DEL Georgia
3. Ia Dadunashvili, ILO
4. Ana Zec, Council of Europe

Annex 4. CSO Roundtable discussion agenda and participants

არასამთავრობო ორგანიზაციების მრგვალი მაგიდა თემაზე: *ადამიანის უფლებათა დაცვის პოლიტიკის დაგეგმვა, იმპლემენტაცია და მონიტორინგი საქართველოში – არასამთავრობო სექტორის მონაწილეობის ეფექტიანი მექანიზმი,* ოთხშაბათი, 1 თებერვალი 10:00 საათი PROLoG-ის ოფისში (მარჯანიშვილის 5).

შეხვედრის მიზანია საქართველოს მთავრობის ადმინისტრაციის ადამიანის უფლებათა დაცვის სამდივნოს არასამთავრობო სექტორთან **თანამშრომლობის ეფექტიანი მექანიზმის** ჩამოყალიბებაზე მსჯელობა და პრაქტიკული რეკომენდაციების განხილვა.

განსახილველი საკითხები:

- ადამიანის უფლებათა დაცვის სამდივნოს საქმიანობა და არასამთავორბო სექტორის ჩართულობასთან დაკავშირებული გამოწვევები.
- საჯარო პოლიტიკაში მონაწილეობის არსებული ფორმატები (უწყებათაშორისი საბჭოები, ჯგუფები, საკონსულტაციო მექანიზმები) და სამდივნოსთან თანამშრომლობის უპირატესობები.

- არასამთავრობო ორგანიზაციების მონაწილეობის ფორმები (მონაწილეობა პოლიტიკის დაგეგვის, მონიტორინგის და საპარლამენტო კონტროლის ეტაპზე, იმპლემენტაციის ხელშეწყობა, საერთაშორისო და რეგიონულ მექანიზმებში ანგარიშგება და სხვ.).
- მონაწილეობის ფორმატი და მექანიზმი:
    - საბჭო და თემატური სამუშაო ჯგუფები
    - შეხვედრების ციკლი და სიხშირე
    - დღის წესრიგი, გადაწყვეტილებები, ოქმები, follow up
    - არასამთავრობო სექტორის კონტრიბუცია
    - მონიტორინგის მეთოდოლოგია და პროცესი
- რა ინტერესი და მოლოდინები გაქვთ, რა ვალდებულების აღებაზე იქნებოდით თანახმა და რა რესურსის ჩადება შეგიძლიათ ამ პროცესში.

Meeting Participants: CiDA, Georgian Trade Union Confederation, Article 42, OSGF, MDF, PRI, Human Rights Centre.

Annex 5. CSO Survey Questionnaire

ადამიანის უფლებათა დაცვის პოლიტიკის დაგეგმვა, იმპლემენტაცია და მონიტორინგი საქართველოში: არასამთავრობო სექტორის მონაწილეობის ეფექტიანი მექანიზმი

კითხვარი

არასამთავრობო ორგანიზაციათა მრგვალი მაგიდა

1 თებერვალი, 2017

შენიშვნა: გამოკითხვაში სულ მონაწილეობა მიიღო თოთხმეტმა არასამთავრობო ორგანიზაციამ, მათ შორის, შვიდმა ორგანიზაციამ შეავსო ონლაინ-გამოკითხვის ფორმა. ონლაინ-გამოკითხვის შედეგები იხილეთ ამ ბმულზე.

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1. სახელი, გვარი, ორგანიზაცია:_____

2. გთხოვთ მონიშნოთ, თქვენი ორგანიზაციის საქმიანობის ძირითადი თემატიკა:

☐ სისხლის სამართლის მართლმსაჯულება
☐ სამართლიანი სასამართლოს უფლება
☐ პროკურატურა
☐ ადამიანის უფლებების დაცვა სასჯელაღსრულების სისტემაში
☐ წამებასა და არასათანადო მოპყრობასთან ბრძოლა
☐ ტრეფიკინგი
☐ პირადი ცხოვრების ხელშეუხებლობა
☐ გამოხატვის თავისუფლება
☐ შეკრებისა და მანიფესტაციის თავისუფლება
☐ ეროვნული/ეთნიკური უმცირესობების დაცვა
☐ რელიგიური უმცირესობების დაცვა
☐ გენდერული თანასწორობა და ქალთა გაძლიერება
☐ იძულებით გადაადგილებულ პირთა - დევნილთა უფლებები
☐ მიგრანტთა, თავშესაფრის მაძიებელ და თავშესაფრის მქონე პირთა უფლებები
☐ ეკო-მიგრანტთა უფლებები
☐ რეპატრიანტთა უფლებები
☐ ოკუპირებულ ტერიტორიებზე და ოკუპირებული ტერიტორიების გამყოფი ხაზების სიახლოვეს მცხოვრები ადამიანების უფლებების დაცვა
☐ შეზღუდული შესაძლებლობის მქონე პირთა უფლებები
☐ შრომითი უფლებები
☐ ეკოლოგიური უფლებები
☐ ქალთა მიმართ ძალადობის და ოჯახში ძალადობის წინააღმდეგ ბრძოლისა და მსხვერპლთა (დაზარალებულთა) დასაცავად გასატარებელი ღონისძიებები
☐ ბიზნესი და ადამიანის უფლებები
☐ სხვა (გთხოვთ, დააზუსტოთ): _____

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3. რომელ თემებზე მომუშავე სამუშაო ჯგუფში მიიღებდით მონაწილეობას?

