

European Union External Human Rights Policy

EU Law

JABA TEBIDZE





Vilnius University

The Faculty of Law

Jaba Tebidze

LL.M. Ph.D - Candidate

International and European Union law

Research Paper

How Is the EU Promoting Human Rights In Its External Relations: Strengths and Weaknesses of EU External Human Rights Policy, Reform Proposals.

Advisor : Dr. M. Limantas
University Of Vilnius

Vilnius 2016

Dedication

For a Better Future of My Mother - Country, To Georgia.

Table of Contents

Introduction	6
1) EU Human Right Policy: An Overview	7-8
1.1) Developing the EU human right policy.....	9-11
1.2) Priorities of the EU human right policy.....	12-13
1.3) Implementing the EU's human rights priorities	14-16
2) EU Instruments for the Promotion of Human Rights	
2.1) EU Action Plan on Human Rights and Democracy: A strategic Instrument	17-19
2.2) Diplomatic Instruments	20-21
2.2.1) Political Demarches and Statements	22-23
2.3) Development Assistance Tools	24
2.3.1) The European Instrument for Democracy and Human Rights	24-25
2.3.2) The Instrument Contributing to Stability and Peace.....	25
2.3.3) The European Neighbourhood Policy.....	26-28
2.4) Monitoring Instruments	29-30
2.5) Support to Human Rights Defenders and Civil Society	31
2.5.1) Partnership With Civil Society	31-32
2.5.2) Supporting Human Rights Defenders	33-34
2.6) EU Educational Activities and Training Programmes on Human Rights Issues	35
2.7) EU Election Observation Missions	36-38
2.8) Legal Instruments	39-40

3) Case study: The EU's role in eradication of all forms of torture and ill-treatment in Georgian penitentiary institutions

3.1) EU Policy on the Abolition of Death Penalty 41-43

3.2) EU Policy on Eradication of Ill-treatment and Torture..... 44-46

3.3) The EU's role in eradication of all forms of torture and ill-treatment in Georgian penitentiaries 47-53

4) Conclusion ; Strengths and Weaknesses of EU External Human Right Policy and Reform Proposals 54-57

5) Bibliography :..... 58-65

Introduction

Democracy, the rule of law, respect for human rights and fundamental freedoms are these values for the European Union that are indivisible, interdependent and universal. The European Union actively promotes and protects them within its borders and in relations with non-EU countries. Stability, sustainable development and peace cannot exist without respect for human rights and fundamental freedoms. Promoting human rights can help to prevent conflicts and reduce poverty. For the promoting human rights the EU is using various instruments. Launching of the 2012 Strategic Framework on Human Rights and Democracy made the EU human right policy more effective. This Strategic Framework was supported by the 2015-2020 Action Plan on Human Rights and Democracy, which foresees many important instruments for promoting and protecting human rights. With active communication and partnership with partner countries the EU human rights policy identifies the universal and indivisible nature of human rights, protects social, economic, political and cultural rights.

The topic, how the European Union is promoting human rights in its external relations is very important one and requires defining all main tools and instruments which are used by the EU for promoting human rights and by realizing the founding EU treaties, define weaknesses and strengths of the EU human right policy.

The first part of the thesis is defining the main aspects and historical background of the EU human right policy. The second part will functionally group the various EU human rights instruments and explain them in more detail. The third part determines the problems and human rights conditions in penitentiary establishments in the Republic of Georgia, which makes this thesis original and interesting, exploring the problems of the EU human rights policy. The last part identifies the main problems of the EU human rights policy and gives some new ideas for reforming and improving the EU relations and its human rights policy in external action.

1) EU Human Rights Policy: An overview

Human Rights derive from the concept of natural doctrine, for which the main undivided idea is human dignity. According to this concept, each member of the society, in addition to the legal rights, has primary fundamental rights, because they were born as human beings. In other words, the government has as much rights as it has been granted under the law (The principle of limited powers)¹. Human rights are guaranteed nationally by the constitutions of individual countries and at EU level by the EU Charter of Fundamental Rights. The EU is based on a strong commitment to promote human rights. Promoting human rights can help to prevent conflicts and reduce poverty. The EU believes that the protection and promotion of human rights globally is a key and principal mission of the international community. The EU human rights policy includes protecting and promoting social, economic, political and cultural rights, opposing the death penalty, and defending the universal and indivisible nature of human rights. The EU human rights policy is based on internationally agreed standards, reflecting the belief that human rights and fundamental freedoms are universal values. Therefore, the EU is using various instruments to promote respect for human rights, democracy and the rule of law. All EU institutions – the Commission, Parliament and Council play a significant role in protecting human rights.²

The states are not the sources of the human rights and freedoms, those rights are independent and states have to recognize their existence. The duty of the state is to protect human rights and freedoms, because they exist for people and from people.³ A primary concern is to offer protection from the repressive measures of an autocratic government. Even among governments that are limited by moral considerations, there may still be a need to protect the population from utilitarian decision-making.⁴ Human rights are comprehensive as they include civil, socio-

¹ Explanation of the principle of limited powers. By Gary Lawson. 27/01/2009. Internet access <http://www.heritage.org/research/reports/2009/01/limited-government-unlimited-administration-is-it-possible-to-restore-constitutionalism>

² The EU human rights law. The dynamics of interpretation and context. By MartonVarju. Hungarian academy of science, 2014. 1-55 pg. VU law faculty library.

³ National parliamentary library of Georgia. Topic on “government and human rights“ <http://www.nplg.gov.ge/gwdict/index.php?a=term&d=6&t=2763>

⁴ Human rights: Chimeras in sheep’s clothing? By Andrew Heard. 1997. E-access: <http://www.sfu.ca/~aheard/intro.html>

economic, cultural, and political rights relevant for a decent human living. Both human rights and human beings are inseparable because one cannot exist without the other.

The principle of universality⁵ of human rights means that these rights are equally applicable to all people of all nations without any discrimination on the grounds of colour, language, religion, social origin or sex. Human rights are universal since they are said to belong to all humans in every society. The Universal Declaration of Human Rights adopted by the United Nations General Assembly in 1948 is very important as it emerged directly from the atrocities of the Second World War. The declaration is generally promoting freedom, equality and peace. Article 2 of the Universal Declaration of Human Rights (1948) clearly expresses the main point and aspiration of this declaration.⁶

“Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty”.

Human rights include important social and economic rights. The U.S Declaration of Independence adopted in 1776 hold that it is self-evident and that “everyone is endowed by their Creator with certain inalienable rights” and later the French declaration of “the rights of man” declared that “men are born and remain free and equal in rights.”⁷

⁵ Explanation of the principle of universality. The Johns Hopkins University press 2007 “The relative universality of human rights”

<http://sph.umich.edu/symposium/2010/pdf/donnely1.pdf>

⁶ The text of the universal declaration of human rights

<http://www.un.org/en/documents/udhr/index.shtml#atop>

⁷ Elements of a theory of human rights. Amartya Sen. 2004 E-access:

<http://www.mit.edu/~shaslang/mprg/asenETHR.pdf>

1.1) Developing the EU human rights policy

The EU is founded on a strong obligation to promote and protect human rights, dignity, justice, democracy and the rule of law in the EU area and worldwide. Failure to comply with these principles and democratic institutions will prevent the creation of long-term stability and peace. The development of the EU policy of human rights has passed difficult periods when the EU's important replies to the question of human rights in its external policies was in the context of the Lome Convention⁸ with ACP (African, Caribbean and Pacific) countries signed in February 1975. After the fall of the Berlin wall and the end of the Cold war, the primary concern was to reunite the European⁹ continent and to repair Europe devastated both physically and economically by the war. The immediate focus was on economic integration and creation of a common market, and putting an end to large-scale human rights violations.

Those factors and many others directed political focus on the human rights question in 1991, when the Commission adopted a Communication on human rights, democracy and development co-operation policy¹⁰ that was followed by the Council resolution on human rights, democracy and development¹¹. The Council confirmed that protecting, promoting and respecting human rights is an important part of the EU's cooperation, as well as one of the cornerstones in relations between Member States and other countries. The European Convention on Human Rights¹² drafted in 1950 by the Council of Europe is an international treaty for protecting human rights and fundamental freedoms in Europe. The ECHR (European Convention On Human Rights) sets forth a number of fundamental rights: freedom of thought, right to life, prohibition of slavery and torture, right to liberty and security, freedom of expression, prohibition of discrimination, freedom of religion and rights that are granted by the additional protocols to the Convention. Article 1 of the Convention (ECHR) is obligatory as it binds the signatory parties for securing the rights guaranteed by this Convention (ECHR). It is very important that the Convention also

⁸ The text of the Lome convention (1975). Internet access, Link below.

http://www.eurostudium.uniroma1.it/documenti/cooperazione/Lome_convention.pdf

⁹ "From a continent of war to one of peace and prosperity" EU-Australia relations. 2014 topic.

http://eeas.europa.eu/delegations/australia/documents/more_info/war-to-peace.pdf

¹⁰ The text of the communication on human rights, democracy and development co-operation. AEI archive)

<http://aei.pitt.edu/2937/>

¹¹ (The official text of the Council resolution on human rights, democracy and development)

http://archive.idea.int/lome/bgr_docs/resolution.html

¹² Official text of the European Convention On Human Rights. Internet access below

<http://www.supremecourt.ge/files/upload-file/pdf/act4.pdf>

established The European Court Of Human Rights. Any person whose rights have been violated under the Convention by a state party can take a case to the Court, and judgments of the Court finding violations shall be binding on the state party and it shall be obliged to execute them. To ensure the execution of the judgments the Committee of Ministers of the Council of Europe shall supervise the execution process.

The Court of Justice of the European Union plays a very important role in developing the protection of human rights within the EU legal order. Through the decisions of the European Court of Justice, human rights have been placed at the front of the agenda of the EU. The Court is upholding human rights in its case law. The Court of Justice sees human rights as the fundamental principles of the EU law. In the case of Stefano Melloni, the Court stated that only in a situation where an action of a Member State is not entirely determined by European Union law, do national courts and authorities remain free to apply national standards of protection of fundamental rights.¹³ The rule of law, democracy, promotion of human rights and good ruling and sustainable growth are the main basic supporting pillars of the EU Development Policy. The Council conclusion on a rights-based approach to development cooperation encompassing all human rights (2014) confirms that the EU's obligation is to promote all human rights whether civil and political, social and cultural, in all areas of its external action.¹⁴ For the successful promotion of the aforementioned human rights, the EU needs some special tools and policy instruments.

In 2012, the Council of the European Union adopted the EU Strategic Framework and the First Action Plan on Human Rights and Democracy¹⁵, which sets out the objectives and main priorities that should help improving the EU human rights policy. Article 21 of the Treaty on European Union¹⁶ generally confirms the aspiration of the EU to promote and protect human rights in its external relations.

¹³ ECJ, Case C-399/11, Stefano Melloni, 1.10.2011

¹⁴ Official text of the Council conclusion on a Rights-Based Approach to Development Cooperation and Encompassing All Human Rights. 2014, Brussels

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/foraff/142682.pdf

¹⁵ Official text on EU Strategic Framework and First Action Plan on Human Rights and Democracy, 2012

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/131181.pdf

¹⁶ Official text of the Treaty on European Union. EUR-Lex. Access to EU law. See E-source below

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:12012M/TXT>

“Article 21(1).¹⁷ The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law.

The Union shall seek to develop relations and build partnerships with third countries, and international, regional or global organisations, which share the principles, referred to in the first subparagraph. It shall promote multilateral solutions to common problems, in particular in the framework of the United Nations.”

Paragraph 2 of the same Article lists the main values the Union shall define for a high degree of cooperation in its international relations with states. It defines that the Union shall protect fundamental interests, security and independence; consolidate and support democracy, the human rights, and the rule of law; preserve peace, prevent conflicts, assist in social and environmental development, sustainable economic, and population. As it is shown, the external EU human rights policy is complicated and need the strong commitment from the side of Member States to ensure the fulfilment and execution of provisions set out in the above-mentioned paragraph.

The development process of the EU human rights policy is continuing step by step by enacting the action plans and internationally binding treaties, developing diplomatic and political relations on the matter, implementing international assistance projects, monitoring human rights conditions in EU Member States and in partner countries.

It should be noted that in 2012 the EU also appointed Mr Stavros Lambrinidis, as its Special Representative for Human Rights, whose commitment is to make EU human rights policy in non-EU countries much more effective and protected by providing recommendations and special reports.

