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NOTE VERBALE

The Permanent Representation of Georgia to the OSCE presents its compliments to the Missions/Delegations of participating States to the OSCE and to the Conflict Prevention Center and has the honour to submit Georgia's response to the Questionnaire on the Code of Conduct on Politico-Military Aspects of Security for the year 2021.

The Permanent Representation of Georgia to the OSCE avails itself of this opportunity to renew to the Missions/Delegations of participating States to the OSCE and to the Conflict Prevention Center the assurances of its highest consideration.

Vienna, February 15, 2022

Attachment: 38 pages.



To: OSCE Delegations and Missions
Conflict Prevention Centre

**QUESTIONNAIRE ON THE CODE OF CONDUCT ON
POLITICO-MILITARY ASPECTS OF SECURITY**

Section I. Inter-State elements

1. Account of measures to prevent and combat terrorism

1.1.

a) Universal Conventions

Georgia is a party to the following **fourteen (14)** UN anti-terrorism conventions:

1. **Convention on Offences and Certain Other Acts Committed on Board Aircraft**, signed at Tokyo on 14 September 1963 (Tokyo Convention) - *in force for Georgia since September 14, 1994*;
2. **Convention for the Suppression of Unlawful Seizure of Aircraft**, signed at The Hague on 16 December 1970 (The Hague Convention) - *in force for Georgia since April 20, 1994*;
3. **Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation**, concluded at Montreal on 23 September 1971 (Montreal Convention) - *in force for Georgia since April 20, 1994*;
4. **Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents**, adopted in New York on 14 December 1973 - *in force for Georgia since February 18, 2004*;
5. **International Convention against the Taking of Hostages**, adopted in New York on 17 December 1979 - *in force for Georgia since February 18, 2004*;
6. **Convention on the Physical Protection of Nuclear Material**, adopted at Vienna on 3 March 1980 - *in force for Georgia since October 7, 2006*;
7. **Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation**, signed at Montreal on 24 February 1988 - *in force for Georgia since March 17, 1999*;
8. **Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation**, done at Rome on 10 March 1988 - *in force for Georgia since November 9, 2006*;
9. **Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf**, done at Rome on 10 March 1988 - *in force for Georgia since November 9, 2006*;
10. **Convention on the Marking of Plastic Explosives for the Purpose of Detection**, done at Montreal on 1 March 1991 - *in force for Georgia since June 24, 2000*;
11. **International Convention for the Suppression of Terrorist Bombings**, adopted in New York on 15 December 1997 - *in force for Georgia since February 18, 2004*;
12. **International Convention for the Suppression of the Financing of Terrorism**, adopted in New York on 9 December 1999 - *in force for Georgia since October 27, 2002*;
13. **International Convention for the Suppression of Acts of Nuclear Terrorism**, adopted in New York on 13 April 2005 - *in force for Georgia since April 23, 2010*;

14. **Amendment to the Convention on the Physical Protection of Nuclear Material**, adopted at Vienna on 8 July 2005 – *in force for Georgia since May 8, 2016.*

b) Regional Agreements

Georgia is a party to the following CoE anti-terrorism conventions:

1. **European Convention on the Suppression of Terrorism**, concluded at Strasbourg on 27 January 1977 - *in force for Georgia since March 15, 2001;*
2. **Protocol Amending the European Convention on the Suppression of Terrorism**, concluded at Strasbourg on 15 May 2003 - *in force for Georgia since December 8, 2004;*
3. **Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism**, concluded at Warsaw on 16 May 2005 - *in force for Georgia since May 1, 2014;*
4. **Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters**, concluded at Strasbourg on 8 November 2001 - *in force for Georgia since May 1, 2014;*
5. On 14 December 2005 Georgia signed the **Council of Europe Convention on the Prevention of Terrorism**, concluded at Warsaw on 16 May 2005.

c) Sub-regional Multilateral Agreements:

- **The Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters** – for Georgia entered into force on 11 July 1996.
- **Sub-regional Cooperation within BSEC** (Organization of the Black Sea Economic Cooperation) and **GUAM** (Georgia, Ukraine, Azerbaijan, Moldova - Organization for Democracy and Economic Development). In this regard,

Georgia is a party to:

1. Agreement among the Governments of the Black Sea Economic Cooperation (BSEC) Participating States on **cooperation in combating crime**, in particular in its organized forms, signed on October 2, 1998 - *in force for Georgia since July 27, 2000;*
2. **Additional Protocol** (establishing a network of liaison officers) to the Agreement among the Governments of the Black Sea Economic Cooperation (BSEC) Participating States on cooperation in combating crime, in particular in its organized forms, signed on March 15, 2002 - *in force for Georgia since May 30, 2004;*
3. **Additional Protocol** on combating terrorism to the Agreement among the Governments of the Black Sea Economic Cooperation (BSEC) Participating States on cooperation in combating crime, in particular in its organized forms, signed on December 3, 2004 - *in force for Georgia since October 16, 2005;*

4. **Agreement on cooperation among the Governments of GUUAM** (*Georgia, Ukraine, Uzbekistan, Azerbaijan, Moldova*) Participating States in the field of combat against terrorism, organized crime and other dangerous types of crimes, signed on July 20, 2002;
5. **Protocol to the Agreement on cooperation among the Governments of GUUAM** (*Georgia, Ukraine, Uzbekistan, Azerbaijan, Moldova*) Participating States in the field of combat against terrorism, organized crime and other dangerous types of crimes of the 20 July 2002, signed on December 4, 2008.

It is noteworthy that joint working group on Coordination on Combating Crime, its various sub-groups (each respectively on Combatting Terrorism, Combatting Corruption and Money Laundering, Trafficking in Persons and Illegal Migration, Drug Trafficking, and on Legal Statistics) and joint working group on Cyber Security are functioning within GUAM, whose meetings are held systematically and which give possibility to the law enforcement agencies of GUAM member states to cooperate effectively, share operational and non-operational information, exchange experience and best practices and plan joint measures. Moreover, secure communication line is functioning among the GUAM law-enforcement centers, which avails them to exchange information in a very rapid manner.

d) Bilateral International Agreements

Georgia has signed bilateral international agreements/MoUs that include the cooperation in the fight against terrorism with the following countries:

1. Armenia
2. Austria
3. Azerbaijan
4. Belarus
5. Bulgaria
6. Czech Republic
7. Egypt
8. Estonia
9. France
10. Germany
11. Greece
12. Hungary
13. Israel
14. Italy
15. Kazakhstan
16. Latvia
17. Lithuania
18. Malta
19. Moldova
20. Poland

21. Romania
22. Slovak Republic
23. Spain
24. Sweden
25. Turkey
26. Ukraine
27. United Kingdom (MoU)
28. USA
29. Uzbekistan

- **Agreement on Operational and Strategic Cooperation between Georgia and Europol was signed on 4th of April 2017 and since entry into force of this agreement (on 31 July 2017) Georgia enjoys operational partner status with Europol.**

Moreover, Georgia signed International Agreements on Exchange and Mutual Protection of Classified Information with **24 countries**, which form strong legal basis for sharing the information *inter alia* on the issues related to crimes, including terrorism.

Also, **Agreement between Georgia and European Union on Security Procedures for Exchanging and Protecting Classified Information** was signed on 23rd of June 2016 and entered into force on 1 February 2017.

A renewed Working Arrangement on operational cooperation between the Ministry of Internal Affairs of Georgia (MIA) and the European Border and Coast Guard Agency (Frontex) was signed on 11 February 2021. It substituted the document signed in 2008 and prescribed new directions of partnership. The main directions of cooperation between the agencies are border management, irregular migration and fight against cross-border crime.

1.2.

a) Laws and by-laws

In order to comply with the international obligations taken under the international legal instruments, as well as with the requirements of United Nations Security Council (UNSC) Resolutions and UN General Assembly Resolutions, Georgia implemented the provisions of these instruments and the requirements of the resolutions into Georgian legislation by adopting new laws and regulations and by amending the existing legislation.

In 2007, the Parliament of Georgia passed the **Law of Georgia on Combating Terrorism** which defines the forms of organization of and legal grounds for the fight against terrorism, as well as the rules of coordination of relevant state authorities in the field of combating terrorism, the grounds for

involvement of civil organizations and associations, of officials and citizens, their rights, obligations and their social security guarantees.

Moreover, the **Law of Georgia on Combating Terrorism** has been amended several times due to the modern challenges, and is significant since it defines the terms of "**terrorism**", "**terrorist**", "**terrorist act**", "**terrorist purpose**", "**terrorist activity**", "**international terrorism**", "**terrorist group**", "**terrorist organization**", in accordance with the international standards. The provisions of the Law which determine the basic principles of combating terrorism, as well as the subjects who conduct the fight against terrorism, are worth noting.