☐ მართლმსაჯულების სისტემა, სასამართლო, პროკურატურა, სამართალდამცავი ორგანოები

- ☐ ადამიანის უფლებების დაცვა სასჯელაღსრულების სისტემაში, წამებასა და არასათანადო მოპყრობასთან ბრძოლა
- ☐ პირადი ცხოვრების ხელშეუხებლობა, გამოხატვის თავისუფლება, შეკრებისა და მანიფესტაციის თავისუფლება
- ☐ ეროვნული/ეთნიკური და რელიგიური უმცირესობების დაცვა
- ☐ გენდერული თანასწორობა და ქალთა გაძლიერება, ოჯახში ძალადობის მსხვერპლთა დაცვა
- ☐ იძულებით გადაადგილებულ პირთა – დევნილთა უფლებები
- ☐ მიგრანტთა, თავშესაფრის მაძიებელ და თავშესაფრის მქონე პირთა უფლებები
- ☐ ოკუპირებულ ტერიტორიებზე და ოკუპირებული ტერიტორიების გამყოფი ხაზების სიახლოვეს მცხოვრები ადამიანების უფლებების დაცვა
- ☐ შეზღუდული შესაძლებლობის მქონე პირთა უფლებები
- ☐ შრომითი უფლებები
- ☐ ბავშვთა უფლებები
- ☐ სხვა: _____

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4. გთხოვთ, განმარტოთ თქვენი არჩევანი (თემაზე მუშაობის გამოცდილება/დაფინანსება/სხვ.) და არჩეული სამი ჯგუფი დაალაგოთ პრიორიტეტულობის მიხედვით.

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5. თქვენი ორგანიზაციის ტიპის, კომპეტენციისა და რესურსების გათვალისწინებით, მონაწილეობის რომელი ფორმა მიგაჩნიათ რეალისტურად? გთხოვთ, მონიშნოთ მხოლოდ ის აქტივობები, რომლებშიც სისტემატურად შეძლებთ მონაწილეობას

- ☐ თემატური ჯგუფების შეხვედრები
- ☐ თემატური ჯგუფის თანამომხსენებლობა/თანათვმხდომარეობა
- ☐ პოლიტიკის დაგეგმვა - სტრატეგიის/სამოქმედო გეგმის შემუშავების პროცესი
- ☐ სამოქმედო გეგმის შესრულების მონიტორინგი
- ☐ ალტერნატიული მონიტორინგი
- ☐ იმპლემენტაციის მხარდაჭერა
- ☐ საპარლამენტო კონტროლი
- ☐ საერთაშორისო ორგანიზაციებთან ანგარიშგება
- ☐ სხვა (გთხოვთ, მიუთითოთ) __

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6. როგორ ხედავთ სამდივნოს როლს ქვეყანაში ადამიანის უფლებების პოლიტიკის განსაზღვრაში, იმპლემენტაციასა და მონიტორინგში?

7. რა რეკომენდაციებს მისცემდით სამდივნოს?

8. რა რეკომენდაციებს მისცემდით არასამთავრობო სექტორს?

Open Government Georgia's Forum

Terms of Reference

Adopted at the First Session of the Forum

The national coordination mechanism of the Open Government Partnership in Georgia – Open Government Georgia's Forum (Forum) is created in the framework of the Anti-Corruption Council of Georgia. The present document defines the mandate of the Forum.

1. Objectives of the Forum

Following are the objectives of the Forum:
1. Elaboration of proposals and recommendations on the issues related to Open Government Partnership, supporting the process of elaboration of National Action Plan for Open Government, planning and conducting the public consultations.
2. Supporting and monitoring the National Action Plan implementation. Elaborating recommendations, proposals and presenting to the OGG Secretariat (Analytical Department, Ministry of Justice of Georgia).
3. Raising public awareness about the OGP-related issues.

2. Members of the Forum

1. Forum consists of public institutions, the representatives of non-governmental and international organizations, private sector and academia.
2. Upon invitation of the Forum, local/international experts may also participate in the Forum activities.
3. Forum is led by two co-chairs; one of them representing the public institutions and the other representing the civil society.
4. Candidate representing the public institutions is nominated by the OGG Secretariat, the Forum member NGOs jointly nominate their candidacy.
5. The Forum elects the co-chairs with the simple majority, for the term of the National Action Plan implementation period.

3. Functions of the Forum Co-chairs

Forum co-chairs:
1. Coordinate the Forum activities;
2. Organize and conduct the Forum meetings;
3. In agreement with the OGG Secretariat, determine the meeting agenda and the issues to be discussed;
4. In agreement with the Forum, elaborate the Public Consultations Plan and present it to the OGG Secretariat;
5. In agreement with the Secretariat, call the Forum *ad hoc* meetings;
6. With the support of the OGG Secretariat, elaborate the Forum activity reports, presented to the Anti-Corruption Council of Georgia twice a year.

4. Functions of the Secretariat

The Secretariat of the Open Government Georgia (OGG) is responsible to coordinate the Forum activities and ensure its administrative support. In agreement with the Forum co-chairs, the secretariat:
1. Calls the Forum meetings;
2. Defines the agenda and discussion points;
3. Organizes the Forum meetings;
4. Prepares the minutes of the Forum meetings;
5. Presents the Forum activity report to Anti-Corruption Council of Georgia twice a year.

5. Methods of Work

1. Forum meetings are held on the first Wednesday of each month.
2. Forum meetings calendar is elaborated by the OGG Secretariat and published on the web-page.
3. Forum members are notified about the Forum meeting and its agenda via OGG's official e-mail.
4. Forum meeting minutes are sent to the Forum members and are published on the web-page.

Open Government Partnership Action Plan of Georgia 2014-2015 Action Plan Monitoring and Self-Assessment Methodology

1. Monitoring

1.1 Mechanism:

a) The monitoring tool to be filled out and submitted to the Secretariat by the responsible agencies; Civil society input on the monitoring long frame; Final assessment by the Secretariat (attached: Monitoring long frame);
b) Brief progress reports for each Forum meeting (4 responsible agencies out of 16).

1.2 Frequency: Quarterly (Monitoring report is prepared once in a four months)

1.3 Timeline:

- The monitoring long frame to be filled out and submitted to the Secretariat by the responsible agencies – at the end of each quarter (reminder to the responsible agencies 2 weeks before the end of a quarter);
- Received progress reports to be processed by the secretariat and submitted to the Forum – 1 week;
- Civil society input on the progress report – 1 week;
- Monitoring results to be finalized by the Secretariat and presented to the Forum for discussion – 1 week.