¹⁷ Citation of the Treaty on European Union. Article 21. 2012/C 326/01

1.2) Priorities of EU human rights policy

Respect for human rights, democracy, freedom and the rule of law are prime values of the European Union. The EU is actively promoting human rights both within its borders and in relations with non-EU countries. The long-term development, sustainable peace and stability cannot exist without respect for human rights. Those commitments underpin all internal and external policies of the European Union. Within the EU borders, those principles are incorporated in the EU founding treaties, and are reinforced by the EU Charter of Fundamental Rights. Outside the EU borders, the EU's action in its external relations should be guided by the principles which have inspired its own creation. EU human rights priorities are expressed by some fundamental principles and rights and freedoms, namely: equality, solidarity, dignity, freedom, citizens' rights and justice. Such are the rights and freedoms that are the key priorities for the European Union and the key political, social and economic rights of the EU citizens. The Charter of Fundamental Rights of the EU¹⁸ was adopted in 2000; however, it became legally binding only after entering into force of the Lisbon Treaty in 2009¹⁹.

Respect for human rights and dignity, the principles of freedom, the rule of law and democracy are common values of the EU external policy. Respect for human rights, the rule of law and fundamental freedoms are one of the significant obligations of the EU in its external relation. The EU strongly believes in and supports individuals and civil society members trying to promote human rights and democracy throughout the world. The Charter of Fundamental Rights of the EU affects all fields of the EU activity and it must be taken into consideration by all EU institutions and bodies, and by the national authorities as well when implementing, for example, the EU directive or applying the EU regulation²⁰.

¹⁸ Official text of the Charter of Fundamental Rights of the EU, 2012/c 326/02
<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT#text>

¹⁹ Official text, Treaty of Lisbon, 2007/c 306/01
<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12007L/TXT>

²⁰ Commentary of the charter or fundamental rights of the EU. 23-28 p., 2006.
http://ec.europa.eu/justice/fundamental-rights/files/networkcommentaryfinal_en.pdf

“²¹The peoples of Europe, in creating an ever closer union among them, are resolved to share a peaceful future based on common values. Conscious of its spiritual and moral heritage, the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity; it is based on the principles of democracy and the rule of law. It places the individual at the heart of its activities, by establishing the citizenship of the Union and by creating an area of freedom, security and justice.”

This preamble clearly reflects the aspiration and readiness of the parties to create a unique charter based on the principle of equality, protection and guarantying the fundamental rights of human. This charter is important, because it not only guarantees the rights and fundamental freedoms and protection of private life and prohibition of inhuman punishment, but it also recognizes the Human Dignity, because it's one of the objective principles of community law²². Article 1 – Human Dignity (The Charter of Fundamental Rights of the EU): “Human dignity is inviolable. It must be respected and protected”

EU Human rights priorities include all the fundamental rights and freedoms that are important for the decent human development and life. Prohibition of torture, right to life, liberty, freedom of expression, right to marry, prohibition of discrimination and many other rights and freedoms are the priorities of the EU the main task of which is to promote and protect those rights. The European Convention On Human Rights²³ (1950) and additional protocols are the bouquets of EU human rights priorities as it unites the Member States for protecting fundamental rights of persons. It will be impossible to achieve peace and the sustainable development without respecting the human rights and fundamental rights incorporated in the EU Convention on Human Rights, in the Charter of Fundamental Rights and in many EU treaties and conventions that are the guarantors for the protection of human rights²⁴.

²¹ Citation of the Preamble of the Charter of Fundamental Rights of the EU
<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT#text>

²² Mette Lebeck 'On the problem of human dignity', 287/291 pages, 2009, Orbis phaenomeno loicus publisher. Commentary of the charter or fundamental rights of the EU, 25-26 p, 2006.

²³ Official text of the Convention. E-source.
http://www.echr.coe.int/Documents/Convention_ENG.pdf

²⁴ Council of Europe, International Treaties' E-library.
<http://www.coe.int/en/web/conventions/search-on-treaties/-/conventions/treaty/results/subject/44>

1.3) Implementing EU priorities on human rights

Human rights, democracy and the rule of law are universal values that should be vigorously promoted around the world. They are the cornerstone of the EU human rights policy. The EU is using various instruments such like diplomatic, legal, financial and many others, as well as institutional instruments and specialised bodies to implement its priorities. One of the specialised body that works on the fundamental rights of persons is the Working Party on Fundamental Rights, Citizens Rights and Free Movements of Persons (FREMP).²⁵ The working party prepares the documents in the legislative procedures in the area of the citizens' rights and fundamental rights, the free movement, and is actively working for the promotion and implementation of fundamental rights by publishing, from time to time, the informational brochures and annual reports²⁶ depending on preparatory issues.

Another specialised body of the Council of the EU is the Working Party on Human Rights (COHOM)²⁷ established by the Council of the European Union in 1987, which is working on the human rights aspects of the external relations of the EU and is supporting the Councils' decision-making process in the area of Human Rights. COHOM has its own mandate²⁸ which defines the competence of the working group. The Human Rights Working Group (COHOM) generally develops human rights policy instruments such as guidelines, brochures, provides consultations to parties, also COHOM is asserting the EU official position on human rights issues, supervises the worldwide implementation of EU human rights and carries out other consultative preparatory works.

The Council of the EU for working effectively and implementing all his responsibilities²⁹ have established specialised working groups, bodies³⁰ e.g : GMO (the Working Party on Genetically

²⁵ FREMP, Council of the European Union. Introduction. Internet access below
<http://www.consilium.europa.eu/en/council-eu/preparatory-bodies/working-party-fundamental-rights-citizens-rights-free-movement-persons/>

²⁶ E.g. of the report and official explanation of preparatory body.
[http://www.consilium.europa.eu/en/meetings/mpo/2015/6/working-party-on-fundamental-rights,-citizens-rights-and-free-movement-of-persons-\(237946\)/](http://www.consilium.europa.eu/en/meetings/mpo/2015/6/working-party-on-fundamental-rights,-citizens-rights-and-free-movement-of-persons-(237946)/)

²⁷ Introduction of the COHOM. European Council. E-source.
<http://www.consilium.europa.eu/en/council-eu/preparatory-bodies/working-party-human-rights/>

²⁸ Text of the Mandate of the Working Party on Human Rights. E-source. See below.
http://eeas.europa.eu/human_rights/workgroup/docs/cohom_mandate_en.pdf

²⁹ Overview of the responsibilities of Council of the EU. EU e-link.

Modified Organisms), EFSI (the Working Party on the European Fund for Strategic Investment), the Budget Committee, the Africa Working Party, the Working Party of Legal Experts, and numerous others which are the key instruments in implementing the Council policy in various fields.

For the correct implementation and securing from the infringements of fundamental rights and freedoms of persons, it is very important to make legal information more accessible in order to be well informed about fundamental rights, and to know how to enforce them in case they might be violated, because according to the reports of the Fundamental Rights Agency³¹ in many cases persons do not know how to defend their rights, and to apply to which institution or body.

The EU is permanently working for promoting the Human Rights through public statements and cooperation with local non-governmental organisations, and civil societies. For the implementation of EU human rights the EU is also actively working with human rights defenders, but sometimes it express the concern when the work of human rights defenders is obstructed and the national laws are very strict in relation with human rights defenders and NGOs in some countries (E.X³²).

For more effective implementation the EU created an ‘instrument’, i.e. the European Instrument for Democracy and Human Rights (EIDHR) launched in 2006³³ with the budget of €1 332 752 000 for the period 2014-2020) . The range of EIDHR’s activities is quite wide, it mostly aims for strengthening the role of civil society in protecting and promoting human rights. The EU delegations representing the EU practically all over the world also play an important role.

http://europa.eu/about-eu/institutions-bodies/european-council/index_en.htm

³⁰ Full Listing of the Specialised EU working bodies. E-source.

<http://www.consilium.europa.eu/en/council-eu/preparatory-bodies/?p=1>

³¹ Report on Achievement and challenges.

<http://fra.europa.eu/en/publication/2014/fundamental-rights-key-legal-and-policy-developments-2013-highlights-2013>

³² Several reports on Human Rights in particular countries (Azerbaijan. Belarus. Russia)

<http://www.civilrightsdefenders.org/country-reports/human-rights-in-azerbaijan/>

<http://www.civilrightsdefenders.org/country-reports/human-rights-in-belarus/>

<http://www.civilrightsdefenders.org/country-reports/human-rights-in-russia/>

³³ Official webpage of the EIDHR.

<http://www.eidhr.eu/home>

The delegations implement the policy of the EU on human rights and on many other issues, especially on the EU external policy issues. EIDHR has the opportunity to fund some projects³⁴ for supporting human rights promotion and protection and for strengthening and supporting human rights defenders.

³⁴ Funding system of the EIDHR

<http://www.eidhr.eu/funding>

One example from IIDHR funding system. E-Source, see below.

http://www.welcomeurope.com/europe-funding-opportunities/eidhr-global-call-proposals-2015-6827+6727.html#tab=onglet_details

2.1) EU Action Plan on Human Rights and Democracy: A strategic instrument

The EU Action Plan on Human Rights and Democracy (2015-2019)³⁵ was created for strengthening the implementation of the EU's human rights policy and for supporting the special working preparatory bodies³⁶ on EU human rights external policy in respect to their activities in partner countries. The 2015-2019 Action Plan promotes the plans for cooperation between the EU and local institutions in partner countries. Fighting against discrimination, strengthening local institutions for supporting democracy, promoting gender equality, cooperation in the field of investment and trade, strengthening election management bodies and supporting the justice systems are main values of this action plan. It contains five chapters, namely:

- Boosting ownership of local actors
- Addressing human rights challenges
- Ensuring a comprehensive human rights approach to conflicts and crises
- Fostering better coherence and consistency
- Ensuring a more effective human rights and democracy support policy

Mrs. Federica Mogherini, the High Representative for Foreign Affairs and Security Policy, on the adoption of the Action Plan said that *“Crises, poverty and many attempts worldwide to shrink the space of civil society require all our attention and efforts on human rights. The Action Plan we are launching today reinforces the EU's commitment to human rights, and focuses on empowering local actors and civil society organisations. All EU Member States stand united in taking it forward”*³⁷.

The new 2015-2019 Action Plan on Human Rights and Democracy was built on the 2012-2014 Action Plan and has been prepared by the European External Action Service³⁸ involving EU Member States and the EU Commission which are responsible for implementation and carrying

³⁵ The text of the Action Plan on Human Rights and Democracy 2015-2019. Internet Access: http://www.eeas.europa.eu/human_rights/docs/action-plan-on-human-rights-and-democracy-2015-2019_en.pdf

³⁶ The list of some preparatory bodies of the Council of the EU. Internet Access to the list. <http://www.consilium.europa.eu/en/council-eu/preparatory-bodies/>

³⁷ Citation : <http://www.euintheus.org/press-media/keeping-human-rights-at-the-heart-of-the-eu-agenda>

³⁸ The European External Action Service introduction. Webpage. http://eeas.europa.eu/background/about/index_en.htm

out the actions that are listed in the Action Plan. According to the statement of High Representative Mrs. Federica Mogherini on the occasion of the International day of Democracy on 15 September it can be underlined that “With the adoption of the Action Plan for Human rights and Democracy, covering the period 2015-2019, the EU has renewed its commitment to democracy and human rights. This plan stresses that democratic political systems and institutions are essential in recognising and promoting these values and principles.³⁹”

The Action Plan’s first chapter outlines the importance of delivering a comprehensive support to public institutions by recognising and supporting the important role of national human rights institutions as an independent and impartial institution of a particular country. The Action Plan is a good instrument for helping and strengthening the decision-making process and existence of such public institutions by consultations at country level in relation with human rights dialogues.

This Action Plan (2015-2019) underlines the necessity of cooperation between national human rights institutions and EU Member States, which are the perfect instruments for human rights protection and promotion process by observing public and national human rights institutions, reading their reports and communicating with them.

The support of electoral processes underlined by the Action Plan is very important for strengthening the election management bodies to be able to organise a transparent and impartial elections independently and effectively, and to evade future election falsification and violation of human rights.⁴⁰

The support of the justice system plays a crucial role in the development and protection of human rights standards. The Action Plan is a good instrument for working bodies and EU delegations for planning of priorities and supporting judicial reforms with adequate training of the legal profession for increasing knowledge of human rights standards. Part 4 of Chapter 1 of the draft table of the Action Plan underlines the following:

³⁹ The statement of Federica Mogherini – 15/09/2015. Brussels. E-source below:
http://eeas.europa.eu/statements-eeas/2015/150915_02_en.htm

⁴⁰Part 2 of Chapter 1 of the Draft Table of the Action Plan. Supporting Election system. Link source:
http://www.eeas.europa.eu/human_rights/docs/action-plan-on-human-rights-and-democracy-2015-2019_en.pdf

“Monitor and promote at bilateral and multilateral level the compliance by partner countries of their international obligations in terms of access to justice and fair trial at all stages of the legal process; mobilise as appropriate technical co-operation and support; promote the independence of the judiciary; facilitate access to justice at local level ⁴¹.”