Among the other laws and by-laws, which *inter alia* deal with terrorism-related issues, are the following:

- New Law of Georgia on **Facilitating the Suppression of Money Laundering and Terrorism Financing** (*creates a legal mechanism for prevention, detection and suppression of money laundering and terrorism financing, as well as financing of proliferation of weapons of mass destruction*), adopted on 30 October 2019;
- Law of Georgia on **Nuclear and Radiation Safety** (*prohibits any form of non-peaceful use of nuclear or radioactive materials on the territory of Georgia*);
- Law of Georgia on **License and Permits** (*according to this law, any activity related to the trading with nuclear and radioactive materials is subject to the special licensing*);
- **Criminal Code of Georgia** (*criminalizes all acts of terrorism, which are determined as such by the UN international anti-terrorism conventions or CoE conventions and other international instruments*);
- Law of Georgia on **Operative-Investigative Activities** (*defines the system of measures carried out by special services of state agencies through application of open or covert criminal intelligence methods in order to protect the rights and freedoms of human, the rights of legal entities and the public safety from criminal or any illegal conduct*);
- **Criminal Procedure Code of Georgia** (*defines in detail each and every stage of investigation and criminal prosecution on any action that is considered as a crime under the Criminal Code of Georgia, as well as defines types and rules of application of covert investigative measures*);
- Law of Georgia on **International Law Enforcement Cooperation** (*defines the rules of international law enforcement cooperation in the fight against crime, including terrorism-related crime*);

- Law of Georgia on **International Cooperation in Criminal Matters** (*defines the rules of mutual legal assistance and extradition issues*);
- Law of Georgia on **State Security Service of Georgia** (*defines basic guiding principles for the activities of the State Security Service of Georgia (main agency in combatting terrorism), its functions and authority, procedures for the performance of service by employees of the Service, and their legal and social protection guarantees, the forms of control and oversight over the activities of the State Security Service of Georgia*);
- Law of Georgia on **Police** (*defines basic principles of the Georgian police activities, the legal grounds for organizational structure of the police, its functions, measures to be carried out by the police and legal forms of exercising police authority, procedure for serving in the police, legal and social protection guarantees of police officers and control over police activities*);
- **Regulation of the Parliament of Georgia** (*defines the powers, structure and rules of conduct of the Parliament, including the composition and conduct of the Trust Group, exercising parliamentary control over the defense and security sector of the country*);
- Law of Georgia on **Personal Data Protection** (*defines provisions on ensuring protection of human rights and freedoms, including the right to privacy, in the course of personal data processing*);
- Other respective laws and by-laws.

In the **Criminal Code of Georgia** terrorist offenses are provided in Chapter XXXVIII under the Title of Offenses against the State. The Code widely criminalizes terrorism-related actions and establishes relevant criminal liability for individuals and legal entities. The Code defines what type of activities should be considered as a terrorist act¹. The list includes explosion, arson, attack on a person, use of weapon, as well as all the other activities which threaten human life, create risks of damaging significant property or resulting in other serious consequences. It should be noted that for the qualification of these actions as a terrorist act, each should be carried out with the terrorist purpose. This implies the intimidation of population or compulsion of the state authority, foreign state authority or an international organization to perform or not to perform certain action, or destabilization or destruction of fundamental political, constitutional, economic or social structures of a country/foreign country/international organization.

It is noteworthy that in terms of combating terrorism, important amendments were made to the Criminal Code since 2013. After the draft laws initiated by the Government of Georgia entered into force, a number of activities conducted with the terrorist purpose have become punishable.

¹ Article 323 of the Criminal Code of Georgia criminalizing terrorist act provides imprisonment up to 15 years. If the aggravating circumstances are met, imprisonment up to 20 years or lifetime imprisonment is applied. And a legal entity is punished by liquidation or deprivation of the right to conduct activity and by fine. In general, sanctions related to terrorist offences are relatively high.

Furthermore, it should be noted that **Georgia is one of the first countries among the UN member states, which in 2015 criminalized the FTF travel, in accordance with the UN Security Council Resolution 2178 (2014).**

The resolution of the Government of Georgia № 254 on approving the **Rules of Organizing Counterterrorist Activities in the Country and of Coordinating the Activities of the Subjects in the Fight against Terrorism** - is a significant part of the existing legislation in the field of combating terrorism. It obliges the subjects in the fight against terrorism, as well as other state authorities to provide any terrorism-related information to the Counterterrorism Center of the State Security Service of Georgia. Furthermore, the resolution of the Government of Georgia № 662 on approving the **Rules of Organization and Activities of the Extreme Situations Management Operational Headquarter** - is worth mentioning. It determines the activities of the Operational Headquarter which is created by the Government order, in order to suppress a terrorist act.

The state devotes special attention to the development of legislative framework on border security and control, as well as on civil aviation safety. In this regard, the **Law of Georgia on the Legal Status of Aliens and Stateless Persons**, the **Law of Georgia on International Protection**, other relevant laws and bylaws are worth mentioning, which envisage relevant restrictions on entering the country by a foreigner and granting relevant legal status to this foreigner, whose presence in the country represents a threat to the state security and/or public order of Georgia, including when there is the information, with high degree of probability, indicating the individual's link to terrorist and/or extremist organizations.

Furthermore, in order to properly implement the UN Security Council Resolution 2396 (2017), significant legislative amendment has been undertaken, on the basis of which air carriers conducting international flights are required to provide free-of-charge **Advance Passenger Information (API) and Passenger Name Record (PNR)** to the competent authority - LEPL Operative-Technical Agency of Georgia of the State Security Service. Also, the Decree № 174 of 10 April 2018 of the Government of Georgia approved the **Rules of providing API and PNR by the air carrier to the competent authority**, which was recently modified by the Decree №384 of 27 July 2021.

Furthermore, Georgia has taken steps to **develop national strategy for counter terrorism and its action plan**. In September, 2018, the Permanent Interagency Commission² composed of high level representatives of all relevant agencies responsible for prevention and fight against terrorism was created under the Government Resolution № 469. The Commission elaborated **the National Strategy of Georgia on Fight against Terrorism and its 2019-2021 Action Plan**, which were adopted by the Government of Georgia (GoG) on 23 January, 2019. The National Strategy aims at establishing the vision of the state of Georgia in terms of the fight against terrorism and extremism, as well as determining the ways in which the state, international partners, private sector and civil society should operate collectively in order to handle the threats stemming from terrorist organizations, extremist

² Permanent Interagency Commission is chaired by the Head of the State Security Service of Georgia and composed of high level representatives of all relevant agencies responsible for prevention and fight against terrorism: Administration of the Government; Ministry of Defence; Ministry of Justice; Prosecutor's Office of Georgia; Ministry of Foreign Affairs; Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs; Ministry of Education, Science, Culture and Sport; Office of the State Minister of Georgia for Reconciliation and Civic Equality; Ministry of Internal Affairs; Ministry of Economy and Sustainable Development; Ministry of Finance; Ministry of Environment Protection and Agriculture; Ministry of Regional Development and Infrastructure; FMS; Georgian Intelligence Service; Special State Protection Service; LEPL - State Agency for Religious Issues; National Bank of Georgia.

groups and their certain supporters. **The Strategy encompasses seven basic directions:** collection of terrorism-related information, prevention, protection, preparedness, prosecution, development of legislative framework and international cooperation. The document is based upon the **whole-of-society approach** and defines engagement of **different stakeholders including** central and local authorities, public-private organisations as well as civil society in its implementation.

Furthermore, in parallel with the elaboration of the national counter-terrorism Strategy and its AP, **a development of the Money Laundering and Terrorism Financing Risk Assessment (NRA) document** had been carried out, with the involvement of all the relevant agencies of Georgia. As a result, **the Government of Georgia adopted its first NRA document and its action plan on 30 October 2019, by GoG Decree № 2257.**

b) Criminalization

Criminal Code of Georgia criminalizes the following terrorism-related acts:

- Terrorist Act (Art. 323)
- Unlawful purchase, storage, carrying, manufacturing, transportation, transfer, sale or use of firearms, ammunition, explosives or equipment for terrorist purposes (Art. 323¹),
- Participation in International Terrorism (Art. 323²)³
- Technological Terrorism (Art. 324)
- Cyber terrorism (Art. 324¹)
- Assault on Public Political Officials of Georgia (Art. 325)
- Assault on Person or Institution Enjoying International Protection (Art. 326)
- Membership in a Terrorist Organization, Participation in its Activities or Establishment or Management of Terrorist Organizations (Art. 327)
- Recruiting a Person as a Member of a Terrorist Organization or for Carrying Out Terrorist Activities (Art. 327¹)
- Joining a Foreign Terrorist Organization or a Terrorist Organization Controlled by a Foreign State or Supporting this Organization in Its Terrorist Activities (Art. 328)
- Taking a Hostage for Terrorist Purposes (Art. 329)
- Unlawfully Taking Possession of an Aircraft or Water Craft, Railway Rolling Stock or of Other Public or Cargo Transport for Terrorist Purposes (Art. 329¹)
- Taking Possession of or Blocking Strategic or Other Facilities of Special Importance for Terrorist Purposes (Art. 330)
- Public Support of Terrorist Activities and/or Terrorist Organization or Public Incitement to Terrorism (Art. 330¹)
- Providing Training and Instruction for Terrorist Activities (Art. 330²)⁴

³This Article *inter alia* criminalizes crossing or attempt of crossing the state border of Georgia with the aim of perpetration, preparation of or participation in terrorist activity or in terrorist training. Article 323² was expended by amendments of 12 June 2015 in order to address the FTF phenomenon.