2. Self-assessment Report

2.1 Self-assessment sources:

- Reports submitted by the responsible agencies; Input of local NGOs;
- Evaluation and status of OGP eligibility criteria for Georgia;
- International indexes/researches;
- Key informant interviews.

2.2 Mechanism:

Responsible agencies under the Open Government Georgia's Action Plan of 2014-2015 (Action Plan) submit the written progress reports to the Secretariat of the Open Government Georgia (Analytical Department of the Ministry of Justice of Georgia). Secretariat of the Open Government Georgia (Secretariat) prepares its analysis based on the various sources; in addition it conducts the key informant interviews with all responsible agencies. Draft self-assessment report is submitted to the Forum for contributions and discussed during the Forum meeting (round table discussion). Secretariat prepares the final report and submits it to the Anti-Corruption Council of Georgia and OGP secretariat.

2.3 Frequency: Annually, twice during the Action Plan implementation period (NAP 2 midterm self-assessment report due – September 30, 2015; NAP 2 end of term self-assessment report due – September 30, 2016).

2.4 Timeline:
2.4.1 Midterm self-assessment report

- Midterm self-assessment report prepared based on the collected information and submitted to the Forum by the Secretariat – Beginning of August, 2015;
- Agencies comment on the draft report – 2 weeks;
- Civil Society input received on the draft report – 1 week;
- Draft report to be published for public comments – 2 weeks;
- Draft report to be finalized by the Secretariat – 1 week;
- Midterm self-assessment report submitted to the OGP Secretariat – September 30, 2015.

2.4.2 End of term self-assessment report

- End of term self-assessment report prepared based on the collected information and submitted to the Forum by the Secretariat – Beginning of August, 2016;
- Agencies comment on the draft report – 2 weeks;
- Civil Society input received on the draft report – 1 week;
- Draft report to be published for public comments – 2 weeks;
- Draft report to be finalized by the Secretariat – 1 week;
- Midterm self-assessment report submitted to the OGP Secretariat – September 30, 2016.

3. Summary of assessment criteria:
3.1. Assessment of Implementation:

- **Fully Implemented**
  All milestones of the commitment were implemented by the country.
- **Largely Implemented**
  More than one half of the milestones of the commitment were fully implemented and only few milestones were not implemented.
- **Partially Implemented**
  Less than one half of the commitment was implemented, but most of them remain unimplemented.
- **Not Implemented**
  None of the milestones of the commitment were implemented.

3.2. Status of Implementation: (Assessment on the performance status for the commitment implementation)
- **In progress**
  Implementation of the milestones of the commitment has started, is in progress and has not been completed yet.
- **Completed**
- *Implementation of the milestones of the commitment has been completed.*
- **On hold**
- *Implementation of the milestones of the commitment is on hold.*
- **Suspended**
- *Implementation of the milestones of the commitment is suspended.*

Annex 8. Template for the Decisions of the Anti-Corruption Council

კორუფციის წინააღმდეგ ბრძოლის უწყებათაშორისი საკოორდინაციო საბჭოს სხდომა

4 თებერვალი, 2015

გადაწყვეტილებები

პროექტი (დაზუსტდება საბჭოს სხდომის შემდგომ)

ანტიკორუფციულმა საბჭომ 2015 წლის 4 თებერვლის სხდომაზე:

1. **დაამტკიცა** განახლებული ანტიკორუფციული სტრატეგია;
2. **დაამტკიცა** 2015-2016 წწ. ანტიკორუფციული სამოქმედო გეგმა;
3. **დაამტკიცა** ანტიკორუფციული დოკუმენტების მონიტორინგისა და შეფასების მეთოდოლოგია;
4. **მოიწონა** ანტიკორუფციული საბჭოს 2014 წლის საქმიანობის ანგარიში;
5. **მოიწონა** ღია მმართველობა საქართველოს ფორუმის 2014 წლის საქმიანობის ანგარიში;
6. **მოისმინა** 2010-2013 წწ. ანტიკორუფციული სამოქმედო გეგმის შესრულების შეფასების ანგარიში;
7. **მოისმინა** საჯარო სამსახურის ბიუროს უფროსის მოხსენება თანამდებობის პირთა ქონებრივი დეკლარაციების მონიტორინგის მექანიზმის შესახებ;
8. საბჭოს წევრებად **აირჩია:**
   - კომუნიკაციების ეროვნული კომისიის თავმჯდომარე;
   - ენერგეტიკისა და წყალმომარაგების მარეგულირებელი ეროვნული კომისიის თავმჯდომარე;
   - კომუნიკაციების ეროვნულ კომისიასთან არსებული მომხმარებელთა ინტერესების საზოგადოებრივი დამცველი;
   - ენერგეტიკისა და წყალმომარაგების მარეგულირებელ ეროვნულ კომისიასთან არსებული მომხმარებელთა ინტერესების საზოგადოებრივი დამცველი.

Annex 9: Minutes of the ACC Council Session

კორუფციის წინააღმდეგ ბრძოლის უწყებათაშორისი საკოორდინაციო საბჭოს

სხდომა

სხდომის ოქმი

4 თებერვალი, 2015 წელი

(14:00 – 18:00 საათი, სასტუმრო „თბილისი მარიოტი")

სხდომის გახსნა

მოხსენება/პრეზენტაცია

დისკუსია

სხდომის დახურვა

1. **სხდომის თავმჯდომარემ** შეაჯამა სხდომაზე განხილული საკითხები და მიღებული
   გადაწყვეტილებები:
2. საბჭოს თავმჯდომარემ **მადლობა გადაუხადა** საბჭოს წევრებს მონაწილეობისათვის.