It means that the independent and impartial justice system is important for human beings and for protecting the human rights and the Action Plan works in this case as a perfect instrument in favour of human rights promotion, because it trains and educates how to raise legal awareness and actively works for this mission.

Overall, the 2015-2019 Action Plan is an effective instrument which refers to many important issues such as social, economic, cultural, anti-discriminatory, and trade/investment issues. The EU is supporting and strengthening those fields for developing human rights standards.

“Today's complex crises and widespread violations and abuses of human rights and fundamental freedoms require ever more determined efforts by the EU. This Action Plan should enable the EU to meet these challenges through more focused action, systematic and co-ordinated use of the instruments at its disposal, and enhanced impact of its policies and tools on the ground. The EU will promote the principles of non-discrimination, gender equality and women's empowerment. The EU will also ensure a comprehensive human rights approach to preventing and addressing conflicts and crises, and further mainstream human rights in the external aspects of EU policies in order to ensure better policy coherence, in particular in the fields of migration, trade and investment, development cooperation and counter terrorism.⁴²”

⁴¹ The Action Plan (2015-2019), Chapter 1, part 4, Draft table. Justice system. Brussels, 20/07/2015 Official webpage of EU External Action. Internet access:

http://www.eas.europa.eu/human_rights/docs/action-plan-on-human-rights-and-democracy-2015-2019_en.pdf

⁴² Citation of the Council Conclusions on the Action Plan on Human Rights and Democracy 2015-2019. Foreign Affairs Council. 20 July 2015. Page 3. Chapter 3. Internet access:

http://www.eas.europa.eu/human_rights/docs/action-plan-on-human-rights-and-democracy-2015-2019_en.pdf

2.2) Diplomatic Instruments

Among the most important instruments for promoting human rights are diplomatic instruments. These instruments are represented in the form of delegations in third countries. There are more than 139 EU delegations operating and representing the EU and its citizens around the world. Cooperation bodies like European Parliament Delegations are mostly maintaining relations and exchange the information with parliaments in non-EU countries and are working for the purposes of representation of the European Union externally, and promote human rights and fundamental freedoms in third countries. There are four main types of cooperation bodies, such as: Joint Parliamentary Committees; Parliamentary Cooperation Committees; Other Inter-parliamentary Delegations; Delegations to Multilateral Parliamentary Assemblies.

Joint Parliamentary Committees cooperate with the parliaments of states that have association agreements with the European Union. Parliamentary Cooperation Committees cooperate with the states that are involved in the European Neighbourhood policy and with the states which have signed strategic partnership agreements with the EU. Other main roles of the Inter-parliamentary Delegations are to promote relations with the non-candidate countries and to put through their activities in collaboration with the committees, e.g. on international trade. The core role of the Delegation to Multilateral Parliamentary Assemblies is the promotion of human rights and democracy and fundamental rights in the countries where those joint parliamentary assemblies cooperate, e.g. the African, Caribbean and Pacific - European Union joint parliamentary assemblies.

Another form of diplomatic instrument is the embassies of the EU Member States that are playing an important role in the unified external representation. Generally, the EU Member State embassies in third countries are cooperating with the EU delegations, their ambassadors are maintaining regular relations with the Heads of EU Delegations; however, they are operating separately considering collaboration and providing information on a wide range of development

in partner countries. The embassies may provide recommendations to the local government for the effective protection and promotion of human rights⁴³.

As an example may be mentioned the relations between the European Union and Georgia which started in 1992. In 1995, the European Commission opened its delegation to Georgia. By opening a delegation the European Commission is using all kinds of diplomatic instruments for helping The Republic of Georgia in maintaining the processes of protecting and promoting human rights and fundamental freedoms that from time-to-time are more and more intensified. The earliest activities of the EU-Georgia started in 1995 when the parliament of Georgia under the recommendations of the EU delegations approved the new Constitution of the Republic of Georgia⁴⁴. Actively working with the EU delegation, in 1994, Georgia ratified the European Convention on Human Rights⁴⁵. In 1996, the European Social Charter⁴⁶ was ratified, which came into force only in 2005 due to the accompanying long way of reforms. The EU delegation was using all diplomatic instruments for promoting human rights and was actively working with a local government for protecting fundamental rights of humans.

⁴³FraukeAustermann; European Union Delegations in EU Foreign Policy. Lunam University, France. Published By Palgrave Macmillan,2014. 100-114 p.

⁴⁴ The full text of the Constitution of the Republic of Georgia. 1995. The electronic access:
http://www.parliament.ge/files/68_1944_951190_CONSTIT_27_12.06.pdf

⁴⁵ The original text of the ratified document. Official webpage of Legislative Herald of Georgia. Document issuer: Ministry of Foreign Affairs, 11/05/1994. E-access:
<https://matsne.gov.ge/en/document/view/1208370>

⁴⁶ The text of the European Social Charter for the official webpage of Legislative Herald of Georgia. Document issuer is the Ministry of Foreign Affairs of Georgia, 03/05/1996. E-access:
<https://matsne.gov.ge/en/document/view/1392164>

2.2.1.) Political Demarches and Statements

Political demarches and statements form is a part of the diplomatic instruments and they play an important role in promoting human rights and providing recommendations to the governments of third countries. The statements are generally made by the EU delegations. Statements can also be made by EU headquarters, e.g. the High Representative for CFSP, her spokesperson, as well as by the EU Commissioner for Enlargement and his spokesperson. For example, Mr. Tomas Hammarberg is the EU special advisor on Constitutional and Legal Reforms and Human Rights in the Republic of Georgia. Mr. Hammarberg has made several annual reports on human rights challenges in Georgia, e.g. the report of 09/07/2014⁴⁷. More citations from the statement of a special advisor on human rights issues in Georgia are provided below for clarification purposes:

“Effective implementation of the National Human Rights Strategy and Action Plan requires strong political will and has to be prioritized by the Government of Georgia:

- The Human Rights Council needs to develop an effective structure, organize itself into working groups, develop rules of action in order to be able to ensure the effective implementation of the action plan;
- The Human Rights secretariat has to be equipped with adequate human and financial resources in order to support the Human Rights Council on a continuous basis;
- The political leadership of Georgia should express strong political support towards the implementation of the HR Strategy and Action Plan⁴⁸”.

Such reports are good possibilities for governments, in our case for Georgia, to use the recommendations for better implementing its international obligations and for promoting and

⁴⁷ The text of the report of Mr. Tomas Hammarberg, a special advisor on human rights and legal reforms in Georgia. Human Rights Challenges in Georgia. Annual report of 09/07/2014. E-access: http://eeas.europa.eu/delegations/georgia/documents/human_rights_2012/th_recommendations_to_the_government_of_georgia_en.pdf

⁴⁸ The annual report of Mr. Hammarberg. Human Rights Challenges in Georgia, 09/07/2014, 2p, Part 1: http://eeas.europa.eu/delegations/georgia/documents/human_rights_2012/th_recommendations_to_the_government_of_georgia_en.pdf

protecting human rights by reforming the institutions responsible for the protection of human rights.

As we see, political statements and reports are the direct and easy way for EU delegations or for special representatives to promote human rights outside the EU by way of consultation with the third countries governments providing them with recommendations and at the same time it might be an easy way for states to get advice and to create a good national action plan on human rights issues. The government of Georgia has created the National Action Plan on the Protection of Human Rights for the period 2014-2016 paying attention to all categories of rights, physical and personal freedoms, as well as to social, economic and political rights. The action plan was developed on the grounds of recommendations and statements of the EU delegation and EU special representative Mr. Tomas Hammerberg, and under the recommendations of International Organizations and Public Defender of Georgia ⁴⁹.

A diplomatic demarche refers to formal diplomatic representation of the official position and is delivered to the appropriate official of the government aiming to inform or gather information from a foreign government. Diplomatic acts such as exchange of notes between the countries are designed to protect the interests of the acting state. Diplomatic demarches are used to protest against the actions of foreign governments, and they are the important tools and part of the EU global outreach. The EU representatives in a partner country may deliver a demarche on concrete cases, for example on the violation of human rights or other freedoms, or illegal actions.

⁴⁹ Action Plan of the Government of Georgia on the Protection of Human Rights 2014-2016. Council of Europe, official webpage, official text. Electronic access: <http://www.coe.int/t/commissioner/source/NAP/Georgia-National-Action-Plan-on-Human-Rights.pdf>

2.3) Development Assistance Tools

2.3.1) The European Instrument for Democracy and Human Rights

The European Instrument for Democracy and Human Rights (EIDHR) was launched in 2006. The EIDHR is providing the development assistance to the protection and consolidation of all forms of human rights, the rule of law and democracy. Mainly the European Instrument for Democracy and Human Rights was created to help civil societies to become an effective power for social-economical reforms and for protecting the human rights. With the budget €1 332 752 000 (for the 2014-2020 year period) the EIDHR assistance may grant the financial projects submitted by civil society or international organizations, or it may grant human rights defenders to help to promote and protect human rights. The EIDHR is trying to strengthen respect for human rights in countries where they are at risk, granting civil society for promoting democratic reforms to avoid in the future the violation of human rights and fundamental freedoms. The EIDHR is also supporting the international framework for the protection of human rights and for strengthening the rule of law.

Article 21(2) of the TEU defines that the rule of law, democracy and the universality of human rights and fundamental freedoms are main guiding principles of the EU's external action. That's why the EIDHR was launched in 2006 to fulfil this task. The EIDHR is operating at national, regional or international level and it can act in countries which aren't the developing countries, so it means that the EIDHR has worldwide coverage.

Article 2 of the Regulation (EU) No 235/2014 of The European Parliament and of The Council of 11/03/2014 on establishing a financing instrument for democracy and human rights worldwide, establishes all and the main standards and freedoms on what union assistance shall focus on.

E.G.:

“Promoting freedom of association and assembly, the unhindered movement of persons, freedom of opinion and expression, including political, artistic and cultural expression, unimpeded access to information, a free press and independent pluralistic media”.

“Strengthening the rule of law, promoting the independence of the judiciary and of the legislature, supporting and evaluating legal and institutional reforms and their implementation, and promoting access to justice, as well as supporting national human rights institutions”.

“Promoting the equal participation of women and men in social, economic and political life, and supporting gender equality, the participation of women in decision-making processes and political representation of women, in particular in processes of political transition, democratisation and state-building⁵⁰”. The prevention of torture and the rehabilitation of torture victims constitute a major priority for funding under the European Instrument for Democracy and Human Rights and it is remarkable that over the last 5 years an average of €12 million per year has been allocated to funding anti-torture projects.⁵¹

2.3.2)The Instrument Contributing to Stability and Peace

The Instrument Contributing to Stability and Peace (ICSP) is an important instrument of the EU to respond to crises and to support a security and peace-building process in partner countries. It was launched in 2014. The European Parliament and the Council of the European Union adopted Regulation No 230/2014 establishing the ICSP. Article 5 of this Regulation defines main activities related with global and trans-regional threats. The peace-building process by using the ICSP instrument is important in the field of human rights and in the peaceful regulation of conflicts and, at the same time, in promoting the rule of law and fundamental freedoms. Article 10 of Regulation No 230/2014 establishing the ICSP in 11/03/2014 defines that the Commission shall ensure that measures adopted under this Regulation in relation to the fight against terrorism are implemented in accordance with humanitarian law. This means that the protection and promotion of human rights constitute an important part in the EU external relations, and the ICSP is playing its role with the EU's political commitment to build peace.

⁵⁰ Regulation #235/2014 of the European Parliament and of the Council 11/03/2014. 2014-2020 period. Citations from Article 2(1). Official Text. Internet access:

<http://www.eidhr.eu/files/dmfile/EIDHR.2014-2020.pdf>

⁵¹ EIDHR anti-torture funds. E-source:
<http://www.eidhr.eu/highlights/torture>

2.3.3) European Neighbourhood Policy

For the better promotion of human rights, the EU needs to work intensively with its eastern and southern neighbours for achieving the greatest possible degree of social and political integration. For achieving this goal, the EU has created a foreign relations instrument – the European Neighbourhood Policy (ENP). The ENP is a key part of the EU's foreign policy, which is based on the values of democracy, respect of human rights and fundamental freedoms and the rule of law.