⁴ This Article also criminalizes the receipt of training and instruction (passive aspect).

- Theft for the Purpose of Committing One of the Offenses Defined in this Chapter (Art. 330³)
- Extortion for the Purpose of Committing One of the Offenses Defined in this Chapter (Art. 330⁴)
- Making of Forged Official Documents for the Commission of One of the Offenses Defined in this Chapter (Art. 330⁵)
- False Notification on Terrorism (Art. 331)
- Financing of Terrorism, Provision of Other Material Support and Resources to Terrorist Activities (Art. 331¹)
- Failure to Take Measures to Prevent Acts of Terrorism (Art. 331²).

Also, the Criminal Code of Georgia criminalizes the following acts:

- Preparation of Crime (Art. 18) (can be applied in conjunction with any other mentioned crimes)
- Attempted Crime (Art. 19) (can be applied in conjunction with any other mentioned crimes)
- Complicity in Crime (Art. 23) (can be applied in conjunction with any other mentioned crimes)
- Taking a Hostage (Art. 144)
- Illegal Seizure of Aircraft, Water Vessels or Railway Rolling Stock (Art. 227)
- Endangering the Navigation of Water Vessels (Art. 227¹)
- Illegal Seizure, Destruction or Damage of a Stationary Platform (Art. 227²)
- Posing Danger to Aircraft (Art. 227³)
- Piracy (Art. 228)
- Explosion (Art. 229)
- Illegal Handling of Nuclear Material or Equipment, Radioactive Waste or Radioactive Substance (Art. 230)
- Seizure of Nuclear Material, Radioactive Substances or Other Sources of Ionizing Radiation (Art. 231)
- Unlawful Demand of Nuclear Materials (Art. 231¹)
- Threat to Illegally Seize or Use of Nuclear Substance (Art. 231²)
- Manufacturing of Nuclear Weapons or Other Nuclear Explosive Equipment (Art. 232)
- Public Incitement to Acts of Violence (Art. 239¹).

1.3. Roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism:

In order to protect the country against terrorist threats, joint efforts of the state agencies of Georgia are required. The Government of Georgia conducts the organization of the country's fight against terrorism, and provides this effort with various resources, while the following agencies are directly involved in the fight against terrorism: the State Security Service, Ministry of Defence, Georgian Intelligence Service, Special State Protection Service, Ministry of Internal Affairs, as well as other public agencies and organizations playing an important role in the fight against terrorism within their scope of competence and according to the Georgian legislation.

According to the Law of Georgia on Combatting Terrorism, **the State Security Service of Georgia (SSSG)** is the lead agency in the unified system of the country's fight against terrorism, ensuring detection, prevention and suppression of terrorist crimes, through the application of special and criminal intelligence activities; collecting information on the activities of foreign and international terrorist organizations and conducting the systemization of this information. The Service coordinates the activities of the subjects involved in the fight against terrorism **through its structural entity – the Counterterrorism Center**. The Centre is directly responsible for ensuring implementation of counter-terrorist measures; other divisions of the State Security Service of Georgia shall allocate necessary forces and means and ensure their effective use in counterterrorism operations.

The Ministry of Defense of Georgia ensures protection of weapons, ammunition and explosives, located in military units or stored in specific places; in case an act of terrorism is committed in airspace of Georgia, it ensures preparedness and application of subdivisions of defence forces of Georgia. It participates in counterterrorist operations carried out at military facilities.

The Georgian Intelligence Service obtains and processes information on foreign and international terrorist organizations operating outside Georgia and submits this information to the respective authorities in accordance with the established rule. It participates in counterterrorist operations within its competence.

The Special State Protection Service of Georgia participates in operations performed to suppress terrorist acts against officials and objects which are under the protection of the Service.

The Ministry of Internal Affairs of Georgia plays an important role in the fight against terrorism, which might be the first responder to the terrorist activity and the crime. The Ministry ensures the protection of public security and the law and order, the security of the land border and maritime space, as well as the protection of state border and border regime at Border Crossing Points. The Community Oriented Policing approaches within the system of the Ministry of Internal Affairs are especially worth mentioning, which aim at proactive communication and close cooperation with the society including, the identification of the risks of possible radicalization, extremism and terrorism, and the threat prevention.

In addition to the above-mentioned, it is noteworthy that **the Rules of Organizing Counterterrorist Activities in the Country and of Coordinating the Activities of the Subjects in the Fight against Terrorism** approved by the resolution № 254 of the Government of Georgia, entitle the Counterterrorism Center of the State Security Service of Georgia *inter alia* with the following powers:

- Instructions and requests of the Counterterrorism Center are obligatory and must be observed by the subjects involved in the fight against terrorism;

- State agencies are obliged to submit to the Counterterrorism Center any information in accordance with the List of Information Ensuring Overall Counterterrorist Activities approved by the GoG resolution;
- After the information is submitted to the Counterterrorism Center, it determines the authorized competent subject (subjects) which will carry out counterterrorism activities related to the received information.

In case of emergency situations resulted from terrorist activities, according to the GoG resolution № 662 on the **Rule of Organization and Activity of the Extreme Situations Management Operational Headquarter**, a temporary authority - Extreme Situations Management Operational Headquarter is formed, with the leadership of the Head of the State Security Service of Georgia. The main objective of the Operational Headquarter is to carry out special activities with the aim of suppressing terrorist crime, as well as ensuring public security, neutralizing terrorists and preventing or reducing to the minimum the expected outcomes from the act of terrorism and/or other crimes conducted with the terrorist purpose.

The **Permanent Interagency Commission** (created under the GoG Resolution № 469) **closely monitors the process of effective implementation** of the Strategy and its Action Plan. Moreover, considering the high significance that the GoG attains to countering terrorism, in 2020, **the composition of the Interagency Commission has been further strengthened and advanced at the level of heads/ministers of all involved agencies**. In terms of monitoring the implementation process, the Permanent Interagency Commission **positively evaluated** the implementation of the National Strategy and its Action Plan at its meetings held in last years. The SSSG has continued to further support and facilitate coordination and cooperation of the WGs.

The SSSG as the chair agency of the Permanent Interagency Commission, has created **four inter-agency thematic working groups**⁵ according to the main objectives of the document, where high-level experts of relevant agencies are engaged. **Several meetings** of the WGs have been organized to **facilitate proper implementation of the documents**. Moreover, the participating agencies have developed their **intra-agency mechanisms**.

1.4. Additional relevant information on national efforts to prevent and combat terrorism, e.g. those pertaining inter alia to:

Financing of terrorism

Georgia is a member of the CoE Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) and actively participates in the meetings of the Committee.

⁵ WG on **information gathering and analysis**; WG on **supporting the measures in the direction of prevention**; WG on supporting the **measures in the directions of protection and preparedness**; WG on developing **legal framework and supporting international cooperation**.

Georgia's anti-money laundering and countering terrorism financing (AML/CFT) legislation has been substantially reformed over the recent years to make it further consistent with internationally recognized standards. Georgia has adequately criminalized terrorism financing as a standalone offence. More precisely, Article 331¹ (**Financing of terrorism, provision of other material support or resources to terrorist activities**) of the Criminal Code of Georgia criminalizes terrorism financing as - the collection or supply of funds or other property, knowing that they will or may be used in full or in part by terrorists or terrorist organizations and/or for carrying out terrorist activities, and/or for the purpose of committing one of the crimes envisaged by Articles 144, 227, 227¹, 227², 227³, 229, 230, 231, 231¹ and 231² of the Criminal Code of Georgia, irrespective of whether or not any crime envisaged under these Articles has been committed, and/or knowingly providing support to terrorists or terrorist organizations, providing safe haven or shelter to terrorists and/or providing resources or other material support to terrorists or terrorist organizations.

Furthermore, Georgia is party to the **UN International Convention for the Suppression of the Financing of Terrorism**, and to the **CoE Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism** (as indicated under 1.1 of Section I of this document). On 30 October 2019 Georgia adopted new Law of Georgia on **Facilitating the Suppression of Money Laundering and Terrorism Financing** (AML/CFT Law), which creates a legal mechanism for prevention, detection and suppression of money laundering and terrorism financing, as well as financing of proliferation of weapons of mass destruction. The new Law further approximates Georgia's legal framework to FATF standards, EU 4th directive and other international requirements. Georgia has established an **adequate legal framework for freezing terrorist assets** pursuant to resolution 1373 (2001).

Moreover, in 2019 the Government of Georgia approved **the National Money Laundering and Terrorism Financing Risk Assessment Report (NRA)** and **related Action Plan**. NRA of Georgia is prepared according to FATF standards and envisaging other countries experiences. Chapter IV of the NRA analyzes and assesses TF risks in Georgia. According to the Risk Assessment document, there are effective legal and institutional mechanisms in place to combat terrorism in Georgia. Considering a number of circumstances, the Report assesses the risk of financing of terrorism in Georgia as low.