ოქმს ხელს აწერენ: ხელმოწერა   თარიღი

1. ანტიკორუფციული საბჭოს თავმჯდომარე   -------------   ----------

2. ანტიკორუფციული საბჭოს მდივანი   --------------   ----------

სხდომის ოქმის შედგენაზე პასუხისმგებელი პირი:

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ანტიკორუფციული სტრატეგიული დოკუმენტების შესრულების მონიტორინგისა და შეფასების მეთოდოლოგია

2015

დამტკიცებულია კორუფციის წინააღმდეგ ბრძოლის უწყებათაშორისო საკოორდინაციო საბჭოს 2-15 წლის 4 თებერვლის სხდომაზე

სარჩევი

1. შესავალი

კორუფციის წინააღმდეგ ეფექტიანი და კოორდინირებული ბრძოლის ხელშეწყობის მიზნით 2008 წელს შეიქმნა კორუფციის წინააღმდეგ ბრძოლის უწყებათაშორისი საკოორდინაციო საბჭო ("ანტიკორუფციული საბჭო").[39]

საბჭოს ფუნქციები და მირითადი ამოცანებია:

ა) კორუფციის წინააღმდეგ ბრძოლის ზოგადი პოლიტიკის განსაზღვრა;

ბ) საქართველოს ეროვნული ანტიკორუფციული სტრატეგიისა და მისი განხორციელების სამოქმედო გეგმის შემუშავება, პერიოდული განახლება და მონიტორინგი;

გ) საქართველოს ეროვნული ანტიკორუფციული სტრატეგიისა და მისი განხორციელების სამოქმედო გეგმის შემუშავებისა და განხორციელების პროცესში შესაბამისი საერთაშორისო ორგანიზაციების რეკომენდაციების გათვალისწინება;

დ) საქართველოს ეროვნული ანტიკორუფციული სტრატეგიისა და მისი განხორციელების სამოქმედო გეგმის შემუშავების პროცესში შესაბამისი ღონისძიებების განხორციელების ხელშეწყობის მიზნით უწყებათაშორისი საქმიანობის კოორდინაცია;

ე) საერთაშორისო ორგანიზაციების მიერ მომზადებული რეკომენდაციების შესრულების უზრუნველყოფა, მათი იმპლემენტაციის შესახებ სახელმწიფო ანგარიშის მომზადების უზრუნველყოფა და საერთაშორისო ორგანიზაციების წინაშე ანგარიშგება.[40]

ანტიკორუფციულ საბჭოს ხელმძღვანელობს საქართველოს იუსტიციის მინისტრი. საბჭოს წევრები არიან აღმასრულებელი, საკანონმდებლო და სასამართლო ხელისუფლების, არასამთავრობო და საერთაშორისო ორგანიზაციების და ბიზნეს სექტორის წარმომადგენლები. ანტიკორუფციული საბჭოს ანალიტიკურ და ადმინისტრაციულ მხარდაჭერას უზრუნველყოფს საბჭოს სამდივნო – იუსტიციის სამინისტროს ანალიტიკური დეპარტამენტი.

2013-2014 წლებში ანტიკორუფციული საბჭოს მიერ სამოქალაქო სექტორსა და საერთაშორისო ორგანიზაციებთან მჭიდრო თანამშრომლობით განახლდა ანტიკორუფციული სტრატეგია და შემუშავდა ახალი 2015-2016 წლების სამოქმედო გეგმა.

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[39] „საჯარო სამსახურში ინტერესთა შეუთავსებლობისა და კორუფციის შესახებ" საქართველოს კანონი, მუხლი 12¹; საქართველოს მთავრობის N390 დადგენილება „კორუფციის წინააღმდეგ ბრძოლის უწყებათაშორისო საბჭოს შემადგენლობისა და დებულების დამტკიცების" შესახებ.

[40] საქართველოს მთავრობის N390 დადგენილება „კორუფციის წინააღმდეგ ბრძოლის უწყებათაშორისო საბჭოს შემადგენლობისა და დებულების დამტკიცების" შესახებ.

ანტიკორუფციული სტრატეგიული დოკუმენტებით დაგეგმილი შედეგების ეფექტურობის შეფასებისა და არსებული გამოწვევების გამოვლენის მიზნით შემუშავდა წინამდებარე მონიტორინგისა და შეფასების მეთოდოლოგია.

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2. მონიტორინგის და შეფასების მიზანი

ანტიკორუფციული სტრატეგიული დოკუმენტების შესრულების მონიტორინგის და შეფასების კომპონენტი უმნიშვნელოვანეს ელემენტს წარმოადგენს ანტიკორუფციული სამოქმედო გეგმით დაგეგმილი ღონისძიებების პროცესის შესრულების და შედეგების ეფექტურობის შესაფასებლად. ანტიკორუფციული პოლიტიკის წარმატება დამოკიდებულია არა მხოლოდ სტრატეგიული დოკუმენტების არსებობასა და შემუშავების პროცესზე, არამედ მათი შესრულების ხარისხზე და კორუფციის წინააღმდეგ ბრძოლის კუთხით მიღწეულ შედეგებზე.[41]

მონიტორინგის და შეფასების მეთოდოლოგია მიზნად ისახავს შეაფასოს ანტიკორუფციული საბჭოს პასუხისმგებელი უწყებების მიერ 2015-2016 წლების ანტიკორუფციული სამოქმედო გეგმით განსაზღვრული ღონისძიებების შესრულება, ასევე დაგეგმილი შედეგების მიღწევა და მათი ეფექტიანობა თუ ეფექტურობა, აგრეთვე გამოავლინოს გეგმის შესრულებასთან დაკავშირებული კონკრეტული ხარვეზები და გამოწვევები.

წინამდებარე დოკუმენტი წარმოადგენს განახლებულ ანტიკორუფციული სტრატეგიისა და ახალი 2015-2016 წლების სამოქმედო გეგმის ნაწილს.