For the effective promotion of human rights, the EU is actively supporting civil society which is playing an important role for protecting human rights by recommendations, demonstrations or various educational activities. The EU in the period from 2007 to 2013 granted about 12bln Euros to the ENP related projects, starting from human rights promoting projects and ending to technical or policy support. 12 countries from 16 ENP countries agreed on the ENP action plan. This action plan sets out the partner countries' agenda for political and socio-economic reforms. The Republic of Georgia forms part of the ENP action plan, which is a political document setting out the strategic objectives of the cooperation between the European Union and Georgia. The implementation of the EU-Georgia action plan will remarkably advance the estimation of Georgian legislation and standards in the field of human rights, and not including only those of the EU. Georgia and the European Union will cooperate closely in implementing this action plan, as it is stated in the action plan.

“The European Union takes note of Georgia's expressed European aspirations. The EU welcomes Georgia's readiness to enhance cooperation in all domains covered by the Action Plan. The level of ambition of the relationship will depend on the degree of Georgia's commitment to common values as well as its capacity to implement jointly agreed priorities, in compliance with international and European norms and principles.⁵²”

The EU-Georgia Action plan underlines the importance of strengthening democratic institutions, which are playing an important and core role in protecting and promoting human rights and

⁵² EU-Georgia ENP Action Plan. 2004. Official Text. EU External Action Webpage. Citation from introduction of the Action Plan. 1p. E-access: http://eeas.europa.eu/enp/pdf/pdf/action_plans/georgia_enp_ap_final_en.pdf

fundamental freedoms. The following recommendations in the Action Plan clearly express the support for the reforms:

- “Strengthening of the Georgian parliament, particularly in the fulfilment of its oversight role (including in the security and defence sector). Establishing clear rules regarding lobbying and conflicts of interest.
- Raise the level of legal expertise and law-screening in the processes of harmonization of Georgian legislation with the European standards.
- Encourage greater political pluralism: strengthen the role and functioning of political parties in Georgia. ⁵³”

The harmonisation of Georgian legislation in many fields, especially in human rights, means the creation of common standards to those of the EU. The EU-Georgia Action Plan recommends that the Georgian government should further improve the legal basis and practice in the field of detention and prevention of torture and ill-treatment of detainees, and what is more important to implement the national action plan against torture, and also to ensure respect for rights of persons belonging to minorities. The Action Plan as an Instrument and Agenda for states is a tool and a guideline for protecting human rights and establishing the European standards in the political, economic or socio-cultural sphere. It is very important to develop and implement a civic integration of the standards set in the European Social Charter⁵⁴.

It also should be mentioned that there is a Joint Staff Working Document on how Georgia is implementing the European Neighbourhood Policy and its progress in 2014. This is a joint communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. ⁵⁵The ENP countries will continue to benefit from various EU instruments, like the European Neighbourhood Instrument for the period 2014-2020

⁵³ EU-Georgia Action Plan. 2004. Official Text. Citation from the Action Plan. Strengthening democratic institutions, 13 p. Internet access:

http://eeas.europa.eu/enp/pdf/pdf/action_plans/georgia_enp_ap_final_en.pdf

⁵⁴ The Official Text of the European Social Charter. 1996, 3 may charter.

<https://www.coe.int/t/dghl/monitoring/socialcharter/Presentation/ESCRBooklet/English.pdf>

⁵⁵ European Commission. High Representative of the EU for foreign affair and security policy. Joint Staff Working Document. Official Text. Brussels, 25/03/2015.

http://eeas.europa.eu/enp/pdf/2015/georgia-enp-report-2015_en.pdf

with a budget of 15,4bln Euros⁵⁶. Partner countries will also benefit from the Instrument for Democracy and Human Rights, the Instrument for Stability and Interventions under the Common Foreign and Security Policy. All those instruments have one goal – the better promotion and protection of human prosperity, economic welfare, and human rights and freedoms.

⁵⁶ Regulation #232/2014 of the European Parliament and the Council of 11/03/2014 establishing the ENI.
http://eeas.europa.eu/enp/pdf/enp-regulation-11032014_en.pdf

2.4) Monitoring Instruments

A monitoring instrument is a significant instrument for the EU to promote and protect human rights in partner countries and in the world generally. Monitoring instruments allow define and expose exact problems by observing and identifying the infringements of human rights and fundamental freedoms in third countries. One of the requirements of using this instrument is preparing of the EU annual reports on human rights and democracy in the world, which are adopted by the Council once a year. On 22 June of 2015, the Council adopted a new annual report for 2014. The 2014 annual report outlines the sequential effort of the EU and its delegations throughout the world to promote the rule of law, human rights and fundamental freedoms.

The European Union has about 139 EU delegations and offices, which are operating around the world. Their one of the important duty is to implement EU's foreign policies and therefore to promote human rights and fundamental freedoms globally. The delegations, from time to time, provide reports and public statements on their views, and recommendations to the government, and monitor the advancement and implementation process of their recommendations. The rule of law, infringements of human rights and democratic principles are regular debates in the European Parliament plenary part-sessions. Those issues are also raised in meetings of the inter-parliamentary delegations.

The monitoring process does not run without meeting human rights defenders and hearing from them the reports and specific cases of breaching of human rights and fundamental freedoms. Meetings are also organised with civil society organisations.

One of the Council preparatory bodies Working Party on Human Rights (COHOM) is also an important body in monitoring processes because it promotes the development and oversees the worldwide implementation of EU policy in the field of human rights, which also include EU human rights guidelines.

On 27 Jun 2014, the Republic of Georgia signed the EU-Georgia Association Agreement⁵⁷ according to which Georgian governmental institutions are being monitored by the EU how they implement the obligations derived from the Association Agreement. Positive assessment of the process of implementation of the Association Agreement and positive assessment of monitoring of the EU-Georgia Visa Liberalisation Dialogue, launched in June 2012⁵⁸, has an important and significant role for exemption of Georgian citizens from visa requirements that will give a possibility to Georgian citizens to travel to the Schengen area for a short-stay period freely, without visa requirements.

A monitoring instrument is an essential tool for the EU to promote human rights and through the active dialogue with partner countries for harmonizing the national legislation with EU standards to promote and protect all forms of human rights and fundamental freedoms. Human rights conditions in Georgia were mentioned in the EU annual report on human rights and democracy in the world in 2014.⁵⁹ Following the results of monitoring, on 18 December 2014, the European Parliament adopted a conclusion⁶⁰ that highlights Georgia's significant progress in reforms and strengthening relations with the EU. The resolution recognises the efforts of the Georgian government in the area of democratic reforms and needs to investigate properly all allegations of infringement of human rights, as mentioned in the report. The monitoring instrument is a valuable and helpful tool for the EU in the process of promotion of human rights and what is more important in protection of human rights.

⁵⁷ An official text of the EU-Georgia Association Agreement. Official Journal of the European Union. 30/08/2014.
http://eeas.europa.eu/georgia/pdf/eu-ge_aa-dcfta_en.pdf

⁵⁸ The official text of the EU-Georgia Visa Dialogue. Action Plan on Visa Liberalisation. 31/05/2012.
<http://migration.commission.ge/files/vlap-eng.pdf>

⁵⁹ EU annual report on human rights conditions in the world, 2014. EU External Action. E-access.
http://eeas.europa.eu/human_rights/docs/2014-hr-annual-report_en.pdf

⁶⁰ Conclusion of the Association Agreement with Georgia, 18/12/2014. European Parliament
<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2014-0110+0+DOC+XML+V0//EN>

2.5) Support to human rights defenders and civil society

2.5.1) Partnership with civil society

Partnership with non-state actors and generally with civil societies is very important for the EU in the process of promotion of human rights in its external relations, because non-state actors are playing a significant role in ensuring that information on the European Union and human rights EU policy reaches a wide audience. Non-state actors may encompass cooperatives, professional associations, universities, non-governmental organisations, which generally are best placed and informed to know population's needs or problems that may concern human right promotion.

Civil society organisations are a significant element of any democratic system. It can contribute to more valuable and effective EU policies. Civil society organisations are very active in the public arena and they may play an important role in conflict resolution and protection of human rights. The civil society played an important role in the Georgia-Russia 2008 conflict, when NGO's were reporting about the violations of human rights. The presentation, that was called "In August Ruins"⁶¹, took place on 5 May 2010 in the National Library of the Parliament of Georgia. It was organised by an office of the Public Defender of Georgia, the Open Society Georgia Foundation and by other non-governmental organisations. During that period, those organisations presented a draft report to the prosecutor of the International Criminal Court Mr. Luis Moreno-Ocampo.

So it means that civil society is an important player in a growing demand for the transparent and accountable governance. Direct communication of the EU with civil society organisations, and non-state actors is a valuable instrument for the information exchange process and in developing future programmes or guidelines for promoting human rights.

⁶¹ Report of the Georgian Non-Governmental Organisations on Violation of Fundamental Human Rights. August war, 2008. Tbilisi 2009. Editor –Tinatin Khidasheli. Internet access : http://www.osgf.ge/files/publications/2010/Etnikuri_cmenda_English_WEB_version.pdf

Depending on the requirement of individual calls for proposals the civil society organisations can get funding, financial assistance by the European Commission in the form of projects. It's very important that Commission's Humanitarian Aid and Civil Protection Department provides funding for the NGO's for civil protection and human rights activities. Civil society and non-governmental organisations can be funded under the programmes that are jointly managed by national, regional and local authorities and by the Commission. How to select the NGOs to be included in the various funding and consultative processes in many sectors the Commission should have its own objective and pre-established criteria. For choosing the non-governmental organisation, those criteria may include the following:

- The transparency of their organisation and the way they work
- Their capacity and ability to work for exchange of information and opinions between the Commission and the citizens
- The structure of the NGO itself and the membership

For working more effectively with civil society and NGOs in partner countries the European Commission has adopted a communication which puts forward the main three priorities for the EU support, namely:

- "To enhance efforts to promote a conducive environment for CSOs in partner countries
- To promote a meaningful and structured participation of civil society organisations in domestic policies of partner countries, in the EU programming cycle and in international processes
- To increase local civil society organisations capacity to perform their roles as independent development actors more effectively."⁶²

Partnership with civil society gives new instruments to the EU for promoting human rights and the rule of law in its external relations with the help of non-state actors.

⁶² Communication from the Commission to the European Parliament, the Council. Europe's engagement with civil society in external relations. 2012/0492 final/Official text. Citation from the 2nd part.

2.5.2) Supporting human rights defenders

The support of human rights defenders is part of EU's external policy on human rights. The work of human rights defenders is significant in promoting and protecting human rights and the rule of law. The European Union is actively working for supporting human rights defenders who play an important role in the promotion of the rule of law and human rights.

In June 2004, the Council adopted the EU guidelines on human rights defenders⁶³, which generally provides practical recommendations. "The Guidelines can be used in contacts with third countries at all levels as well as in multilateral human rights fora in order to support and strengthen the ongoing efforts of the Union to promote and encourage respect for the right to defend human rights. The Guidelines also provide for interventions by the Union for human rights defenders at risk and suggest practical means of supporting and assisting human rights defenders."⁶⁴

Human rights defenders are playing an important role in the implementation of EU human rights policy and therefore the EU has a regular and active communication with human rights defenders by EU's delegations and embassies to help them in the promotion of human rights. Human rights defenders may give recommendations to the governmental authorities and from the other side the state should protect and promote human rights and ensure that all persons under its jurisdiction are able to enjoy all economic and political freedoms in practice and also to support the creation of independent national institutions for the protection and promotion of human rights.

It should be underlined that human rights defenders need financial assistance for working and in that case the EU through the European Instrument for Democracy and Human Rights provides the financial or material support for human rights defenders.

E.g. human rights defenders may be awarded a small grant depending on urgent needs in concrete situations. In 2014, under the European Instrument for Democracy and Human Rights

⁶³ Ensuring protection-EU guideline on human rights defenders. Official text. E-access ; http://eeas.europa.eu/human_rights/guidelines/defenders/docs/16332-re02_08_en.pdf

⁶⁴ Citation from the Ensuring protection -EU guideline on human rights defenders. From the first part of purpose, 1 p.

were added 150 projects for supporting human rights defenders with a total value more than EUR 120 million. Representatives of Member State embassies meet regularly with human rights defenders in respective countries. Supporting and strong advocating of human rights defenders is an important action of the EU to support the protection and promotion of the rule of law and human rights.

2.6) EU educational activities and training programmes on human rights issues

Considering that the protection and promotion of all human rights is one of the priorities of the EU, generally educational activities and various training programmes on human right issues promote the values that will motivate all individuals to protect their rights. Training programmes help to develop an understanding and attitude of individual's common responsibility to make human rights and the rule of law a reality in each community. The EU is using various instruments for funding the training programmes in partner countries. The European Union has funded the Civil Society Seminar on Human Rights in the Republic of Georgia on 21-22 June 2012 through the EIDHR funding.⁶⁵ The background of this and other seminars that took place in the next years was the 2008 European Union – Georgia Agreement to establish the human rights dialogue.⁶⁶ Using the European Instrument for Democracy and Human Rights, the EU is trying to enhance respect for human rights and the rule of law with the budget of 1.249 billion euros for the period 2014-2020. Launched in 2014, the Instrument Contributing to Stability and Peace with the budget of more than 2.4 billion euros for the period 2014-2020 is the additional and main instrument for supporting peace-building activities in the world. Additionally, the EU is funding the students exchange programmes with the Erasmus Plus programme. The European Commission makes direct financial contributions to the implementation of EU external policy on human rights issues. Educational activities of the EU on human rights issues are important in promoting human rights with active educational communication with students, civil society members and in general with people.