The AML/CFT Law establishes the **Financial Monitoring Service of Georgia (FMS)** as an independent agency under the Prime Minister of Georgia, its operational independence and financial guarantees is secured under AML/CFT law. The FMS serves as the national center for the receipt and analysis of suspicious transaction reports and other information (documents) from obliged entities. And if there are reasonable grounds to suspect money laundering, terrorism financing or other criminal activity, FMS disseminates the results of analysis to law enforcement agencies. FMS also has the power to suspend the transaction if there are reasonable grounds to suspect money laundering, terrorism financing or other criminal activity, regardless of the amount of funds involved in a transaction. In case of possible terrorism financing, the FMS disseminated the results of its analysis to the SSSG and the Prosecutor's Office of Georgia.

The Governmental Commission on the Implementation of the UNSCRs (hereinafter - Governmental Commission) is the main contact point for UN sanctions committees and other UN structures in terms of undertaking measures for the purpose of prevention, detection and suppression of the financing of

terrorism and proliferation of the weapons of mass destruction. The Governmental Commission chaired by the Justice Minister, brings on board all relevant State Institutions/Agencies under its mandate and guarantees the high-level representation in order to ensure the effective implementation of targeted financial sanctions. The Public International Law Department of the Justice Ministry of Georgia serves as a Secretariat of the Governmental Commission (hereinafter - Secretariat), which provides the technical and substance-wise assistance to it.

The competences of the Governmental Commission covers three major directions: Assets freezing, Travel bans and Arms embargoes on individuals and legal entities suspected in terrorism and designated in line with the UN Security Council Resolutions. The Task Force (Ministry of Justice, State Security Service, Ministry of Internal Affairs, Ministry of Finance (customs department), Ministry of Foreign Affairs, Ministry of Economic (LEPL – Maritime Transport Agency) operates under the Governmental Commission.

The Task Force is mandated to collect, process and disseminate information required for the performance of its duties by the Governmental Commission, in line with the implementation of embargo and travel ban sanctions - issued by the relevant UN Security Council Sanctions Committees. More specifically, in conjunction with entitlement to apply to the relevant state authorities with the request for refusing visa or entry into the Georgian territory to specific individuals or citizens of specific nationalities, the Task Force is mandated to collect, process and disseminate information related to the implementation of the obligations undertaken under UNSCR 1373 (2001). In addition, for enforcing sanctions imposed by the United Nations Security Council resolutions, the Task Force is empowered to appeal to relevant State Agencies for imposing restrictions on import, export, re-export, transit of products subject to export and import control.

The operative procedures of the Task Force (how to receive/collect information, checking the materials/information, assessment of the case, conveying the meeting of the Task Force, discussion, making the recommendation to the Governmental Commission) is set in the internal document, which was prepared within the framework of the Governmental Commission. There have been no case of national designation during 2020, however, it should be underlined, that the members of the Task Force met on regular basis to discuss the relevant cases and procedure for the national designation, including the ways of exchanging the intelligence and operative information.

It is noteworthy, that upon the legislative changes of October 2019 the national procedure for the enforcement of the changes in the UN sanction lists have been significantly improved in 2020. The timeframe for the implementation of the changes at national level (monitoring the changes in the respective sanction lists by the Secretariat, sending the motion to the Court, adoption of the Court Order, sending the motion in line with the Court Order to the National Bureau of Enforcement - NBE) has been reduced from 15 to 3 working days. However, the 3 days is a maximum timeframe and the practice demonstrates that the Administrative Chamber of Tbilisi City Court reviews the Commission's motion without delay, without oral hearing and issues an order to freeze all financial

and other economic assets of the designated person on the very same day. The Court order then is immediately sent to the National Bureau of Enforcement (NBE) - an agency responsible for execution of the Court decision on freezing of assets of designated persons. The NBE lists all persons mentioned in the Court Order in the Debtor's Registry and additionally notifies all supervisory bodies defined by the new law regarding the changes in the UN lists. It should be underlined, that the Debtor's Registry is a publically available systematized electronic database containing list of natural and legal/organizational entities. The main advantage of this system is that placing in the Debtor's Registry automatically means the freezing of all movable/immovable property of the designated person and the bank accounts in the name of that person in any banking institution operating in Georgia. As soon as the lists of persons mentioned in the Court Order is incorporated into the Debtor's Registry, all natural and legal persons are required to comply with the freezing order.

It should be underscored, that the AML-CFT Law (Art. 10(7) and Art. 41(5)) requires that financial institutions and designated non-financial businesses and professions (DNFBPs) not to establish or continue a business relationship or conclude/carry out an occasional transaction, if there are reasonable grounds to suspect that a customer or any other party in a transaction is included in the UN sanctions list. These measures must be taken without waiting for the court freezing order. Therefore, the Financial Institutions and DNFBPs are making the direct screening of the respective UN sanctions lists until the court order is adopted and are considering the changes. Precisely, the Financial Institutions and DNFBPs are reporting about the matches between the personal information of the persons included in particular sanctions list and the personal information of their client to the respective supervisory authorities. To this date, these matches were only "false positive".

Moreover, the new AML/CFT Law provides detailed procedures and effective legal basis for the implementation of the relevant UNSCR and for an examination of a request from a competent national and foreign authority on the application of measures referred to in the UNSCR 1373 (2001). In line with aforementioned, AML/CFT Law further determines the notion of assets and provides that it shall include all tangible or intangible assets and proceeds generated therein, that are owned or controlled, directly or indirectly, wholly or jointly by a person included in the UN list of sanctioned persons or a person designated upon the grounded request from the relevant national or foreign authority, or by any person acting on their behalf. Accordingly, the provided definition of "assets" ensures that no funds or other financial/economic resources are available, directly or indirectly, to listed parties.

The importance of being in conformity with the "without delay" standard has been underlined in Fifth Round Mutual Evaluation Report on Georgia's Anti-money laundering and counter-terrorist financing measures conducted by MONEYVAL. Therefore, the Justice Ministry drafted the legal amendments to the AML/CFT Law, Administrative Procedure Code of Georgia and Statute of the Governmental Commission. Pursuant to the draft amendments to the AML/CFT Law, the Court engagement would be abolished and the UN designations would become automatically enforceable, without the Court Order. The Parliament of Georgia has adopted the text of the aforementioned draft amendments on 30 March 2021 and it came into force on 14 April 2021; Accordingly, upon that date the changes in each sanctions list are automatically obligatory for all obliged entities operating on the

territory of Georgia and respectively, implemented without delay.

Border controls

In order to reach the objective of well controlled, secure and coordinated border management, it is essential to enhance national and international coordination/cooperation among all relevant authorities and agencies involved in border security. With that in mind, endorsement of Integrated Border Management (IBM) strategy and its action plan has great importance. To this end, new IBM Strategy for 2022-2026 was drafted by the Interagency Council. Currently, the document is undergoing official procedures for its approval. Simultaneously, respective action plan for the Strategy is being elaborated. The new strategy encompasses all aspects of border management, risk analysis, border surveillance, cooperation on local and international level etc. Both documents are envisaged to be adopted by the GoG in 2021.

Risk analysis represents one of the core components of effective border management. For the past few years, the Ministry of Internal Affairs of Georgia has been working on the development of a comprehensive and centralized risk assessment and management system. The foregoing system and hence, the process of risk analysis within the Ministry is to be based upon systematically-gathered and centrally-coordinated information. Recently, a draft Methodological Manual has been elaborated that is in full conformity with the Common Integrated Risk Analysis Model (CIRAM) adopted and used by the European Border and Coast Guard Agency (FRONTEX).

Georgia actively cooperates with its neighboring and partner countries' border services as well as various international and donor organizations. Active international relations have resulted in bilateral and multilateral projects, carried out to assist the reform of the border services of Georgia and ensure border security of the country.

Georgia has modern, operational border check points, modernized and adapted to control different flows and fully in line with the best practices of EU member states. There is a standard design model applied to all Georgian BCPs which stipulates safe and well organized movement of passengers and cargoes. Infrastructure including buildings, access roads and booths are fully adapted for organized movement of different entry and exit flows.

Ministry of Internal Affairs of Georgia pays particular attention to the issues of radiation security; especially the aim is to prevent the smuggling of radioactive materials through Georgian borders. As of today all major roads, sea, railroad and air border crossing points are fully equipped with radiation detection equipment. Video-control (CCTV) cameras at the BCPs are connected to the central database allowing for 24/7 control. In nuclear non-proliferation and radiation security areas Georgia's main partner is the USA. It's noteworthy, that through the donor support (US Department of Energy and Department of Defense; USA Defense Threat Reduction Agency; Export Control and Related Border Security Program) MIA receives technical equipment, and police officers receive specialized training.

In 2020, the Border Police of Georgia of the Ministry of Internal Affairs (MIA GBP) took steps forward and further advanced Border and Maritime security through deploying sophisticated border incident detection technologies, enhancing interdiction capabilities and infrastructure development. Throughout 2020, MIA GBP renewed infrastructure on four Land Border Sectors and installed Video Surveillance and Monitoring System at the Area of Responsibility (AOR) of one Land Border Sector (LBS). Along with above-mentioned, in 2020, communication system at the Coast Guard of Georgia (GCG) has been upgraded and renewed. The Joint Maritime Operations Center (JMOC) continues to strive to become the national hub of maritime domain awareness.