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3. მონიტორინგის და შეფასების მეთოდი და პროცესი

მონიტორინგის და შეფასების ახალი მეთოდოლოგია ეფუძნება საერთაშორისო და არასამთავრობო სექტორის რეკომენდაციებს,[42] ეკონომიკური განვითარებისა და თანამშრომლობის ორგანიზაციის (OECD) და ევროპის საბჭოს კორუფციის წინააღმდეგ სახელმწიფოთა ჯგუფის (GRECO) შეფასების მოდელებს,[43] ასევე 2010-2013 წლების ანტიკორუფციული სამოქმედო გეგმის შესრულების შეფასებისას მიღებულ გამოცდილებას.[44]

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[41] ევროპის საბჭო, „ანტიკორუფციულ პოლიტიკის შემუშავება და განხორციელება“ (2013), გვ .51.

[42] ეკონიმიკური თანამშრომლობისა და განვითარების ორგანიზაცია (OECD), საქართველოს მესამე რაუნდის შეფასების ანგარიში (2013).

[43] ეკონომიკური თანამშრომლობისა და განვითარების ორგანიზაცია (OECD), Work Programme for 2013-2015 (2012); და მატებითიხილეთ: კორუფციის წინააღმდეგ სახელმწიფოთა ჯგუფი (GRECO), Rule of Procedures (1999).

[44] ანტიკორუფციულ საბჭოს სამდივნო, საქართველოს 2010-2013 წლების ეროვნულ ანტიკორუფციულ სამოქმედო გეგმის შესრულების შეფასების ანგარიში (2014).

საერთაშორისო და არასამთავრობო ორგანიზაციების რეკომენდაციებით, სამოქმედო გეგმის შესრულების შეფასებაში ასახული უნდა იყოს თითოეული პასუხისმგებელი უწყკების მიერ კონკრეტული ღონისძიების იმპლემენტაციის ობიექტური და კრიტიკული შეფასება. ამასთან, ანგარიში უნდა იყოს ორიენტირებული არა მხოლოდ პროცესის, არამედ მიღწეული შედეგის შეფასებაზე და უნდა აანალიზებდეს გატარებულ ღონისძიებებს, მათთან დაკავშირებულ გამოწვევებს/რისკებსა და მიღწეულ შედეგებს.[45]

არსებული რეკომენდაციების გათვალისწინებით, შეიცვალა სამოქმედო გეგმის ფორმატი და შედეგად, **სამოქმედო გეგმის თითოეული სტრატეგიული პრიორიტეტის ფარგლებში დაგეგმილი შედეგის მიხედვით** გათვალისწინებულ იქნა ინდიკატორები არა მხოლოდ ღონისძიებისთვის (პროცესის ინდიკატორი), არამედ კონკრეტული შედეგისთვის (შედეგის ინდიკატორი). ამასთან, არსებული რეკომენდაციების გათვალისწინებით, ახალი ანტიკორუფციული სტრატეგიული დოკუმენტების შემუშავების პროცესში განსაკუთრებული ყურადღება დაეთმო **რაოდენობრივად ან თვისობრივად გაზომვადი ინდიკატორების ჩამოყალიბებას, რომელიც უზრუნველყოფს შეფასების ეფექტიანად განხორციელებას. უფრო მეტიც, სამოქმედო გეგმაში ასახული** ინდიკატორების ჩამოყალიბებისას მხედველობაში იქნა მიღებული სხვადასხვა საერთაშორისო რეიტინგები, საერთაშორისო/არასამთავრობო ორგანიზაციების კვლევები და სხვა ქვეყნების სტრატეგიული დოკუმენტები. **აღნიშნული ინდიკატორები ქმნიან ეფექტიანი შეფასებისა და მონიტორინგის სისტემის საფუძველს და შესაძლებლობას იძლევიან გამოვლინდეს** კონკრეტული ინდიკატორების დინამიკა, რომელზე ზემოქმედებაც გაზრდის ან შეამცირებს სამოქმედო გეგმით გათვალისწინებული შედეგების ეფექტურობის მაჩვენებელს.

შეფასების ობიექტურობის და სიზუსტის უზრუნველყოფის მიზნით მონიტორინგის და შეფასების მეთოდოლოგია მოიცავს საერთაშორისო კვლევების და ინდექსების მონაცემებს (მათ შორის, საერთაშორისო გამჭვირვალობის კორუფციის გლობალური ბარომეტრი, მსოფლიო ბანკის მსოფლიო მმართველობის ინდიკატორები და ბიზნესის კეთების კვლევა, Trace International-ის კორუფციული რისკების ინდექსი ბიზნესისთვის და სხვ.), ასევე საერთაშორისო რეკომენდაციებს და ადგილობრივი არასამთავრობო ორგანიზაციების მიერ მომზადებულ ანგარიშებს.

მნიშვნელოვანია, რომ მეთოდოლოგია ასევე ეფუძნება შეფასების თვისებრივ კომპონენტს, რაც არ გულისხმობს რაოდენობრივი კომპონენტის როლის შემცირებას, არამედ თვისებრივი კომპონენტის გაძლიერებას უსვამს ხაზს. შესაბამისად, თითოეული ინდიკატორის გაზომვა ხდება არა მხოლოდ „დიახ" ან „არა" საშუალებით, არამედ თვისებრივად – დაგეგმილი ღონისძიებების წარმატებით შესრულების ან შეუსრულებლობის შესაძლო მიზეზების იდენტიფიცირებით.

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[45] ფონდი ღია საზოგადოება საქართველო, „[Report on Monitoring the Implmentation of the Eastern Paartnership in Georgia, Independent Monitoring Report"](2013).