⁶⁵ Report of the EU on the seminar. EU-Georgia. Civil Society Seminar on Human Rights. August 2012. Internet access:

http://eeas.europa.eu/delegations/georgia/documents/civil_society_library/civil_society_seminar2012_01_en.pdf

⁶⁶ The first meeting took place on 28 April 2009 in Georgia.

http://belgium.mfa.gov.ge/index.php?lang_id=ENG&sec_id=595&info_id=651

2.7) EU election observation missions

Election observation is an important EU activity to support and promote human rights and the rule of law. Promoting human rights is a key part of EU foreign policy, and relations between the EU and its partners are based on the recognition that the consolidation of human rights is a joint interest.

By election observation missions the EU express its interest in promoting fair, transparent and democratic elections within its policy to support human rights, to promote and strengthen the principle that all citizens have rights to participate in public affairs by voting, that it will be the best expression of citizens goodwill to have an ability to freely choose their desired government. Election observation missions of the EU consider its commitment to support and strengthen democratic institutions. In most countries where democratic institutions are functioning, there is no need to observe regularly held elections.

The European Commission launched the Communication on EU Election Assistance and Observation in 2000⁶⁷ defining the EU standards for democratic election and requirements for observers. The Communication identified the core objectives of EU election observation:

- To undertake a comprehensive assessment of an election process
- To strengthen respect for human rights, the rule of law and fundamental freedoms
- To strengthen public confidence in the electoral process.

The financial part of election is also important. Election should be funded from the national budget and in the event the funds to cover the election expenses are not sufficient, the EC support might be made from the co-operation budget, as defined in the communication. Observation missions are funded from the European Community budget, largely from the EIDHR. According to the Communication 2000 on EU Election Assistance and Observation and the European Parliament resolution of 8 May 2008 on EU election observation missions⁶⁸, there

⁶⁷ The European Commission Communication. 11/4/ 2000. Official text. E-access;
https://ec.europa.eu/europeaid/sites/devco/files/communication-eu-election-assistance-and-observation-com2000191-20000411_en.pdf

⁶⁸ Official text of the 2008 European Parliament Resolution.
<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52008IP0194>

are two election observation teams within the European Commission. The first is covering programming and related policy aspects of implementation and follow up, and the second is covering the practical implementation of the observation mission. The European Commission is generally consulting with EU Member States on planning of election observation missions in the council working groups. The first EU observation mission observed the first multi-party parliamentary elections in Russia in December 1993.

The European Union election observation missions play an important role in the promotion of human rights and the rule of law. The missions are observing the entire process of election and may issue the report about the preliminary findings and provide recommendations on how to fulfil the EU requirements and implement EU recommendations. Human rights are at the heart of an electoral process. An election process should be carried out in an environment where the citizens could be able to fully enjoy their political rights and where the mission's one of the significant roles is the promotion of those rights and freedoms.

The Organization for Security and Co-operation in Europe Office for Democracy Institutions and Human Rights (OSCE/ODIHR)⁶⁹ also observes elections and provides technical assistance to improve the legislative framework for elections and gives recommendations to governments on how to develop democratic institutions. The OSCE/ODIHR international election observation mission has been observing the Presidential election in the Republic of Belarus on 11 October 2015 and issued the statement on preliminary findings, involving the OSCE Parliamentary Assembly and the Parliamentary Assembly of the Council of Europe. The conclusion was not positive and it underlined many infringements of individuals' political rights and fundamental freedoms. The preliminary conclusion defines that⁷⁰: "The 11th October election once again indicated that Belarus still has a considerable way to go in meeting its OSCE commitments for democratic elections. This underscores the need for the political will to engage in a comprehensive reform process. Some specific improvements and a welcoming attitude were

⁶⁹ Official Webpage of ODIHR;
<http://www.osce.org/odihr/109068>

⁷⁰ The official text of preliminary conclusion. Presidential election of the Republic of Belarus. 12 October 2015. Minsk. Citation from conclusion, 1-2p.
<http://www.osce.org/odihr/elections/belarus/191586?download=true>

noted. The count process was assessed negatively by observers, with some 30 per cent of polling stations assessed as bad or very bad of the 169 processes observed, indicating significant problems. The campaign and election day were peaceful.”

2.8) Legal Instruments

Legal instruments are important tools for the EU to promote human rights and by using binding legislative acts to protect human rights and fundamental freedoms. The rule of law, democracy and respect for human rights are main keystones of the EU treaties. Article 21(2.b) of the Treaty on European Union underlines common EU actions for a high degree of cooperation in all fields of international relations, in order to “Consolidate and support democracy, the rule of law and human rights.”⁷¹ Bilateral agreements and various cooperation agreements between the EU and third countries include human rights clauses as an essential element of the agreement. For example, the EU-Georgia Association Agreement was signed in June 2014.⁷² This Agreement significantly deepens social, political and economic ties with the EU in the framework of the Eastern Partnership and gives more possibilities to the EU to promote human rights and implement human rights protective and respective clauses in Georgian legislation.⁷³

The EU using legal instruments in relations with the Republic of Georgia tries to strengthen the stability, independence and effectiveness of institutions guaranteeing respect for human rights and fundamental freedoms. By signing the EU-Georgia Association Agreement, Georgian part undertakes to improve national legislation and significantly strengthen the human rights promotion process and implement various legislative acts regulating and improving social, economic and political situation in the country. The aims set out in various EU treaties may be achieved by issuing several types of legal acts such as: Regulations, Directives, Decisions and Recommendations. For the promotion of human rights and the rule of law, and for regulating various areas, the EU may use any type of legal acts. Concerning the Republic of Georgia, the recommendations of the EU delegation were taken into account and in June 2014 the Georgian government presented an Action Plan on Human Rights.

⁷¹ Citation of the TEU. Article 21 (2.b). Internet access:
<http://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:12012M/TXT>

⁷² The EU-Georgia Association-Agreement official text. 2014 June. Link:
http://eeas.europa.eu/georgia/pdf/eu-ge_aa-dcfta_en.pdf

⁷³ The overview of the EU-Georgia Association Agreement.
http://eeas.europa.eu/georgia/pdf/quick_guide_eu_ge_aa_en.pdf

It was designed to bring Georgian legal frameworks and human rights practice in accordance with European standards. The launch of this Action Plan is a big step in the human rights promotion process. Another issue is how partner countries try to protect and notably promote human rights in various spheres. For instance, public defenders and civil society members of the Republic of Georgia criticized the government for the violation of human rights during years and, on the other hand, the EU delegation in Georgia for the insufficient monitoring and promotion of human rights, especially human rights conditions in Georgian prisons.⁷⁴ In most cases, the legal cooperation with partner countries helps them to enhance judicial cooperation by implementing multilateral conventions and improve national legislation for human rights protection, which is very important for both sides.

⁷⁴ Special statement of NGOs on human rights violation in prisons. Human rights house network.19/01/12
<http://humanrightshouse.org/Articles/18619.html>

3) Case study: The EU's role in eradication of all forms of torture and ill-treatment in Georgian penitentiaries

3.1) EU Policy on abolition of death penalty

The Charter of Fundamental Rights of the European Union laid down the principles with regard to Article 2(1, 2):

- 1) Everyone has the right to life
- 2) No one shall be condemned to the death penalty or executed.

The European Union has a strong position against the death penalty; I would say the position concerning the abolition of the death penalty is one of the main fundamental principles of EU human rights policy. There are many countries in the world that still use the death penalty.

According to the reports of Amnesty International, at least 2,466 people have been sentenced in 55 countries in 2014. The problem is increasing the number of the death penalty cases, because according to the same report 1,925 death sentences were reported only in 2013.⁷⁵

Of course, the death penalty violates the right to life, which is a fundamental right of human beings. In many countries governments argue that the death penalty is an effective instrument for decreasing the number of crime cases, but it is a misunderstanding of the human rights and fundamental freedoms, because, first, under the resolution adopted by the General Assembly (65/206, 62/149)⁷⁶, which initiated the moratorium on the use of the death penalty, it is clearly expressed that the death penalty cannot deter crimes and it violates fundamental rights of human, and the right to life.

⁷⁵ "The use of the death penalty in 2014", Amnesty International. 5-7
<p.file:///C:/Users/user/Downloads/ACT5000012015ENGLISH.PDF>

⁷⁶ Text of the Resolution. E-library:

<http://research.un.org/en/docs/ga/quick/regular/65>

http://diplomatie.belgium.be/nl/binaries/A_RES_65_206_tcm314-72561.pdf

Article 3(c;d) of General Assembly Resolution 65/206 on the moratorium:

- “To progressively restrict the use of the death penalty and to reduce the number of offences for which it may be imposed.
- To establish a moratorium on executions with a view to abolishing the death penalty.”

Over time, the death penalty has been abolished in the EU and today it is a death-penalty free area. On 1 May 2000, the death penalty was completely abolished in the Republic of Georgia. Each EU Member State is a party to the European Convention on Human Rights (1950) which stated its position in Article 2 (1) - “ Right to life : Everyone’s right to life shall be protected by law“ and Article 3 – “ Prohibition of torture: No one shall be subjected to torture or to inhuman or degrading treatment or punishment”.⁷⁷ Those articles serve as a guarantee securing from the death penalty, but in 1983, Member States ratified additional Protocol No 6⁷⁸ that allowed the death penalty ‘for the acts committed in time of war or of imminent threat of war’. Protocol No. 13⁷⁹ that abolishes the death penalty in all circumstances was ratified only in 2002. Promoting the EU human right policy considers in itself the prohibition of the death penalty, because ‘The Right to Life’ is a core value for human rights and the EU is doing much for promoting and protecting those irreplaceable rights of human beings. The EU is promoting the abolition of the death penalty by strengthening the local civil society, providing partner countries with the recommendations for reforming the criminal codes, and helping and supporting local human rights defenders. The EU is also funding local NGO’s and various educational projects. At the same time the EU have special representatives in particular countries and those representatives are providing various types of recommendations and working with the governments for the implementation of international treaties abolishing the death penalty.⁸⁰

⁷⁷<http://www.deathpenaltyworldwide.org/search.cfm> (Death Penalty Database. Cornell Law school)

⁷⁸ Text of Protocol No 6)

<http://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168007952b>

⁷⁹ Text of Protocol No 13:<http://www.coe.int/en/web/conventions/full-list/-/conventions/rms/0900001680081563>

⁸⁰(European commission. Delivering on the death penalty 2013. Guideline. 13-17 p.)

<http://www.eidhr.eu/files/dmfile/EIDHRDeliveringonDeathPenalty.pdf>

In 2008, *Maria Lensu* from the European Commission's Directorate General for external relations issued a short overview of the EU policy against the death penalty. The policy introduces once again the position that the EU is using all its available tools of diplomacy and cooperation assistance to work towards the abolition of the death penalty. ”⁸¹The EU is the leading institutional actor in the fight against the death penalty worldwide and its action in this area represents a key priority of its external human rights policy. The EU considers capital punishment to be a cruel and inhuman punishment, which fails to provide deterrence to criminal behaviour and represents an unacceptable denial of human dignity and integrity. Any miscarriage of justice – which is inevitable in any legal system – is irreversible. “

⁸¹ Citation. Maria Lensu “EU policy against the death penalty “, 1-2 p. PDF http://www.eidhr.eu/files/dmfile/death-penalty-background_en.pdf

3.2) EU Policy on Eradication of Inhuman or Torture Punishment

Article 4 of the Charter of the Fundamental Rights of the European Union declares that “No one shall be subjected to torture or to inhuman or degrading treatment or punishment.”

The prohibition of torture is one of the core fundamental rights of human beings. By the European Convention on Human Rights (1950) the Member States agreed to abolish all forms of inhuman and torture punishment, because it's the most atrocious and brutal violations of human rights, no exceptions are permitted under the EU law, even in the period of war.