Travel document security

The Georgian legislation secures that documents issued by Georgian authorities are produced according to the ICAO standards.

Documents issued by relevant Georgian authorities are in full compliance with the standards set by the ICAO, which are reaffirmed both by the existing legislative acts regarding issuing documents and relevant technical provisions. In the process of elaborating of the new generation biometric travel documents, Georgia uses the latest versions of ICAO and European Union standards and will follow the same route in the future.

Georgia is the ICAO PKD member state and currently the relevant technical work is leading to its to full-fledged integration. With support of the International Organisation of Migration (IOM), there is ongoing process of purchasing ICAO PKD Uploader. Two out of three phases have been completed. The system of the Public Service Development Agency (PSDA) has been integrated with ICAO PKD pre-prod environment. Connection to prod environment will complete the full integration. With this tool, Georgia will have the possibility to be able to easily exchange CSCA/DS certificates with other ICAO members, to automatically authenticate and verify travel documents.

Travel documents issued by Georgia contain biometric information of a person (photograph and two fingerprints). Georgia uses facial recognition technology in the process of issuing travel documents, in order to prevent possible duplication/falsification.

LEPL Public Service Development Agency has signed the agreement with Interpol on May 28, 2019 which came into force on June 12, 2019 and as a result of the agreement the Agency transfers data to Interpol in online regime.

In case of presumptive falsification of the document and/or in the case of alleged falsification of the data included in the document, Ministry of Internal Affairs of Georgia is immediately furnished with relevant information for further examination/investigation of the issue.

The Public Service Development Agency periodically carries out trainings concerning the safety of documents for its employees with the purpose of obtaining necessary skills. Such trainings are planned to be carried out in 2021.

Georgia relies on its own resources and on the knowledge and experience of highly qualified experts employed with its own resources in the process of elaborating and ensuring the security of the next generation biometric travel documents.

Security of radioactive sources

Georgia continues to pay special attention to the nuclear and radiation security issues. Important steps have been made for strengthening nuclear security of the country that covered significant developments at the legislative, institutional, operational and international levels.

Georgia supports the existing global nuclear security architecture by implementing its requirements at the national level and demonstrating commitment towards international legal instruments. At the same time, Government of Georgia actively continues the capacity building process of its law enforcement and security agencies designated for combating nuclear security violations.

The governmental Interagency Coordinating Council of Georgia on Combating CBRN Threats is effectively functioning since February 2014. Georgia has a national Chemical, Biological, Radiological and Nuclear (**CBRN**) **Threat Reduction Strategy** elaborated by the Council. The strategy has been updated by the interagency council and adopted by the government in May 2021. The renewed strategy covers the timeframe of 2021-2030. Georgia's first **CBRN National Action Plan (NAP)** covering the period of 2015-2019 has been successfully implemented and the Council is now working on a renewal of Action Plan for 2021-2023. It should be noted that the CBRN Strategy and Action Plan ensured to incorporate separate institutional efforts into one coherent approach, thus strengthening overall national capacities of the country to prevent, detect, be prepared for and respond to CBRN threats.

It is also worth mentioning that back in 2015, Georgia was the first country among 62 partner states of the European Union's CBRN Risk Mitigation Centers of Excellence initiative, which developed and adopted the NAP. Since then Georgia's experience and recommendations were shared by different countries while elaborating similar national plans.

Georgia has the Law on **Nuclear and Radioactive Security** that establishes obligatory requirements for public and private entities whose functions involve handling of radioactive and nuclear materials (RN) and sources for peaceful purposes. The Law aims to suppress and prevent all activities derived from illegal use of such materials and sources.

The Law on **License and Permits** further enhances the national legal framework for nuclear safety and security by subjecting any activity related to the trade involving RN materials to the special licensing procedures.

Furthermore, in order to ensure preparedness for responding to nuclear and radiation accidents, and implement the measures necessary for disaster mitigation, the **Technical Regulation and Action Plan on Preparedness and Response for a Nuclear or Radiological Emergency** was approved by GoG Resolution № 640 of 24 December 2019.

Criminal liability for using or attempting to use RN substances with terrorism purposes is provided by the Georgian Law on Combating Terrorism and the Criminal Code. Law on Combating Terrorism defines organizational forms, legal foundations and law enforcement coordination issues necessary for combating all forms of terrorism (including nuclear terrorism). **Article 324 - Technological Terrorism** (CBRN related terrorism) of the **Criminal Code of Georgia** criminalizes illegal purchase, storage, carrying, production, transportation, transfer or sale of biological, radiological, chemical or bacteriological (biological) weapons or components thereof, of pathogenic microorganisms, of radioactive and/or other substances harmful to human health, and/or research and development of biological and chemical weapons, committed for terrorist purposes (Paragraph 1). Moreover, **Paragraph 3 of Article 324 of the Criminal Code of Georgia** envisages criminal liability for the use of such weapons or their components, of pathogenic microorganisms, of radioactive and/or other substances harmful to human health, including seizure of the facilities constituting nuclear, chemical or increased technological or ecological hazard, committed to influence physical and legal persons or for terrorist purposes.

Furthermore, **Articles 230, 231, 231¹, 231², 232, 235 and 406** of the **Criminal Code of Georgia** establish criminal liability for illegal handling, seizure, demand, manufacturing or threatening by possession/use of nuclear substances, as well as WMD-related illegal activities including the illegal export of WMD technology, scientific-technical information or service.

Since July 2013 Georgia is hosting the South-East and Eastern Europe Regional Secretariat of CBRN Risk Mitigation Centres of Excellence that is an initiative of the European Union. *The Regional Secretariat located in Tbilisi unites 10 countries from the region (Albania, Armenia, Azerbaijan, Bosnia-Herzegovina, Macedonia, Montenegro, Georgia, Moldova, Serbia and Ukraine) and is supporting regional cooperation, exchange of experience between the countries and capacity building of agencies responsible for reduction of CBRN risks and threats.*

Georgia stays as a dedicated member of the *G7 Global Partnership against the Spread of Weapons and Materials of Mass Destruction* and also actively participates in the working groups and events of the **Global Initiative to Combat Nuclear Terrorism (CICNT)**, contributing to the initiative's mission.

Georgia is a party of various international and the UN conventions aiming to reduce RN related threats. The country efficiently cooperates with the IAEA, reports to the IAEA ITDB (Illicit Trafficking Data Base) office and continues to implement a national Integrated Nuclear Security Support Plan (INSSP). INSSP works as a roadmap to achieve the best level of the state nuclear security.

Use of Internet and other information networks for terrorist purposes

The **Criminal Code of Georgia** provides the criminalization of cyberterrorism, namely Article 324¹ defines **cyberterrorism** as *“illicit possession, use or threat to use computerized information protected by the law, what poses a threat of grave consequences perpetrated to intimidate the population and/or affect the state authority”*. Liability for this act is determined in the form of deprivation of liberty from

ten to fifteen years. Liability for the same act that caused a death or any other grave consequences is determined in the form of deprivation of liberty from twelve to twenty years or to life imprisonment.

Georgia acknowledges that in the course of new and emerging tactics of terrorists and terrorist organizations, internet especially social media has become the basic platform for disseminating terrorist/extremist ideology. In parallel with the spread of COVID-19 and the restrictions imposed to prevent the spread of pandemic, dependence on the internet and social media has increased globally. The up-mentioned processes have created favorable environment for online propaganda, radicalization and recruitment for terrorist/extremist organizations.

The SSSG has been closely monitoring and preventing the dissemination of terrorist/extremist content in cyberspace through the relevant measures. Moreover, **the National Strategy of Georgia on Fight against Terrorism** among other directions also envisages and pays due attention to the protection of the internet against the dissemination of terrorist and extremist ideas and violent messaging.

In 2019, Georgia announced support to the Christchurch Call which is a France and New Zealand-led initiative and the commitment by Governments and tech companies to eliminate terrorist and violent extremist content online.⁶ Georgia continues an active work to combat using the internet for terrorist purposes and to protect the cyberspace against terrorist threats.

Legal co-operation including extradition:

National regulations of Georgia on the transfer of sentenced person are prescribed under the Law of Georgia on International Cooperation in Criminal Matters. One of the central principles of the Law is the dual criminality rule. Specifically, the Law of Georgia on International Cooperation in Criminal Matters prohibits transfer of a prisoner to a foreign country, where an act or omission, on account of which the prisoner concerned has been held criminally responsible and has been imprisoned in Georgia, does not constitute a criminal offence or is not punished by deprivation of liberty.

The Georgian Government considers the possibility for the inmates to be transferred to their country of origin in order to serve the remaining sentence there, as a meaningful step towards resocialization and rehabilitation of those prisoners. To that aim, the domestic regulations provide the legal basis for the foreigners serving sentence in Georgia and for the family members and other representatives of the Georgian prisoners serving sentence in abroad to request to be transferred. The Public International Law Department of the Justice Ministry is the Central Authority of Georgia for the transfer of sentenced person's issue. The Central Authority gets the application from the interested parties and starts national proceedings. Mainly, studies the case-file, requests the positions of the respective law enforcement agencies and contacts the counter-parts of the respective States in order to send and receive the necessary documentation.

