

Statement in Support of the Georgian Public Defender (Ombudsman)

For the attention of the Georgian Prime Minister and Chairperson of the Georgian Parliament

The European Network of National Human Rights Institutions (ENNHRI), the European Network of Equality Bodies (Equinet), the Global Alliance of National Human Rights Institutions (GANHRI), and the International Ombudsman Institute (IOI) reiterate our support to the Georgian Public Defender (Ombudsman) in its work to promote and protect human rights and equality in Georgia.

We express serious concern that the staff and leadership of the Georgian Public Defender, as well as experts cooperating with them, have faced verbal attacks and threats by prominent politicians due to the institution's recent human rights work. The statements, which were reported by [media](#) and [civil society organisations](#), include discrediting the institution, threatening experts with legal actions, derogatory remarks towards staff, and questioning the institution's mandate and powers.

These continued verbal attacks, as well as undue interference or threats regarding the discharge of the institution's broad mandate, contribute to a deteriorating environment for the Public Defender to carry out its work effectively and independently. In addition, such actions from the political elite can instigate further attacks from other groups or individuals, leading to concerns regarding the safety of the institution's staff and leadership. Such an environment can also have negative repercussions on the public image, credibility, and trust of the overall population with regard to the office of the Public Defender.

In this regard, we echo the [concerns](#) of the Council of Europe Commissioner for Human Rights in support of the Georgian Public Defender. These recent developments are in violation of regional and international standards, which affirm that institutions such as the Georgian Public Defender and their staff should not face any form of reprisal or intimidation as a result of activities undertaken in accordance with their respective mandates.

We note that the Public Defender is a multi-mandate institution (National Human Rights Institution, Ombudsman Institution, Equality Body, National Preventive Mechanism, Independent Monitoring Mechanism under the UN Convention on the Rights of Persons with Disabilities) and verbal attacks, undue interference and threats undermine its independence and effective discharge of all its mandates.

The Georgian Government and Parliament, like all governments and parliaments globally, have the duty to ensure that institutions that monitor the state are protected from interference. These institutions must be free to exercise their mandate to promote and protect human rights, equality, good governance, and the rule of law.

Indeed, all parliaments and governments, including the Georgian Government and Parliament, have a solemn duty to uphold the rule of law. Any undue interference in the work of the

Georgian Public Defender hinders the system of checks and balances in Georgia, thus constituting a threat to the rule of law.

Relevant national, regional, and international standards

The [Georgian Constitution](#) specifies that impediments to the activities of the Public Defender are prohibited (Article 35). Under the [Organic Law](#) on the Public Defender, the institution shall have the right to reveal facts of violation of human rights and submit recommendations to the corresponding bodies and officials.

The United Nations [Paris Principles](#), adopted by the United Nations General Assembly in 1993, gives National Human Rights Institutions (NHRIs) the mandate to submit opinions on “any situation of violation of human rights which it decides to take up”.

According to the Sub-Committee on Accreditation ([SCA](#)) of the Global Alliance of NHRIs ([GANHRI](#)), members and staff of an NHRI should be protected from both criminal and civil liability for acts undertaken in good faith in their official capacity. At the same time, governments are encouraged “to respond to advice and requests from NHRIs, and to indicate, within a reasonable time, how they have complied with their recommendations”.

The UN General Assembly has also [stressed](#) that NHRIs and their staff “should not face any form of reprisal or intimidation, including political pressure, physical intimidation, harassment or unjustifiable budgetary limitations, as a result of activities undertaken in accordance with their respective mandates, including when taking up individual cases”.

At the level of the Council of Europe, the recent [Committee of Ministers Recommendation 2021/1](#) also calls for securing and expanding a safe and enabling environment for NHRIs. It recommends states to “take all measures necessary to protect and support NHRIs against threats and harassment and any other forms of intimidation, including through ensuring functional immunity”. It also specifies that “any cases of alleged reprisals or intimidation against NHRIs, their membership and staff, or against those who co-operate or seek to co-operate with them, should be promptly and thoroughly investigated and the perpetrators brought to justice”.

Moreover, under the Council of Europe [Venice Principles](#), “States shall refrain from taking any action aiming at or resulting in the suppression of the Ombudsman Institution or in any hurdles to its effective functioning, and shall effectively protect it from any such threats”.

The European Commission against Racism and Intolerance (ECRI) [General Policy Recommendation No. 2](#) on equality bodies also makes it clear that “equality bodies should function without any interference from the state, political parties or other actors” and “persons holding leadership positions should benefit from functional immunity, be protected against threats and coercion”.

In the same vein, the Public Defender’s work as National Prevention Mechanism (NPM) must be protected. The Optional Protocol to the Convention against Torture and other Cruel,

Inhuman and Degrading Treatment or Punishment ([OPCAT](#)), ratified by Georgia, includes the obligation for States to “guarantee the functional independence of the national preventive mechanisms as well as the independence of their personnel”. Any interference with the work of the Georgian Public Defender work as the Georgian NPM are in contradiction with state’s obligation under the OPCAT.

Moving ahead

The Public Defender is a highly respected institution within the broader international human rights community. In 2018, it was [re-accredited](#) with A-status, indicating its full compliance with the UN Paris Principles. During its review, the SCA commended the efforts of the Public Defender to promote and protect human rights and acknowledged that it operated in a challenging context.

We call on the Georgian Government and Parliament to uphold the international principles calling for the protection of institutions, such as the Georgian Public Defender, against intimidation, threats or any actions that may negatively impact on their independence and effectiveness.

ENNHRI, Equinet, GANHRI and IOI are available to further advise relevant authorities on their obligation to ensure an enabling environment for the Georgian Public Defender.

16 December 2021



Signed by

ENNHRI, the European Network of National Human Rights Institutions, brings together 47 members across Europe to enhance the promotion and protection of human rights in the region.

Equinet, the European Network of Equality Bodies, brings together national equality bodies from across Europe, which are empowered to counteract discrimination on a wide range of grounds.

GANHRI, the Global Alliance of National Human Rights Institutions, unites, promotes and strengthens NHRIs to operate in line with the Paris Principles and provides leadership in the promotion and protection of human rights.

IOI, the International Ombudsman Institute, is the only global organisation for the cooperation of more than 200 independent Ombudsman institutions worldwide.

The Georgian Public Defender is a long-standing and highly valued member of ENNHRI, Equinet, GANHRI, and IOI.