The EU is using all tools for abolishment the inhuman or torture punishment, but there are still many cases of torture in the world.⁸² There are plenty of international conventions and treaties, which oblige the Member States to prohibit the torture or inhuman punishments and they are main working instruments for abolishing the torture and, of course, the EU is using these treaties in its external relations. Some of those conventions are, e.g.:

- The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.⁸³
- The European Convention for the Protection of Human Rights and Fundamental Freedoms.⁸⁴
- The UN Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.⁸⁵

The European Parliament resolution of 11 March 2014 on the Eradication of Torture in the World⁸⁶ is an important ‘action plan’ defining the EU aspiration for abolishing all forms of

⁸²Amnesty International Report 2014. Torture of 2014. 29-36 pg.
<file:///C:/Users/user/Downloads/act400042014en.pdf>

⁸³Text of the Convention
<http://www.cpt.coe.int/en/documents/ecpt.htm>

⁸⁴Text of the Convention. Council of Europe.
<http://www.coe.int/en/web/conventions/full-list/-/conventions/rms/0900001680063765>

⁸⁵ Text of the Convention
<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>

⁸⁶The resolution text. E-source access below:
<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2014-0206+0+DOC+XML+V0//EN>

torture and inhuman punishment, and promoting the human rights by the eradication of the brutal actions against humans. The main role of the EU in the abolition of torture is to continue raising the issue in multilateral fora, such as the Council of Europe, OSCE or UN.

Supporting the educational campaigns against torture is also a core part in promoting the human rights, funding the local non-governmental organisations and other actions that will work for decreasing of torture and inhuman punishment, which is very important for developing the strong civil society. The Council of the EU issued in 2001 the EU guidelines to EU Policy Towards Third Countries on Torture and Other Cruel, Inhuman Punishment.⁸⁷ These guidelines give the EU an instrument to defeat torture and inhuman punishment in its external relations. By these guideline the EU is obliged to edit periodic reports in which a particular country delegation of EU heads a mission. The EU delegation should conduct a political dialogue and discussions with local governments for taking effective measures against torture.

In its action against inhuman punishment and torture, the EU should persuade third countries to take the following measures:

„88

- prohibit torture and ill-treatment in law, including criminal law;
- condemn, at the highest level, all forms of torture and ill-treatment;
- take effective legislative, administrative, judicial and other measures to prevent the occurrence of acts of torture and ill-treatment in any territory under its jurisdiction;

⁸⁷ The text of the guidelines:

<http://www.refworld.org/docid/3e2fac757.html>

⁸⁸ Citation of part of the guidelines of the Council of EU on Torture 2001. 5p.

<http://www.consilium.europa.eu/uedocs/cmsUpload/TortureGuidelines.pdf>

- prevent the use, production and trade of equipment which is designed to inflict torture or other cruel, inhuman or degrading treatment or punishment and prevent the abuse of any other equipment to these ends.”

The first steps in promoting human rights in the EU external relations is to ensure, that the fundamental rights of humans are not under the violation, and if such cases occur, take actions for abolishing the violation of rights and work with a violator state to ratify the main and all international treaties and to establish the standards securing human rights and human dignity, especially protect human rights at penitentiary establishment, because there are cases where the EU delegations' various recommendations and monitoring process are not sufficient and effective.

3.3) The EU's role in eradication of all forms of torture and ill-treatment in Georgian penitentiaries

In September 2012, Georgian national TV channels have broadcasted recorded videos of torture in the so called “Gldani Prison” in Georgia. By that time, prison population trend was 19.350 persons totally in several Georgian penitentiaries. Civil society members and the Public Defender of Georgia were reporting about the growing number of prisoners and about institutional problems in Georgian penitentiaries, but the results showed that the voice of civil society was not listened by the government and weak monitoring activities of the European Committee for the Prevention of the Torture were a reality.⁸⁹ Another problem was that the penitentiaries were inaccessible for monitoring and civil society members and public defenders could not properly monitor the prisons and prisoners to get direct information from them. The figures below give a clear indication of the growing number of prisoners in Georgian penitentiaries from 2000 to 2015 year⁹⁰:

Year	Person
2000	8,349
2002	6,794
2004	7,867
2006	15,465
2008	18,659
2010	23,684
2012	19,350
2015	10,236

⁸⁹E.g. The European Committee for the Prevention of Torture and Inhuman or degrading Treatment or Punishment were periodically visiting Georgia . E.g. 2007, 2010, 2012.

⁹⁰ Official statistics from the Institutions for criminal policy research and Georgian penitentiary department. E-access: 30/09/2015

<http://www.prisonstudies.org/country/georgia>

The EU increases its support to the criminal justice reform process in Georgia. It should be noted that the EU has made considerable contributions to the criminal justice system reform in Georgia through various projects for strengthening justice sector institutions. The EU provided more than 20 million euros support since 2008 to the criminal justice system in Georgia, complemented with additional technical assistance. The main aim of the EU support is to improve the conditions of convicted prisoners in line with the European standards and to support the probation service on the rehabilitation of probationers and, what is also important, to improve access to justice for the citizens of Georgia.⁹¹

On 9 July 2013, the Council of Europe with the support of the European Union launched the Joint Program “Human Rights in Prisons and Other Closed Institutions”, aiming to protect human rights for prison inmates. Over the period of two years, this program was supporting an adequate access to health care, protection of human rights of persons in need of psychiatric care and prevention of ill-treatment. During a meeting with the Georgian Prime-Minister on July 9, the EU’s special advisor on legal and constitutional reform and on human rights in Georgia Mr. Thomas Hammerberg mentioned that it’s very important to take care of the human rights and health situation⁹².

The EU is strongly supporting the Republic of Georgia in its justice system reforms and is therefore funding various projects. From the period 2012–2014, the EU has granted the Tolerant Association of Samtskhe - Javakheti region in Georgia the budget of 99,800 euro.⁹³ The program aimed to support the integration of former prisoners living in the above-mentioned region into the society and to help their social rehabilitation. The EU is supporting those programmes to support and increase human rights standards, health care service and re-socialization process in line with the European standards.

The Council of Europe Office in Georgia is systematically carrying out training seminars and programmes on Human Rights in Prisons, e.g. training prosecutors in the standards of effective

⁹¹ EU support to criminal justice system reform to Georgia. European Commission Press release. IP/12/198 file:///C:/Users/user/Downloads/IP-12-198_EN.pdf

⁹² EU for protecting HR in prisons in Georgia. Georgian Journal. 11 July 2013. E-access:

<http://www.georgianjournal.ge/society/24025-council-of-europe-and-eu-for-protecting-human-rights-in-prisons.html>

⁹³ http://eeas.europa.eu/delegations/georgia/projects/list_of_projects/292212_en.htm

investigation and training prison managers in suicide prevention activities.⁹⁴ The EU is continuing to support and increase its role in the protection and improvement of human rights conditions in Georgian prisons. It must be noted that on 25 May 2013 the head of the EU Delegation to the Council of Europe and COE Deputy Secretary General signed a new EU/CoE joint programme for Georgia. The programme “Human Rights and Healthcare in Prisons and Other Closed Institutions in Georgia” will be implemented over the 30-month period and will support the improvement of prison healthcare and the fight against impunity for ill-treatment. The programme budget is 3.3 million euros.⁹⁵

The European Commissioner for Enlargement and Neighbourhood Policy Stefan Fulle visited Georgia on 18 July 2014 and participated in the ratification of the Association Agreement and Deep and Comprehensive Free Trade Area by the Georgian Parliament, where he also announced a new EU financial support for Georgia that will target the Justice sector reform with the budget of €50 million, besides supporting other sectors therefore. The new programme will contribute to consolidation of the independence, professionalism and efficiency of the judiciary.⁹⁶

Non-governmental organizations and public defenders were periodically reporting about institutional problems in Georgia regarding to the penitentiaries. Those reports were not fully taken into account until the Gldani Prison scandal in 2012, when national TV channels revealed recording videos of torture and rape. A large number of complaints against Georgia were filed with the European Court of Human Rights. There are 2 247 pending applications before the court on 01/07/2015⁹⁷. The question is how effective is the EU human rights policy for the protection of human rights in the penitentiary establishments?

⁹⁴ The list of the training programmes of the Council of Europe Office in Georgia. E-access: <http://www.coe.int/en/web/tbilisi/programme-news-human-rights-in-prisons>

⁹⁵ EU/CoE joint program on Human Rights in Georgian Prison. Press-release. 25/03/2013 .E-access: http://eeas.europa.eu/delegations/council_europe/press_corner/focus/events/2013/20130325_en.htm

⁹⁶ New EU financial support to Georgia. European Commission. Press Release. Brussels. 17 July 2014. E-access: http://eeas.europa.eu/delegations/georgia/documents/news/2014/20140718_02_en.pdf

⁹⁷ Press country profile. ECHR official statistic. July 2015. E-access: http://www.echr.coe.int/Documents/CP_Georgia_ENG.pdf

The case of Georgia is a clear example that the EU monitoring activities were not fully informative and they missed an important fact regarding the violation of human rights.⁹⁸ The delegation of the anti-torture committee of the Council of Europe (CPT) visited Georgia in 2012. They had an immediate access to the penitentiaries and were able to speak in private with persons deprived of their liberty. The special preventive group of the Public Defender Office of Georgia monitored Georgian penitentiaries in summer 2012 and revealed various problematic issue, including ill-treatment that had a systematic character. Those problems were mentioned and stressed by the special preventive group, but Georgian government didn't take appropriate measures to eradicate problems. When the Gldani Prison scandal was revealed, prison inmates alleging torture and ill-treatment inflicted by administration officials in various penitentiaries, submitted several hundred complaints to the Public Defender Office. Those complaints were forwarded to the Chief Prosecutor's Office of Georgia. In July 2013, the Georgian Court convicted 14 former prison officials and 10 police officers involved in torture of prison inmates. Only the former Prosecutor General fully released from criminal responsibility. the person that provided information about the torture.

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) visited Georgia in 2010 and issued a report on human rights conditions in penitentiary establishments of Georgia. The problem is that this report failed to focus on main problems in penitentiary establishments and it means that the delegation did not see the violation of fundamental rights and values, that "no one shall be subjected to torture or inhuman or degrading treatment or punishment"⁹⁹. The delegation underline the problem of a growing number of prison inmates and inadequate conditions for them¹⁰⁰. The main problems in Georgian penitentiary establishments were the growing number of facts of torture of prison inmates and main accent had to be made on the eradication of torture and ill-treatment, the CPT's main obligation was the instant recommendation to the government to eradicate the violation of human rights and monitor how the government implements the recommendations, and whether it works very actively with civil society members that might gave a better result than the Gldani Prison

⁹⁸ The torture of prisoners in the Gladani prison.

⁹⁹ Citation from the Charter of Fundamental Rights of the EU

¹⁰⁰ The CPT report to the Georgian Government. 19-23 November 2012. CPT/Inf(2013) 18. E-access: http://www.cpt.coe.int/documents/geo/2010-27-inf-eng.htm#_Toc272237384

scandal in 2012. To monitor the penitentiary establishment once in a two year is not enough and that's why CPT missed the facts of torture and violation of human rights. The civil society members and human rights defenders and public activists disagreed to the "zero tolerance" principle established after the 2003-2004 Rose Revolution in Georgia by the former government, that was the main factor in the growing number of prison inmates. Only in 2012-2013, 190 political prisoners were released under the amnesty law issued by a Parliament of Georgia.¹⁰¹

Recommendations and assessments by Thomas Hammarberg, the EU special adviser on human rights in Georgia, are also very important and notable about the penitentiary system in Georgia and prisoners conditions there.

The European Committee for the Prevention of Torture (CPT) and others have repeatedly urged the Georgian Government to reduce overcrowding by applying alternatives to detention and thus reducing the number of persons sent to prison. Mr.Hammarberg recommendations aim to support the Georgian government to improve human rights conditions in penitentiaries and to establish the European standards in Georgian prisons.¹⁰² The Public Defender Office of Georgia was working actively on human rights violation issues in penitentiary establishments and assessed the conditions and situation in Georgian penitentiaries as inhuman or degrading treatment in the 2010 Parliamentary Report¹⁰³ of the Public Defence Office. It is mentioned in the report that the quarantine was used as a method of punishment, while Georgian legislative acts do not recognize this method of punishment. Problems were also detected in medical establishments of penitentiaries. The majority of convicts categorically refused to be transferred to the medical establishments due to the high risk of torture and inhuman treatment. "The national complaints and protection system turned out to be ineffective. Alarm signals issued by civil society

¹⁰¹ Report of Open Society Georgia Foundation. Political Prisoners. 2012. 3-4 p. E-access: <http://www.humanrights.ge/admin/editor/uploads/pdf/EN.pdf>

¹⁰² Thomas Hammerberg Recommendations to Georgia. September 2013. 14-19 p. http://eeas.europa.eu/delegations/georgia/documents/virtual_library/cooperation_sectors/georgia_in_transition-hammarberg.pdf

¹⁰³ 2010 report of public defence of Georgia. Official text. Health rights in penitentiary system. 52-95 p. <http://www.ombudsman.ge/uploads/other/1/1351.pdf>

organisations and international bodies such as the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) were repeatedly ignored.”¹⁰⁴

The situation dramatically changed after 2012, and the European Committee for the Prevention of Torture in its 2014 Report describes more positively and widely the improvements in Georgian penitentiary establishments and underlines problems discovered during the monitoring¹⁰⁵. The case of the Republic of Georgia is very interesting. The monitoring process in the penitentiaries should be more frequent and delegations of the CPT should demand to have direct communication with prison inmates and have an opportunity to visit penitentiary medical establishments.