⁶ Available at: <https://www.christchurchcall.com/supporters.html>.

In particular, before taking a decision on transfer of a sentenced person to a foreign country, the Central Authority requests excerpts from laws of receiving foreign countries, criminalizing an action or omission of a person subject to transfer. In addition, the receiving state is required to submit the converted sentence or official letter regarding the readiness to continue the enforcement of the sentence. Moreover, prior to taking the decision on transfer, the Ministry of Justice consults with the Office of the Prosecutor General, Ministry of Internal Affairs and the State Security Service. Hence, before handing over a prisoner to another country, the Central Authority conducts an in-depth examination to ascertain that the receiving state shares the public policy that the conduct at issue constitutes a crime of comparable gravity and that the convicted person will fully serve the sentence imposed on him/her. The abovementioned procedural rules are applied while considering the transfer case of the Georgian prisoners serving their sentence in abroad, as well.

The final decision on transfer of sentenced persons is taken by the Minister of Justice of Georgia. The decision of transfer lies solemnly within the ambit of discretion of the Minister of Justice. Neither the national law, nor international agreements of Georgia impose an obligation on the Ministry to surrender a convicted person.

Safe havens and shelter to terrorists and terrorist organizations

Georgia confronts any manifestation of terrorism and will never allow terrorists to be active in its territory. In this regard **counter terrorism measures are carried out in a complex format, *inter alia***, implementing the National Strategy on Fight against Terrorism as well as the National Risk Assessment of Georgia (NRA) on Money Laundering and Terrorism Financing and enhancing national legislation in line with international standards. Provision of safe haven and shelter to terrorists or terrorist organizations is explicitly criminalized under Terrorism Financing (Article 331¹ of the Criminal Code of Georgia).

Also, Georgia is one of the first countries among the UN member states, which in 2015 criminalized FTF travel in accordance with the UNSCR 2178 (2014). Further on, within the framework of cooperation with international partners information is constantly shared, as well as the list of designated terrorists by the respective UNSCRs is regularly provided to the border personnel. Also relevant databases of Interpol are integrated into the national border databases.

Moreover, with effective cooperation and information sharing with international partners and efficient national coordination, movements at the state customs and border-crossing points are strictly controlled, as well as **constant monitoring of crossings at the state border is carried out in order to avoid the threat of entering of terrorism-affiliated individuals into the territory of Georgia**. Routes and channels that might be used in order to illegally enter the territory of the country is subject to observation. Therefore, **the Georgian territory as a transit route is currently unfavorable and not attractive for foreign terrorist fighters**. And during the recent years, **facts of attempts of transit movement through the territory of Georgia by terrorism-affiliated individuals have been considerably reduced and not a single fact of travel to Syria and Iraq by the citizens of Georgia has been observed**.

Prevention and suppression of any kind of terrorist activities remain priority for the GoG. As a lead agency in the unified system of the country's fight against extremism and terrorism, **the State Security Service of Georgia attaches huge importance to strengthening its capabilities of readiness and response.** The Service constantly works on enhancing material-technical base of its structural entities responsible for fight against terrorism, and to further advance professional capacity of its personnel.

In addition, prevention of radicalization and of violent extremism that lead to terrorism remains one of the main priorities for Georgia. In parallel with enhanced legal framework and the counterterrorism law-enforcement measures, Georgia devotes special attention to the protection of identity and civic integration of residents who live in the entire territory of Georgia, along with designating special approaches for women and girls, children and the youth in terms of prevention of radicalization, de-radicalization and re-socialization. **Various GoG-implemented programs and projects** on prevention of radicalization and violent extremism that lead to terrorism are carried out, which ensure the vulnerable persons' full-fledged participation in all spheres of public life.

Further on, Georgia is actively involved in international effort and will continue to pursue the fight against terrorism and all its manifestations, alongside the international community. Georgia has become **an active member of the Global Coalition against Daesh** from the very beginning and through its participation in multinational operations has been significantly contributing to the maintenance of global peace and security. **Georgia remains committed to enhancement of cooperation with** the UN, NATO, EU, OSCE, CoE and other regional international organizations. Georgia has designated the 24/7 contact points within the frame of Additional Protocol to the CoE Convention on the Prevention of Terrorism which is actively involved in the work of the network. Georgia actively uses the **secured channels existing within the frames of regional organizations**, as well as **police/security attaché channels are widely applied** for sharing the information, thus, enhancing the cooperation with international partners in strengthening joint efforts to fight terrorism.

Overall, due to the above-mentioned complex preventive and counterterrorism measures, Georgia does not belong to the number of states with the high risk of terrorist attacks. According to the Global Terrorism Index 2020 (by Institution for Economics and Peace), measuring the impact of terrorism, Georgia ranks position 100 out of 138⁷, improving its rating by 10 in comparison to the GTI 2019 data (90); and improving its position by 11 in comparison to the GTI 2018 data⁸. Moreover, according to the GTI 2020, the impact of terrorism in Georgia is assessed as "very low".

1. Stationing of armed forces on foreign territory

1.1 Provide information on stationing of your States armed forces on the territory of other participating States in accordance with freely negotiated agreements as well as in accordance with international law.

⁷ <https://visionofhumanity.org/wp-content/uploads/2020/11/GTI-2020-web-1.pdf>

⁸ Available at: <http://visionofhumanity.org/app/uploads/2018/12/Global-Terrorism-Index-2018.pdf>.

Georgia shall have its Defence forces for the defence of the state independence, sovereignty and territorial integrity, as well as for the fulfilment of other tasks related to defence and security as provided for by the Constitution of Georgia and international obligations.

According to paragraph 3 of Article 72 “Upon recommendation by the Government, The President of Georgia shall take a decision on the use of Defence Forces in order to meet the country’s International obligations, and shall immediately submit such decisions to the Parliament of Georgia for approval. The decision shall enter into force upon approval of the Parliament”.

In 2020, Georgia continued contribution to NATO-led operations in the frame of Resolute Support Mission (RSM), Afghanistan. Within the RSM Georgia provided battalion size unit to TAAC-E and company size unit to TAAC-C. Georgia’s participation in the RSM will be completed in 2021.

In addition, Georgia continues contribution to the EU-led missions providing one staff officer to EUTM Mali since January 2016 and platoon-size unit (35 PAX) to EUTM RCA since January, 2017.

Participation of Georgia in Resolute Support Mission is based on the Agreement between NATO and Georgia signed through the exchange of letters dated as of December 15, 2014.

A Framework Agreement between Georgia and the European Union Establishing structure for the Participation of Georgia in European Union Crisis Management Operations dated as of November 29, 2013 ensures engagement in EU led missions.

3. Implementation of other international commitments related to the Code of Conduct

3.1 - 3.2

According to the paragraph 5 of Article 4 Constitution of Georgia: “The Georgian legislation shall comply with the universally recognized norms and principles of International Law. An International Treaty of Georgia shall take precedence over domestic normative acts unless it comes into conflict with Constitution or Constitutional Agreement of Georgia”.

Based on the provisions of CFE Treaty, Georgia as a state party implements the following commitments:

1. According to the protocol on inspections of the CFE treaty, Georgia receives/conducts the following activities:
 - I) Declared site Inspection,
 - II) Challenge inspection within specified areas,
 - III) Inspection of reduction,
 - IV) According to the bilateral agreements Georgia receives/conducts the additional Declared Site inspections
2. According to the protocol on notification and exchange of information of the CFE treaty, Georgia prepares and circulates corresponding notification formats for the states parties by means of INA system and OSCE network.
3. According to Chapter I-V of the protocol on notification and exchange of information, Georgia annually prepares and circulates via diplomatic channels annual military information regarding its armed/defence forces in the special ADS (Automated Data Systems) program on December 15, which is valid as of 1st of January of the following year.
4. According to the protocol on procedures governing the reduction of Treaty Limited Equipment Georgia conducts the reduction of the decommissioned Treaty Limited Equipment by the means of their destruction.

Based on the requirements of the Vienna Document (2011), Georgia as a state party is providing the implementation of the following provisions:

1. According to the paragraphs 9 and 10 of the 1st chapter of VD2011, Georgia annually prepares and circulates via diplomatic channels annual military information regarding its own armed/defence forces in the special ADS (Automated Data Systems) program on December 15, which is valid until the 1st of January of the following year.
2. According to VD2011 provisions prepares and circulates corresponding notification formats for states parties by means of INA system and OSCE network.
3. According to chapter IX of VD2011 Georgia implements the following provisions:
 - I) According to paragraphs 74-106 Georgia receives/conducts specified area inspections;
 - II) According to paragraphs 107-137 Georgia receives/conducts evaluation visits;
4. According to the article 144.9 of the X chapter of VD2011 receives/conducts additional evaluation visits (according to the bilateral agreements).

Georgia annually prepares and circulates via diplomatic channels Global Exchange of Military Information (GEMI) until April 30th. Information is valid as of 1st January of the current year.