4. მონიტორინგის და შეფასების მეთოდოლოგიის ძირითადი კომპონენტები

მონიტორინგისა და შეფასების მეთოდოლოგია მიზნად ისახავს შეაფასოს არა მხოლოდ ანტიკორუფციული სტრატეგიითა და მისი შესრულების სამოქმედო გეგმით გათვალისწინებული ღონისძიებების იმპლემენტაციის პროცესი, არამედ ასევე სამოქმედო გეგმით გათვალისწინებული ღონისძიებების შესრულება, მათი ეფექტიანობა და გამოავლინოს არსებული ხარვეზები. შესაბამისად, მონიტორინგის და შეფასების ახალი მექანიზმი მოიცავს შემდეგ სამ **კომპონენტებს**: i) პროგრესის შესახებ ანგარიშ და ანტიკორუფციული სამოქმედო გეგმის მონიტორინგის ჩარჩო; ii) **მონიტორინგის ანგარიში**; iii) **შეფასების ანგარიში**.

i. პროგრესის შესახებ ანგარიში და ანტიკორუფციული სამოქმედო გეგმის მონიტორინგის ჩარჩო

პროგრესის შესახებ ანგარიში მზადდება პასუხისმგებელი უწყების მიერ, რომელშიც ასახულია პასუხისმგებელი უწყების მიერ საანგარიშო პერიოდის განმავლობაში სამოქმედო გეგმით განსაზღვრული ღონისძიებების შესრულების პროცესი და მიღწეული შედეგები. პროგრესის შესახებ ანგარიში მზადდება ყოველ 6 თვეში ერთხელ.

ამასთან, მონიტორინგის და შეფასების პროცესის დახვეწის მიზნით შემუშავდა ანტიკორუფციული სამოქმედო გეგმის მონიტორინგის ჩარჩო, რომელშიც გათვალისწინებულია საბაზისო მონაცემები, თითოეული პრიორიტეტის ფარგლებში დაგეგმილი ღონისძიებისათვის განსაზღვრული შედეგი, კონკრეტული ვადები და შესაბამისად განისაზღვრა მონიტორინგის შეფასების სტრუქტურა.

საერთაშორისო ორგანიზაციის გამოცდილების გათვალისწინებით,[46] კონკრეტული ღონისძიების *შესრულების პროცესი* მონიტორინგის ჩარჩოს ფარგლებში შეფასდება ანტიკორუფციული საბჭოს სამდივნოს მიერ შემდეგი ოთხი კრიტერიუმით/რეიტინგით:

- **სრულად შესრულდა** – *სამოქმედო გეგმით გათვალისწინებული ღონისძიება სრულად შესრულებულია;*
- **უმეტესად შესრულდა** – *სამოქმედო გეგმით გათვალისწინებული ღონისძიების ნახევარზე მეტი სრულად შესრულდა და მხოლოდ მცირე ნაწილი დარჩა შესასრულებელი;*
- **ნაწილობრივ შესრულდა** – *სამოქმედო გეგმით გათვალისწინებული ღონისძიების ნახევარზე ნაკლები შესრულდა და უმეტესი ნაწილი დარჩა შესასრულებელი;*
- **არ შესრულდა** – *სამოქმედო გეგმით გათვალისწინებული ღონისძიება არ არის შესრულებული.*

ამასთანავე, თითოეული ღონისძიების *განხორციელების პროცესი* გაიზომება ანტიკორუფციული საბჭოს სამდივნოს მიერ შემდეგი ხუთი კრიტერიუმით/სტატუსით:

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[46] ეკონომიკური თანამშრომლობისა და განვითარების ორგანიზაცია (OECD), <u>Work Programme for 2013-2015</u>, გვ. 21.

- განხორციელების პროცესი ჯერ არ დაწყებულა – *სამოქმედო გეგმით გათვალისწინებული ღონისძიების შესრულების პროცესი ჯერ არ დაწყებულა.*
- განხორციელების პროცესი მიმდინარეობს – *სამოქმედო გეგმით გათვალისწინებული ღონისძიების შესრულების პროცესი მიმდინარეობს;*
- განხორციელების პროცესი შეჩერებულია – *სამოქმედო გეგმით გათვალისწინებული ღონისძიების შესრულების პროცესი შეჩერებულია;*
- განხორციელების პროცესი შეწყვეტილია – *სამოქმედო გეგმით გათვალისწინებული ღონისძიების შესრულების პროცესი შეწყვეტილია;*
- განხორციელების პროცესი დასრულებულია – *სამოქმედო გეგმით გათვალისწინებული ღონისძიების შესრულების პროცესი დასრულებულია.*

მონიტორინგის ჩარჩოს შევსება მოხდება ყოველ 6 თვეში ერთხელ: პირველ ეტაპზე თავად პასუხისმგებელი უწყებების მიერ, რომლებიც თითოეული ღონისძიების მიხედვით შეაფასებენ როგორც მიღწეულ პროგრესს, ისე არსებულ გამოწვევებს. პასუხისმგებელი უწყებების მიერ მოწოდებული ინფორმაციის მიხედვით დამუშავდება მონიტორინგის ჩარჩო ანტიკორუფციული საბჭოს სამდივნოს მიერ. მეორე ეტაპზე დამუშავებული მონიტორინგის ჩარჩო მიეწოდება ანტიკორუფციულ საბჭოში შემავალ არასამთავრობო ორგანიზაციებს კომენტარებისთვის, რომლებიც ასევე აფასებენ თითოეული ღონისძიების პროგრესს. საბოლოო მონიტორინგის შედეგების დამუშავება და რეიტინგის/სტატუსი მინიჭება მოხდება ანტიკორუფციული საბჭოს სამდივნოს მიერ. მონიტორინგის ჩარჩოს შედეგები წარედგინება ანტიკორუფციულ საბჭოს.