It is also very important to take into account the reports of NGO's and human rights defenders and support them in human rights promotion activity by better funding programmes. The increase of the number of human rights monitoring missions and members of delegates is also very significant and this will help for better communication with civil society members and governmental institutions.

The positive fact is that from 2013 the Georgian government initiated the free Hepatitis C prevention and cure programme in Georgian prisons¹⁰⁶, what is a huge step forward for human rights protection and will significantly reduce the complaints and number of cases sent to the European Court of Human Rights. The supporting reintegration process of prisoners into society is very important and the Public Defender of Georgia has mentioned in various reports that prison conditions should ensure re-socialization of prison inmates into society and support the prevention of repeated crimes. “ In the near future to ensure drawing up a work plan for re-socialization of convicts, taking into consideration the type of establishments and categories of

¹⁰⁴ 2013 Report of Thomas Hammerberg. Recommendations and assessments for Georgia. Penitentiary system in Georgia. 15 p. E - access:
http://eas.europa.eu/delegations/georgia/documents/virtual_library/cooperation_sectors/georgia_in_transition-hammarberg.pdf

¹⁰⁵ Report of 2014 to the government of Georgia, report of CPT. 1-11 December 2014. E-access:
<http://www.cpt.coe.int/documents/geo/2015-42-inf-eng.pdf>

¹⁰⁶ Presentation of C Hepatitis programme. Georgian Social Service Agency. 09/01/2014. E-access:
http://ssa.gov.ge/?lang_id=ENG&sec_id=99&info_id=1396

convicts which in the future will serve as a basis for the elaboration of individual plans of sentence-serving of convicts.”¹⁰⁷

Promotion and protection of human rights – political, social, economic, and cultural - are core values of the European Union. “Crisis, poverty and many attempts worldwide to shrink the space of civil society require all our attention and efforts on human rights. Keeping human rights at the heart of the EU agenda.”¹⁰⁸ On the issues of human rights, the rule of law and fundamental freedoms, the European Union should be principled when it comes to the values it seeks to uphold and by systematic and intensive communication with partner countries promote and protect human rights, especially with states with fragile democracy, where might be attempts of violation of human rights.

¹⁰⁷ Citation from Public Defender Office of Georgia Report 2012 .The situation of human rights and freedoms in Georgia. 54-55 p <http://www.ombudsman.ge/uploads/other/1/1350.pdf>

¹⁰⁸ Citation form the Council conclusions on the action plan on human rights and democracy 2015-2019. Citation of High Representative for Foreign Affairs and security policy Mrs.Federica Mogherini. <http://www.consilium.europa.eu/en/press/press-releases/2015/07/20-fac-human-rights/>

4) Conclusion

4.1) Strengths and weaknesses of EU external human rights policy and reform proposals

Promotion of all forms of human rights is very important and the EU has a leading position on this difficult issue. In the second part of this thesis, it is described how the European Union is promoting human rights, using various tools and instruments, in its external action. The growing number of human rights violations raises many questions about the effectiveness of EU human rights policy¹⁰⁹. The EU should create its own special monitoring bodies for some specific human rights in order to avoid such a situation as in Georgia, where the specialised monitoring body of the Council of Europe missed important violations.

The EU human rights policy is oriented on the promotion of human rights and support of various programmes for strengthening the rule of law and fundamental freedoms in its external action, and for this purpose the EU is allocating huge amounts of funds, e.g. through the European Instrument for Democracy and Human Rights, which is the concrete expression of the EU's intention to integrate the promotion of democracy and human rights in its external action.¹¹⁰

The EU should actively work with regional NGOs and local press offices, which are making investigations about the infringement of human rights. It worth mentioning about the so called 'Gldani Scandal' in the Georgian penitentiary establishment, which was revealed by the local, small news agency in the Republic of Georgia called "Obieqtivi TV"¹¹¹.

The active communication with human rights defenders and with public activists working on human rights issues is vitally important for better exchanging of information in various fields

¹⁰⁹ Reports on Human Rights abuses worldwide. Amnesty International Investigation. 2012/2104 reports.
http://files.amnesty.org/air13/fnf_air_2013_en.pdf

<https://www.amnesty.org/en/latest/news/2015/02/annual-report-201415-facts-and-figures/>

¹¹⁰ For the period 2014-2020 the EIDHR budget will be of 1.182 billion euros, around 169 million Euros per year.

¹¹¹ The statement of the News agency Obieqtivi's journalist Irma Inashvili. 11/12/2012. E-access:

<http://www.interpressnews.ge/en/politicss/42988-journalist-irma-inashvili-hands-over-original-video-footage-showing-prison-torture-to-prosecutors-office.html?ar=A>

that will help both sides to reveal violation of human rights and actively work for protection of human rights. Meeting more frequently with government officials and more rare with civil society members and with academic representatives working on human rights issue will not give the EU representatives a clear image about human rights conditions in respective countries and always will be gaps and unresolved problems, which will create the so called double standards.¹¹²

Article 21(1) of the Treaty on European Union provides a clear and exact definition of the EU values, inspirations and attitude to strengthen fundamental freedoms and democracy, which is a foundation of the big European family.

In its external action the EU should effectively monitor the rights of prison inmates and it should have an ability through a wide range of extensive measures to enforce the local government to protect and improve the human rights in penitentiaries. Actually there is a noticeable lack of enforcement policy of the EU on the issues of human rights and fundamental freedoms, and it has weak mechanisms to hold partner countries accountable for the human rights.¹¹³ It must be noted that the 2013 year recommendations of Thomas Hammerberg on Georgia, the EU special adviser on constitutional and legal reforms and human rights in Georgia, reported that alarm signals issued by civil society organisations and international bodies such as the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) were repeatedly ignored. Concerns were about the deterioration of prison conditions despite efforts of improving them through rehabilitating or constructing new establishments and the penitentiary infrastructure was insufficient to deal with the high number of prison inmates.¹¹⁴ This fact underlines the idea of creation of better mechanisms for monitoring the governmental institutions and, what is more important, increasing the number of staff in the EU delegation

¹¹² The role of EU delegations in EU HR policy. Author: Rosa Balfour. 2013. 13-22 pg. E-access:

[http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/433721/EXPO-DROI_ET\(2013\)433721_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/433721/EXPO-DROI_ET(2013)433721_EN.pdf)

¹¹³ On 17 May of 2013 in the capital of the Republic of Georgia the procession of the LGBT members was raided by the citizens and law enforcement representatives could not managed properly to protect LGBT member while they got injured. E-access:

<https://www.amnesty.org/en/latest/news/2013/05/georgia-homophobic-violence-mars-tbilisi-pride-event/>

¹¹⁴ 2013 Report on Human Rights dimension. Georgia in transition. By Thomas Hammerberg. 14-16 p.

http://eeas.europa.eu/delegations/georgia/documents/virtual_library/cooperation_sectors/georgia_in_transition-hammarberg.pdf

offices working on human rights issues in partner countries and having the opportunity to monitor penitentiaries and all closed establishments. The European Court of Human Rights has sanctioned Georgia in some cases regarding the violation of human rights.¹¹⁵ The sanctioning system seems to be an effective tool to enforce a violator state to recover breached rights of the citizens, as much as it is possible. However, It must be noted that in many cases the violator party ignores the Court judgements.¹¹⁶

The EU should use more efficiently the European Instrument for Democracy and Human Rights, and improve and increase the support to civil society to become an important and effective force for political reforms and for protecting human rights. Increasing the funding sums will allow the human rights defenders and NGOs to involve more people in human rights educational activity and in a promotion process. For the purpose of more transparency, to create effective tools for monitoring on how and whether the grants reach the planned purpose.

The improvement of human and material resources for European Union election observation missions will be an important step towards strengthening the rule of law and democracy. An economic cooperation with partner countries will give them the possibility to increase the state budget and it will help to increase the quality of life that will definitely improve human rights conditions.

Taking into account the case of penitentiary establishments of the Republic of Georgia, it is vitally important to support the local governments to modernize the existing prisons and improve healthcare conditions in line with the EU standards, and improve human rights conditions in penitentiaries.¹¹⁷ Building new prisons is not the solution. Alternative sanctions of imprisonment need to be created and generally criminal justice policy must be improved.

¹¹⁵ The list of cases against Georgia. 2-6 pg. E-access :
http://www.echr.coe.int/Documents/CP_Georgia_ENG.pdf

¹¹⁶ Case of Georgia V. Russia. 2006 year. (Application no. 13255/07) . The case concerns the alleged existence of an administrative practice involving the arrest, detention and collective expulsion of Georgian nationals from the Russian Federation in the autumn of 2006. European Court of Human Rights has declared that Moscow should pay compensation to Georgia, 4 634 Georgians were illegally deported from Russia. Russia refused to pay and in

¹¹⁷ 1) The report of the Prof.dr.Avtandil Davitaia about Prison conditions in the Republic of Georgia . ISHR Georgia . April 2010 . 2) The report of the Council of Europe on Georgia's prisons conditions. 15/12/2015 .

In addition, the educational activity of the EU needs to be improved significantly. Active work with academic institutions, first, to rise the quality and amount of research on human rights issues, and, second, to increase students exchange programmes in various European universities to rise the knowledge about democratic values and fundamental freedoms in youth must be performed. The EU should fully realise its potential and use all available tools and instruments to protect and promote human rights, democracy, the rule of law and fundamental freedoms in its external relations.

The both reports shows that little has been made for improving the quality and living conditions for prison inmates during the 5 year. E-access :

- 1) <http://www.ishr.org/human-rights/ishr-georgia-report-2010-prison-conditions-in-the-republic-of-georgia/>
- 2) <http://www.cpt.coe.int/en/states/geo.htm>

References

Bibliography

Specialised literature :

- 1) External relations of the European Union. Legal and constitutional foundations. Oxford EC law library. Piet Eeckhout, 2004. 465-485 p.
- 2) The European Union annual review of the EU 2001/2002. Geoffrey Edwards and Georg Wiessala. Blackwell Publishing. 97-117 p.
- 3) European Union delegations in EU foreign policy. By Frauke Austermann. Lunam University, France. 2014. Palgrave Macmillan publisher. 100-114 p.
- 4) An Introduction to International Institutional law. Jan Klabbers. Second Edition. Cambridge University press. 205-226 p.
- 5) Mette Lebech 'On the problem of human dignity', 287-291 pages. 2009, Orbis phaenomenoloicus publisher. Commentary of the charter or fundamental rights of the EU, 25-26 pg. 2006.
- 6) EU policy discourse: Democracy, Governance, and Human Rights. By Dr.Todd Landman. International Institute for Democracy and Electoral Assistance, 2010. 14-22 p. 28-36 p.
- 7) The EU human rights law. The dynamics of interpretation and context. By Marton Varju. Hungarian academy of science, 2014. 1-55 pg.

Legal Acts

- 1) Treaty on the Functioning of the European Union. 2012/C 326/01. Official Journal C 326, 26/10/2012 P. 0001 – 0390.
- 2) Treaty of Lisbon. Amending the Treaty on European Union and the Treaty establishing the European Community. Signed at Lisbon, 13 December 2007. Official Journal of the European Union, C 306/1.
- 3) Charter of Fundamental Rights of the European Union. 2012/C 326/02. Official Journal of the European Union, C 326/391.
- 4) Universal Declaration of Human Rights. General Assembly resolution 217 A (III).10 December 1948.
- 5) The European Convention on Human Rights, 1950. Council of Europe.
- 6) Constitution of the Republic of Georgia. 24/08.1995. Parliament of Georgia. Last amendment 27/12/06. Legislative herald of Georgia.
- 7) Lome convention (1975).
- 8) Charter of Fundamental Rights of the EU. 2012/c 326/02.Official Journal of the European Union.
- 9) EU Strategic Framework and First Action Plan on Human Right and Democracy, 2012.
- 10) Action Plan on Human Rights and Democracy 2015-2019. JOIN(2015) 16 final, Brussels, 28.4.2015.
- 11) Regulation #232/2014 of the European Parliament and the Council 11/03/2014 establishing ENI.
- 12) Regulation #235/2014 of the European Parliament and of the Council 11/03/2014. Establishing a financing instrument for democracy and human rights worldwide.
- 13) EU-Georgia Association Agreement. Official Journal of the European Union. 30/08/2014. 2014/494/EU. Publications Office of the European Union.
- 14) Conclusion of the association agreement with Georgia. 18/12/2014. European Parliament.