According to the “Open Sky” Treaty provisions, Georgia annually receives/conducts observation flights. These measures are implemented by the Arms Control and Verification Division of the General Staff of the Defense Forces of the Ministry of Defense of Georgia in conjunction with other relevant agencies.

Export Control Implementation in Georgia

Renewed legislative basis regulating Georgian export control, has been elaborated in the frame of EU and US Outreach Programs and is in full compliance with EU approach, EU regulations, standards and criteria. By these arrangements Georgia as UN and OSCE member state has fulfilled its international commitments which require states to implement an appropriate and effective system of strategic trade control and undertaken by:

1. UNSC Resolution 1540;
2. NATO Annual National Program;
3. US-Georgia Strategic Partnership Charter.
4. EU-Georgia Association Agreement and Action Plan;
5. ATT treaty.

The renewed legislative basis regulating Export Control of Georgia came into force since 1st October 2014.

- Georgian Law on “Control of Military and Dual-use Goods”
- Ordinance of the Government of Georgia #394 (13.06.2014) on approval of “Approval of Military and Dual Use Products Lists”.
- Ordinance of the Government of Georgia #372 (09.06.2014) on “Determination of Control Measures of Military and Dual-Use Products”.
- The Order of Minister of MOD of Georgia #65 on “Approval of the Statute of Standing Commission of the Military-technical Issues of the MOD of Georgia”.

Following Laws, still in force, regulate circulation of Civilian Weapons and the activities covered by Licenses and Permits:

- Georgian Law on “Weapon”;
- Georgian Law on “Licenses and Permits”;

Export, import, transit, brokering service and technical assistance of Military products and related software and technology is carried out under Permit to be granted by Ministry of Defence of Georgia; the precondition for issuance of these appropriate permits is Recommendation of Permanent Military-Technical Commission of Ministry of Defence of Georgia. Recommendations/decisions are granted by Commission on the interagency cooperation bases.

The main principles of implementation of Georgian export control and policy are protection of Georgian national security through establishment of national control on strategic goods and support of the reinforcement of the regional and international stability and security through conducting effective licensing and law enforcement system in terms of export control on military and dual use products.

As a licensing authority the ministry of Defense of Georgia fully recognizes its commitment to make responsible decisions on transfers of strategic goods from, through and into its territory, in compliance with international obligations undertaken by Georgia in order not to contribute to or undermine peace and security through its irresponsible decisions and also even not to facilitate by those transfers a serious violation of international humanitarian or human rights law, or acts constituting offences under international agreements relating to terrorism or transnational organized crime, obliging exporting states in their risk assessments to take into consideration the potential of any of those negative consequences as well as the arms to be exported being used to commit or facilitate serious acts of gender-based violence or violence against women and children.

In processing of applications careful analyses are carried out in a spectrum of criteria, stipulated by the Governmental Ordinance #372 and are in line with EU **Common Position 2008/944/ CFSP** and determines the rules for control of strategic items.

Under these main Criteria priority is to be given to the National and security interests of Georgia and international commitments of country in respect with UNSC resolutions on sanctions / embargoes and International treaties and agreements in terms of non-proliferation.

That means that application shall be denied if transaction contradicts with national security interests, UN Security council resolutions on sanctions and embargo and international obligations undertaken by Georgia with regard to the relevant international security and nonproliferation regimes Georgia is a party.

Criteria are applied to the assessment of a nature of transfer, weather it might cause a negative impact on the internal situation of recipient country in terms of armed conflicts, or on the regional or global peace and stability, the status of country of final destination with respect to the infringement of the international humanitarian norms and humanitarian law, its attitude to terrorism, and respect for international law.

Special attention is to be given to the evaluation of the risk of diversion of arms to the illicit market or end them up to the undesirable end uses and end users for their misuse against fundamental values and humanity.

Section II: Intra-State elements

1. National planning and decision-making process

1. National planning and decision-making process

According to the Article 7 of the Constitution of Georgia the following shall fall within the exclusive competence of supreme state authorities of Georgia:

- Legislation on human rights, Georgian citizenship, migration, entry into and exit from the country, and the temporary or permanent stay of aliens and stateless persons in Georgia;
- criminal, penitentiary, civil, intellectual property, administrative, labour and procedural legislation; legislation pertaining to land, minerals, and other natural resources; pharmaceutical legislation; legislation on obtaining the status of educational institution, and on accreditation, and academic degrees; and legislation on the National Academy of Sciences;
- Foreign policy and international relations; foreign trade, customs and tariff regimes;
- state defence, military industry and arms trade; issues relating to war and truce; determining and introducing the legal regime of a state of emergency and martial law; the defence forces; courts and prosecution; state security; criminal police and investigation; the status, regime and protection of the state border; and a cordon sanitaire on the border;
- State finances and state loans; the printing and emission of money; and legislation on banking, credit, insurance, tax and trade of national significance;
- railways and motor roads of national significance; the integrated energy system and regime; communications; the status and protection of territorial waters, airspace, the continental shelf and the exclusive economic zone; aviation; the merchant fleet; ensigns; harbors of national significance; fishing in oceans and high seas; meteorology; environmental monitoring systems; standards and models; geodesy and cartography; determining the precise time; and state statistics.

The Parliament of Georgia (Chapter 3):

- Is the supreme representative body of the country that exercises legislative power, defines the main directions of the country's foreign and domestic policies, controls the activities of the Government within the scope established by the Constitution, and exercises other powers.
- shall hold a vote of confidence in the Government proposed by a candidate for the office of Prime-Minister nominated by the political party that secured the best results in the parliamentary elections.;
- Approves the decision on announcement of the state emergency or martial law which shall be adopted by a majority of the total numbers of its members;
- shall ratify, denounce and annul international treaties by a majority of the total numbers of its members;
- Shall annually adopt the Law on the State Budget by a majority of the total number of its members;
- Adopts the laws concerning the military issues;

- Shall approve the number of the Defence Forces by a majority of the total number of its members on the recommendation of the Government.

The President of Georgia (Chapter 4):

- Is the Head of State of Georgia and is guarantor of the country's unity and national independence;
- Is the Supreme Commander-in-Chief of the Defense Forces of Georgia;
- Is entitled to dissolve the Parliament in accordance with the Constitution;
- Declares martial law on the recommendation of the Prime Minister in the case of armed attacks, or the direct threat of an armed attack against Georgia and immediately submits such decision to Parliament for approval;
- On the recommendation of the Prime Minister concludes a truce in the case of appropriate conditions and immediately submits such decision to Parliament for approval
- On the recommendation of the Prime Minister Declares a state of emergency in the cases of mass disorders, violation of the territorial integrity of the country, military coups and armed uprisings, terrorist acts, natural or man-made disasters and epidemics, or in any other cases when state bodies cannot exercise their constitutional powers in a normal fashion and immediately submits the decision to Parliament for approval;
- Appoints and dismiss the chief of the Defense Forces of Georgia on the recommendation of the Government;
- On the recommendation of the Prime Minister issues decrees having the force of organic law during a state of emergency or martial law;
- Gives highest military ranks;
- On the recommendation of the Prime Minister makes a decision on the activation of the Defense Forces during a state of emergency and immediately presents to Parliament for approval;
- On the recommendation of the Prime Minister makes a decision on the entry, use, and dislocation of the military forces of another state in the territory of Georgia in special cases and in the cases provided for by law for the purposes of state defense. The decision shall immediately be submitted to Parliament for approval and shall enter into force by consent of Parliament;

The Prime Minister (Chapter 5):

- Is the head of the Government;
- Appoints/dismisses ministers;
- The Defence Forces acts by order of the Prime Minister during a state of emergency or martial law;
- Makes a decision on activation of the Defense Forces during martial law. Decision does not require approval by Parliament

The Government:

- Is the supreme body of the executive power that implements the domestic and foreign policies of the country.
 - Adopts normative acts on export and import control regulation and implementation;

- Approves the Strategic Military Equipment and Service List submitted by the Standing Commission on Military-Technical Issues under the Ministry of Defence.
- Directs and manages activities of the executive government bodies related to the export and import control.
- Defines the authorities of the executive government bodies related to the export and import control.
- Based on international agreements as well as national interests, sets the quantity limitations of the goods related to export (import) control.
- Approves the export and import control dual-use goods submitted by the Ministry of Economy and Sustainable Development and agreed with the Standing Commission on Military-Technical Issues under the Ministry of Defence.

To refrain from repetition of functions among security forces and Defence forces in the state, laws of Georgia “on Defence of Georgia”, “on police”, “on state security service”, and “on intelligence activities”, and other legislative acts are defining functions of the state security bodies. The establishment of the concept for military formation and the policy of the State defence, generally, are based on the constitution of Georgia and laws of Georgia adopted under the Constitution of Georgia: “on defence of Georgia”, “on mobilization”, “on martial law”, “on state of emergency”, as well as the military doctrine and other legislative acts of Georgia.