სამოქმედო გეგმის შესრულებაზე პასუხისმგებელია კონკრეტული სახელმწიფო უწყება. ამასთან, თითოეულ უწყებაში გამოყოფილია საკონტაქტო პირი, რომელიც სრულად არის ინფორმირებული შესაბამისი უწყებისათვის სამოქმედო გეგმით დაკისრებული ვალდებულებების შესახებ და პასუხისმგებელია ანტიკორუფციული საბჭოს სამდივნოსთვის ღონისძიებების შესრულების შესახებ ინფორმაციის მიწოდებაზე.

ii. მონიტორინგის ანგარიში

მონიტორინგის შესახებ ანგარიში წარმოადგენს ანტიკორუფციული სამოქმედო გეგმის *მონიტორინგის კომპონენტს.* ანგარიშში ასახული იქნება პასუხისმგებელი უწყების მიერ საანგარიშო პერიოდის განმავლობაში სამოქმედო გეგმით განსახღვრული ღონისძიებების შესრულების პროცესი და მიღწეული შედეგები. ანგარიშს საფუძვლად დაედება პასუხისმგებელი უწყებების მიერ ანტიკორუფციული საბჭოს სამდივნოსთვის ყოველ 6 თვეში ერთხელ მიწოდებული პროგრესის შესახებ ანგარიში **განხორციელებული ღონისძიების შესახებ**, ასევე მონიტორინგის ჩარჩოს საშუალებით მიღებული შედეგები.

მონიტორინგის ანგარიში მომზადდება ყოველი წლის ბოლოს ანტიკორუფციული საბჭოს სამდივნოს მიერ და წარედგინება ანტიკორუფციულ საბჭოს დასამტკიცებლად. ანგარიშები ასევე წარედგინება საქართველოს მთავრობას.

iii.   შეფასების ანგარიში

შეფასების ანგარიში წარმოადგენს სამოქმედო გეგმის *შეფასების კომპონენტს* და მიზნად ისახავს ორი საანგარიშო წლის განმავლობაში პასუხისმგებელი უწყებების მიერ განსაზღვრული ღონისძიებების საშუალებით მიღწეულ შედეგებს და მათი ეფექტიანობის შეფასებას. ამასთან, შეფასება შესაძლებელს გახდის გამოავლინოს თითოეულ პრიორიტეტულ მიმართულებასთან დაკავშირებული არსებული ვითარება, ხარვეზები და გამოწვევები.[47]

შეფასების ანგარიში მომზადდება როგორც მონიტორინგის ანგარიშებზე, ისე სამოქმედო გეგმით განსაზღვრულ კონკრეტულ ინდიკატორებზე დაყრდნობით. ამასთან, ანგარიშის მომზადებისას გათვალისწინებული იქნება საერთაშორისო შეფასებები, არასამთავრობო ორგანიზაციების მიერ მომზადებული კვლევები, საერთაშორისო რეკომენდაციები, საერთაშორისო კვლევები და ინდექსები, აგრეთვე პასუხისმგებელ უწყებებისა და არასამთავრობო ორგანიზაციების წარმომადგენლებთან ან ექსპერტებთან სიღრმისეული ინტერვიუების/კონსულტაციების შედეგები.

შეფასების ანგარიში მომზადდება ორი საანგარიშო წლის ბოლოს ანტიკორუფციული საბჭოს სამდივნოს მიერ და წარედგინება ანტიკორუფციულ საბჭოს დასამტკიცებლად. ანგარიში ასევე წარედგინება საქართველოს მთავრობას.

5. მონიტორინგის და შეფასების მეთოდოლოგიის ძირითადი შეზღუდვები

შეფასების და მონიტორინგის მეთოდოლოგიის ერთ-ერთ გამოწვევად შეიძლება ჩაითვალოს ის, რომ მეთოდოლოგია არ მოიცავს რაოდენობრივ კვლევას, რაც თავის მხრივ გულისხმობს მოსახლეობის დამოკიდებულების შესწავლის ნაკლებობას სამოქმედო გეგმით გათვალისწინებული ღონისძიებების როგორც შესრულების, ისე შედეგის ეფექტურობისა და ეფექტიანობის შესასწავლად.

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Annex 11. Sources for the public policy, example of Anti-Corruption Council of Georgia

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- საქართველოს სახელმწიფო აუდიტის სამსახური, „ეფექტიანობის უზრუნველყოფა სახელმწიფო შესყიდვების სისტემაში: გამჭვირვალობა, ანგარიშვალდებულება და განვითარების თანამედროვე მიდგომები" (2014).

საერთაშორისო ორგანიზაციების თემატური პუბლიკაციები/სხვა ქვეყნების სტრატეგიები/სამოქმედო გეგმები:
- ევროპაში უსაფრთხოებისა და თანამშრომლობის ორგანიზაცია, „კორუფციის აღმოფხვრის საუკეთესო გამოცდილება" (2004);
- გაერთიანებული ერების ორგანიზაცია, „ანტიკორუფციული პოლიტიკის შემუშავების სახელმძღვანელო" (2003);

- ნატოს კეთილსინდისიერების ამაღლების პროგრამის თვითშეფასების საბჭოს ანგარიში;
- "Background Study: Professional and Ethical Standards for Parliamentarians", Working Draft (ODIHR);
- TI International, Business Principles for Countering Bribery (2009);
- ხორვატიის ანტიკორუფციული სტრატეგია და სამოქმედო გეგმა;
- რუმინეთის ანტიკორუფციული სტრატეგია და სამოქმედო გეგმა;
- ესტონეთი ანტიკორუფციული სტრატეგია და სამოქმედო გეგმა.

სახელმწიფო პოლიტიკის განმსაზღვრელი დოკუმენტები (სტრატეგიები, სამოქმედო გეგმები, წინადადებები):