15) The European Commission Communication on EU Election Assistance and Observation 11/4/ 2000. Brussels, 11.4.2000 COM(2000) 191 final.

16) Action Plan of the Government of Georgia on the Protection of Human Rights, 2014-2016.

17) Resolution on Human Rights, Democracy and Development. Council and Member States, meeting within the Council, 28 November 1991.

Electronic Documents:

1) Explanation of the principle of limited powers. By Gary Lawson. 27/01/2009. Internet access: <http://www.heritage.org/research/reports/2009/01/limited-government-unlimited-administration-is-it-possible-to-restore-constitutionalism>

2) National parliamentary library of Georgia. Topic on ‘government and human rights’: <http://www.nplg.gov.ge/gwdict/index.php?a=term&d=6&t=2763>

3) Explanation of the principle of universality. The Johns Hopkins University press 2007 ‘The relative universality of human rights’: <http://sph.umich.edu/symposium/2010/pdf/donnelly1.pdf>

4) The text of the universal declaration of human rights: <http://www.un.org/en/documents/udhr/index.shtml#atop>

5) The text of the Lome convention (1975). Internet access, link below: http://www.eurostudium.uniroma1.it/documenti/cooperazione/Lome_convention.pdf

6) From a continent of war to one of peace and prosperity. EU-Australia relations. Report of EU delegation. 2014 topic. http://eeas.europa.eu/delegations/australia/documents/more_info/war-to-peace.pdf

7) The text of the communication on human rights, democracy and development co-operation. AEI archive. <http://aei.pitt.edu/2937/>

8) The official text of the Council resolution on human rights, democracy and development http://archive.idea.int/lome/bgr_docs/resolution.html

9) The official text of the European Convention on Human Rights. Internet access below: <http://www.supremecourt.ge/files/upload-file/pdf/act4.pdf>

10) The official text on EU Strategic Framework and First Action Plan on Human Rights and Democracy. 2012.

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/foraff/142682.pdf

11) The official text of the Treaty on European Union EUR-Lex. Access to EU law. See E-source below:

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/131181.pdf

12) The official text of the Charter of Fundamental Rights of the EU. 2012/c 326/02

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT#text>

13) the official text, Treaty of Lisbon. 2007/c 306/01:

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12007L/TXT>

14) Commentary of the charter or fundamental rights of the EU. 23-28 p, 2006.

http://ec.europa.eu/justice/fundamental-rights/files/networkcommentaryfinal_en.pdf

15) Charter of Fundamental Rights of the EU

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT#text>

16) FREMP, Council of the European Union. Introduction. Internet access:

<http://www.consilium.europa.eu/en/council-eu/preparatory-bodies/working-party-fundamental-rights-citizens-rights-free-movement-persons/>

17) Introduction of the COHOM. European Council. E-source:

<http://www.consilium.europa.eu/en/council-eu/preparatory-bodies/working-party-human-rights/>

18) Text of the Mandate of the Working Party on Human Rights. E-source. See below:

http://eeas.europa.eu/human_rights/workgroup/docs/cohom_mandate_en.pdf

19) Overview of the responsibilities of Council of the EU. EU e-link:

http://europa.eu/about-eu/institutions-bodies/european-council/index_en.htm

20) Full listing of the specialised EU working bodies. E-source:

<http://www.consilium.europa.eu/en/council-eu/preparatory-bodies/?p=1>

21) Fundamental Rights Agency Report on Achievement and Challenges.

<http://fra.europa.eu/en/publication/2014/fundamental-rights-key-legal-and-policy-developments-2013-highlights-2013>

22) Several reports on human rights conditions in particular countries (Azerbaijan. Belarus. Russia) :

<http://www.civilrightsdefenders.org/country-reports/human-rights-in-azerbaijan/>

<http://www.civilrightsdefenders.org/country-reports/human-rights-in-belarus/>

<http://www.civilrightsdefenders.org/country-reports/human-rights-in-russia/>

23) Funding system of the EIDHR:

<http://www.eidhr.eu/funding>

One example from the IIDHR funding system. E-Source, see below:

http://www.welcomeurope.com/europe-funding-opportunities/eidhr-global-call-proposals-2015-6827+6727.html#tab=onglet_details

24) Text of the Action Plan on Human Rights and Democracy 2015-2019. Internet access:
http://www.eeas.europa.eu/human_rights/docs/action-plan-on-human-rights-and-democracy-2015-2019_en.pdf

25) The introduction of the European External Action Service. E-access:
http://eeas.europa.eu/background/about/index_en.htm

26) The Action Plan. Chapter 1(2). Draft table. Supporting Election system. Link source:
http://www.eeas.europa.eu/human_rights/docs/action-plan-on-human-rights-and-democracy-2015-2019_en.pdf

27) Action Plan (2015-2019). Chapter 1(4). Draft table. Justice system. Brussels, 20/07/2015
Official webpage of EU External Action. Internet access:
http://www.eeas.europa.eu/human_rights/docs/action-plan-on-human-rights-and-democracy-2015-2019_en.pdf

28) Citation of the Council Conclusions on the Action Plan on Human Rights and Democracy 2015-2019. Foreign Affairs Council. 20 July 2015. Page 3. Chapter 3. Internet access:
http://www.eeas.europa.eu/human_rights/docs/action-plan-on-human-rights-and-democracy-2015-2019_en.pdf

29) The full text of the Constitution of the Republic of Georgia, 1995. Electronic access:
http://www.parliament.ge/files/68_1944_951190_CONSTIT_27_12.06.pdf

30) Text of the European Social Charter for the official webpage of Legislative Herald of Georgia. Document issuer is the Ministry of Foreign Affairs of Georgia, 03/05/1996. E-access:
<https://matsne.gov.ge/en/document/view/1392164>

31) Text of the report of Mr. Tomas Hammarberg, A special advisor on human rights and legal reforms in Georgia. Human Rights Challenges in Georgia. Annual report of 09/07/2014. E-access:
http://eeas.europa.eu/delegations/georgia/documents/human_rights_2012/th_recommendations_to_the_government_of_georgia_en.pdf

32) The annual report of Mr. Hammarberg. Human Rights challenges in Georgia, 09/07/2014, 2 p. Part 1.
http://eeas.europa.eu/delegations/georgia/documents/human_rights_2012/th_recommendations_to_the_government_of_georgia_en.pdf

33) Action Plan of the Government of Georgia on the Protection of Human Rights 2014-201. Council of Europe official webpage, official text. Electronic access:
<http://www.coe.int/t/commissioner/source/NAP/Georgia-National-Action-Plan-on-Human-Rights.pdf>

- 34) ENP Action Plans for partner countries. EU external action official web-page. E-access: http://eeas.europa.eu/enp/documents/action-plans/index_en.htm
- 35) EU-Georgia ENP Action Plan. 2004. Official text. EU external action webpage. Citation from the introduction of the Action Plan, 1p. E-access: http://eeas.europa.eu/enp/pdf/pdf/action_plans/georgia_enp_ap_final_en.pdf
- 36) EU-Georgia Action Plan. 2004. Official text. Citation from the Action Plan. Strengthening democratic institutions, 13p. Internet access: http://eeas.europa.eu/enp/pdf/pdf/action_plans/georgia_enp_ap_final_en.pdf
- 37) The Official Text of the European Social Charter, 1996, 3 May Charter. <https://www.coe.int/t/dghl/monitoring/socialcharter/Presentation/ESCRBooklet/English.pdf>
- 38) European Commission. High Representative of the EU for foreign affairs and security policy. Joint Staff Working Document. Official text. Brussels, 25/03/2015. http://eeas.europa.eu/enp/pdf/2015/georgia-enp-report-2015_en.pdf
- 39) Regulation #232/2014 of the European Parliament and the Council 11/03/2014 establishing ENI. http://eeas.europa.eu/enp/pdf/enp-regulation-11032014_en.pdf
- 40) Regulation #235/2014 of the European Parliament and of the Council 11/03/2014. 2014-2020 period. Citations from Article 2(1). Official text. Internet access: <http://www.eidhr.eu/files/dmfile/EIDHR.2014-2020.pdf>
- 41) The official text of the EU-Georgia Association Agreement. Official Journal of the European Union. 30/08/2014. http://eeas.europa.eu/georgia/pdf/eu-ge_aa-dcfta_en.pdf
- 42) The official text of the EU-Georgia Visa Dialogue. Action Plan on Visa Liberalisation. 31/05/2012. <http://migration.commission.ge/files/vlap-eng.pdf>
- 43) EU annual report on human rights conditions in the world, 2014. EU External Action. E-access: http://eeas.europa.eu/human_rights/docs/2014-hr-annual-report_en.pdf
- 44) Conclusion of the Association Agreement with Georgia. 18/12/2014. European Parliament. <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2014-0110+0+DOC+XML+V0//EN>
- 45) Report of the Georgian Non-Governmental Organisations on Violation of Fundamental Human Rights. August war, 2008. Tbilisi 2009. Editor – Tinatin Khidasheli. Internet access: http://www.osgf.ge/files/publications/2010/Etnikuri_cmenda_English_WEB_version.pdf

46) Report of EU on the seminar. EU-Georgia. Civil Society Seminar on Human Rights. August 2012. Internet access:

http://eeas.europa.eu/delegations/georgia/documents/civil_society_library/civil_society_seminar_2012_01_en.pdf

47) The European Commission Communication on EU Election Assistance and Observation, 11/4/ 2000.

https://ec.europa.eu/europeaid/sites/devco/files/communication-eu-election-assistance-and-observation-com2000191-20000411_en.pdf

48) The official text of the 2008 European Parliament Resolution on EU election observation missions.

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52008IP0194>

49) Special Statement of NGOs on human rights violation in prisons. Human rights house network.19/01/12. The Republic of Georgia.

<http://humanrightshouse.org/Articles/18619.html>

50) European Commission. Delivering on the death penalty 2013. Guideline. 13-17 p.

<http://www.eidhr.eu/files/dmfile/EIDHRDeliveringonDeathPenalty.pdf>

51) Maria Lensu 'EU policy against the death penalty', 1-2 p. PDF

http://www.eidhr.eu/files/dmfile/death-penalty-background_en.pdf

52) Amnesty International Report 2014. Torture of 2014. 29-36 p.

<file:///C:/Users/user/Downloads/act400042014en.pdf>

53) Human Rights Guideline. EU external actions. Official webpage:

http://eeas.europa.eu/human_rights/guidelines/torture/index_en.htm

54) Citation of part of the guideline of the Council of EU on Torture 2001, 5p.

<http://www.consilium.europa.eu/uedocs/cmsUpload/TortureGuidelines.pdf>

55) Official statistics from the Institutions for criminal policy research and Georgian penitentiary department. E-access: 30/09/2015

<http://www.prisonstudies.org/country/georgia>

56) Press country profile. ECHR official statistic. July 2015. E-access:

http://www.echr.coe.int/Documents/CP_Georgia_ENG.pdf

57) 2010 report of the Public Defence of Georgia. Official text. Health rights in penitentiary system. 52-95 p.

<http://www.ombudsman.ge/uploads/other/1/1351.pdf>

58)The CPT report to the Georgian Government.19-23 November 2012. CPT/Inf(2013) 18. E-access:

http://www.cpt.coe.int/documents/geo/2010-27-inf-eng.htm#_Toc272237384

59) Human rights: Chimeras in sheep's clothing? By Andrew Heard. 1997. E-access:
<http://www.sfu.ca/~aheard/intro.html>

60) Elements of a theory of human rights. Amartya Sen. 2004. E-access:
<http://www.mit.edu/~shaslang/mprg/asenETHR.pdf>

61) Georgia in Transition. Report on Human Rights Dimension. Recommendations by Thomas Hammerberg. September 2013.
http://eeas.europa.eu/delegations/georgia/documents/virtual_library/cooperation_sectors/georgia_in_transition-hammarberg.pdf

62) Implementation of the European Neighbourhood Policy in Georgia Progress in 2014 and recommendations for actions. Brussels, 25.3.2015.
http://eeas.europa.eu/enp/pdf/2015/georgia-enp-report-2015_en.pdf

Jaba Tebidze

Ph.D Candidate
Charles University In Prague
Since 2016/ IX

All Rights Reserved ©
University of Vilnius Edition 2016

Jabatebidze@gmail.com