- „ღია მმართველობა საქართველოს 2012-2013 წლების სამოქმედო გეგმის შესრულების თვითშეფასების ანგარიში" (2013);
- საქართველოს სახელმწიფო შესყიდვების სააგენტო, 2013 წლის საქმიანობის ანგარიში (2013);
- საქართველოს სახელმწიფო შესყიდვების სააგენტოს სტრატეგიული გეგმა (2013);
- სისხლის სამართლის სისტემის რეფორმის უწყებათაშორისი საკოორდინაციო საბჭოს, სასამართლო სისტემის რეფორმის სტრატეგიული მიმართულებები (2013);
- ღია მმართველობის პარტნიორობის სამოქმედო გეგმის შესრულების მიზნით საქართველოს მთავრობისადმი წარდგენილი მოსაზრებები და წინადადებები;
- ანტიკორუფციული საბჭოს სამდივნო, საქართველოს 2010-2013 წლების ანტიკორუფციული სამოქმედო გეგმის შესრულების ანალიზი (2013);
- ღია მმართველობის პარტნიორობის საქართველოს 2014-2015 წლების სამოქმედო გეგმის დამტკიცების შესახებ საქართველოს მთავრობის 2014 წლის 18 სექტემბრის დადგენილება N557;
- ანტიკორუფციული საბჭოს სამდივნო, საქართველოს 2010-2013 წლების ეროვნული ანტიკორუფციული სამოქმედო გეგმის შესრულების შეფასების ანგარიში (2014);
- „საჯარო ინფორმაციის ელექტრონული ფორმით მოთხოვნისა და პროაქტიულად გამოქვეყნების შესახებ" 2013 წლის 26 აგვისტოს საქართველოს მთავრობის დადგენილება №219;
- ანტიკორუფციული საბჭოს სამდივნო, ანტიკორუფციული საბჭოს 2013 წლის საქმიანობის ანგარიში;
- ანტიკორუფციული საბჭოს სამდივნო, ანტიკორუფციული საბჭოს 2014 წლის საქმიანობის ანგარიში;
- ანტიკორუფციული საბჭოს სამდივნო, ანტიკორუფციული სტრატეგიული დოკუმენტების შესრულების მონიტორინგის და შეფასების მეთოდოლოგია (2015).

ადგილობრივი კანონმდებლობა და არსებული პრაქტიკა:

საკანონმდებლო აქტები:
- საჯარო სამსახურის შესახებ საქართველოს კანონი (1997);

- საჯარო სამსახურში ინტერესთა შეუთავსებლობისა და კორუფციის შესახებ საქართველოს კანონი (1997);
- სახელმწიფო შესყიდვების შესახებ საქართველოს კანონი (2005);
- საქართველოს სისხლის სამართლის საპროცესო კოდექსი (2009);
- საქართველოს სისხლის სამართლის კოდექსი (1999);
- საქართველოს საარჩევნო კოდექსი (2011);
- სახელმწიფო აუდიტის სამსახურის შესახებ საქართველოს კანონი (2008);
- მოქალაქეთა პოლიტიკური გაერთიანებების შესახებ საქართველოს ორგანული კანონი (1997);
- სახელმწიფო აუდიტის სამსახურის შესახებ კანონი (2008).
- „კორუფციის წინააღმდეგ ბრძოლის უწყებათაშორისო საბჭოს შემადგენლობისა და დებულების დამტკიცების“ შესახებ საქართველოს მთავრობის 2013 წლის 30 დეკემბრის დადგენილება N390;
- „საჯარო ინფორმაციის ელექტრონული ფორმით მოთხოვნისა და პროაქტიულად გამოქვეყნების შესახებ“ საქართველოს მთავრობის დადგენილება 2013 წლის 26 აგვისტოს №219;
- „დია მმართველობის პარტნიორობის საქართველოს სამოქმედო გეგმის განხორციელებისათვის აუცილებელ ღონისძიებათა შესახებ“ მთავრობის 2013 წლის 9 ივლისის განკარგულება №775;
- „შემსყიდველი ორგანიზაციის ანგარიშგების წესის დამტკიცების“ შესახებ სახელმწიფო შესყიდვების სააგენტოს თავმჯდომარის 2011 წლის 10 თებერვლის №2 ბრძანება;
- „შესყიდვის ობიექტების ერთგვაროვნების დადგენის წესის დამტკიცების შესახებ“ სახელმწიფო შესყიდვების სააგენტოს თავმჯდომარის 2010 წლის 20 სექტემბერის №7 ბრძანება;
- „სახელმწიფო შესყიდვების სააგენტოში შესყიდვებთან დაკავშირებული დავების განხილვის საბჭოს საქმიანობის წესის შესახებ"_სახელმწიფო შესყიდვების სააგენტოს თავმჯდომარის 2010 წლის 30 ნოემბერს №11 ბრძანება;
- „მოქალაქეთა პოლიტიკური გაერთიანების ფინანსური საქმიანობის აუდიტის სტანდარტების დამტკიცების შესახებ“ საქართველოს კონტროლის პალატის თავმჯდომარის 2012 წლის პირველი იანვრის ბრძანება N8/37;
- „პოლიტიკური საქმიანობის დაფინანსების გამჭვირვალობის უზრუნველსაყოფად ფინანსური ანგარიშის ფორმების და მათი შევსების წესის დამტკიცების შესახებ“ სახელმწიფო აუდიტის სამსახურის გენერალური აუდიტორის 2012 წლის 17 აგვისტოს ბრძანება N142/37;
- „მოქალაქეთა პოლიტიკური გაერთიანებების დაფინანსების გამჭვირვალობასთან დაკავშირებული ზოგიერთი საკითხის მოწესრიგების შესახებ“ სახელმწიფო აუდიტის სამსახურის გენერალური აუდიტორის 2012 წლის 20 ივლისის ბრძანება N126/37;
- „სახელმწიფო აუდიტის სამსახურის აუდიტორთა ეთიკის კოდექსის დამტკიცების შესახებ“ სახელმწიფო აუდიტის სამსახურის გენერალური აუტირის 2013 წლის 4 აპრილის ბრძანება N65/37;

- ,,საქართველოს ეროვნული ანტიკორუფციული სტრატეგიის დამტკიცების შესახებ" საქართველოს პრეზიდენტის 2005 წლის 24 ივნისის №550 ბრძანებულება; საქართველოს მთავრობის განკარგულება საქართველოს ეროვნული ანტიკორუფციული სტრატეგიის სამოქმედო გეგმის დამტკიცების შესახებ (2005); ,,საქართველოს ეროვნული ანტიკორუფციული სტრატეგიის განხორციელების სამოქმედო გეგმის დამტკიცების შესახებ" საქართველოს პრეზიდენტის 2010 წლის 14 სექტემბრის ბრძანებულება N735 ბრძანებულება.