Georgian defence planning process is structured according to the Law on Defence Planning. The Law on Defence Planning is based on the Constitution of Georgia. Defence planning is implemented on the basis of strategic and intra agency planning documents. The MOD is an active participant in the interagency working process that collaboratively produces key strategic guidance prescribed by the Law on Defence Planning. The Law on Defence Planning specifies the development and periodic review of national strategic documents as well as the preparation of internal MOD guidance and planning documents.

Further development of defence regulatory legislation is ongoing and is expected to be adopted in near future. It will define organization of the state defence, management of the Defence forces and exercise of democratic control as well as basis for involving other state agencies in provision of state defence.

Spheres of the national security policy are also regulated by the law of Georgia on the “Rule of National Security Policy Planning and Coordination”.

In December 2018, significant changes came into force through new Constitution of Georgia. Namely, the Georgian Armed Forces was transformed into Georgian Defence Forces. Under the new Constitution and amendments to the Law of Georgia on Defence the position of the Commander of the Defence Forces was created.

The main goal of Georgia’s national defence policy is to develop a set of actions that will help to ensure state sovereignty and territorial integrity. Therefore, Georgia’s national defence objectives would be provision of Deterrence and Defence.

Defence planning is overseen and implemented through national and agency level conceptual and organizational documents. Agency level documents follow guidance set out in national level documents. The core assumptions on state defence are formulated in the National Security Concept

(NSC), while detailed information about country's threats are described in the Threat Assessment Document (TAD). Both NSC and TAD feed country's top political-military document - the National Defence Strategy (NDS) that in turn formulates national defence objectives. The NDS tasks MoD and other stakeholders (governmental institutions) to organize country defence in accordance with the Total Defence approach and sets overall directions for their organizational development. The main actor responsible for provision of state defence is the Ministry of Defence of Georgia (MoD).

MoD Internal Policy and Planning Documents:

Defence planning is overseen and implemented through national and agency-level conceptual and organizational documents in accordance with rules and procedures outlined in Georgian legislation. The planning process is based on a top-down approach, where agency-level conceptual and strategic documents execute provisions outlined in national-level documents.

Several intra-agency following documents are published or updated regularly to plan, coordinate and integrate defence management activities within the MoD: The MoD Vision 2030, The Strategic Defence Review 2021-2025 (SDR); The Strategic Defence Review Implementation Plan 2021-2025 (SDR IP); Minister's Directives 2021 (MD) and Defence Resource Policy Guidance.

Guided by the NATO standards, Georgia as a NATO aspirant nation provides around 2 per cent of GDP for Defence expenditures more than 20 percent of which is spent on defence procurement and infrastructure.

Decision-Making Structure – In order to effectively increase resource allocation and improve decision-making process, a three tiered decision-making mechanism has been established to enhance the effectiveness of defence planning, execution, coordination, monitoring and evaluation processes in the MoD. This process consists of Decision Making Board chaired by the Minister, a Management Team chaired by first Deputy Minister of Defence and six Standing Working Groups. Internal thematic working groups composed of the MoD and the General Staff mid-and lower-level representatives have been established to develop and review reform initiatives within their respective fields. There are 6 thematic working groups:

- Material resource management working group
- Human resource management working group
- Education and Training Development Working Group
- NATO Integration and International Cooperation Working Group
- Force Planning Working Group
- Cyber defence Working Group

After reviewing and analyzing reform initiatives, they submit their recommendations for consideration to a higher-level body, the Management Team. The Management Team is composed of heads of MoD and GS departments. Once it reviews the developed reform initiative, it passes it on to the Decision-Making Board composed of the Minister, his deputies, the Chief of Defence (CHOD), and his deputies (DCHOD). The final decisions of the Decision-Making Board are approved by the Minister with official decrees.

According to the paragraph 3 of the Article 70 of the Chapter 8: “For the defence of state independence, sovereignty and territorial integrity, as well as for the fulfilment of other tasks related to defence and security as provided for by the constitution and international obligations, Georgia shall have Defence Forces”.

The Law of Georgia “On participation of the Defence Forces of Georgia in Peacekeeping Operations” adjust legal relations existing in Georgia and the obligations undertaken by Georgia under international treaties and agreements connected with the participation of the Defence Forces and civil personnel of Georgia in operations of maintenance and restoration of International Peace and in other kinds of Peacekeeping Activities.

Georgia contributes to NATO’s Resolute Support Mission, as well as participates in EUTM RCA and EUTM Mali (see paragraph 2.1).

The trilateral defence cooperation between Georgia, Azerbaijan and Turkey (launched in 2012) is aimed at strengthening regional security as well as establishing close ties between the armed/defence forces. Under this cooperation format different level consultations as well as joint exercises such as the Caucasus Eagle and Eternity are held on a regular basis.

Georgia meets all international commitments related to defence issues such as international agreements, treaties, and memorandums (including adherence to the 6 point ceasefire agreement of August 12, 2008). Georgian defence capabilities fall under the ceilings regulated in the framework of Organization for Security and Cooperation in Europe. It remains transparent and shares information on defence matters in accordance with international obligations (including CFE, Vienna Document, Open Sky treaty, CCW and the Memorandum of Understanding between the Ministry of Defence of Georgia and the European Union Monitoring Mission of January 26, 2009 and its amendment of July 02, 2010).

2. Existing Structures and Processes

2.1 The Constitutionally established procedures for ensuring democratic political control of military:

Article 49, paragraph 2 of the Constitution: - “The President of Georgia is the Supreme Commander-in-chief of the Defence forces of Georgia”.

Article 52, paragraph 1, D of the Constitution “The President of Georgia shall appoint and dismiss the chief of Defense Forces of Georgia upon nomination by the Government”;

In accordance with Article 7, State defence, military industry and arms trade; issues relating to war and truce; determining and introducing the legal regime of a state of emergency and martial law; the Defence forces; state security shall fall within the exclusive competence of the supreme state authorities of Georgia”.

Article 70, paragraph 4 of the Constitution, the types and composition of the Defence Forces shall be Defined by law. The number of the Defence Forces shall be approved by a majority of the total number of the members of Parliament upon recommendation by the government”.

According to the Article 73 of the constitution “During martial law, a consultative body – The National Defence Council – shall be created and shall be chaired by the President of Georgia. The National Defence Council shall be composed of the President of Georgia, the Prime Minister, the Chairperson

of Parliament, the Minister of defence and Chief of Defence Forces. By the decision of the President of Georgia, individual members of Parliament and of the Government may be invited to become members of the Council. The National Defence Council shall act until the martial law has been revoked”.

The Law on “National Security Policy Planning and Coordination” has been amended (02/04/2019. №4397) and added III¹ chapter on “National Security Council”. According to the above mentioned Law, National Security Council is the Prime Minister’s Advisory body. National Security Council’s main competence is assessment of threats, coordination of national level security policy planning documents, analysis and submitting recommendations to be made political decisions by Prime Minister of Georgia.

Article 7 of the Law on “Defence of Georgia” defines that the Ministry of Defence of Georgia is an institution of the executive power of Georgia, where the Military Servicemen, civilians and persons with Special rank are employed. The Ministry is headed and managed by the Minister of Defence of Georgia.

The Minister of Defence of Georgia conducts the planning and management of the state defence policy through the civil office of the Ministry, also the Minister is carrying out democratic control of the Defence Forces.

Article 4, paragraph I of the Law on “Defence of Georgia” defines that “The Parliament of Georgia shall:

- approve the National Security Concept of Georgia and define the state policy of defence;
- adopt laws in the field of defence;
- approve the text of the military oath;
- review and approve the defence budget together with the State Budget;
- approve the number of military forces upon recommendation by the Government;
- ratify, denounce and annul international military agreements and treaties;
- control development of the Defence forces of Georgia and compliance with the legislation of Georgia in the field of defence.

Paragraph II of the abovementioned article defines that the forms of parliamentary control of the Defence and Security Committee of the Parliament of Georgia shall be determined by the Georgia legislation”.

Furthermore, article 43 of the constitution refers to the power of parliamentary oversight, namely: “The Member of the Parliament shall be entitled to appeal with question to the Government, another body accountable to Parliament, a member of the Government, state bodies of the territorial units of all levels, and state institutions. Providing a timely and full response to the question posed by the MP is mandatory”.

“A parliamentary faction - a group of at least seven members of Parliament - shall have the right to pose question through interpellation to the Government, another body accountable to Parliament, or members of the Government obliged to answer questions at the meeting of Parliament. The answer may become the subject of discussion by Parliament.”

According to the article 44, paragraph 6 of the constitution “A member of the Government, the official accountable to the Parliament, the head of the accountable body before the Parliament is authorized and shall, at the request, attend the Parliament, its Committees and the Commission sittings, answer

the questions at the meetings and present report on the activities carried out. Parliament, Committee and the Commission should listen the official upon request.

According to the current Georgian National Military Strategy (NMS) democratic control of the Defence Forces is a key principle of defence policy, implying that decisions on development and use of the GDF, acquisition of armament and other material means, as well as the use of its existing resources taken under democratic and civil control. Georgian defence policy is based on the principles of transparency and accountability implying inculcation of Good Governance practice within defence system, maximum openness of defence business processes as well as effective and efficient outsourcing. It also means increasing the Ministry's accountability to Parliament and civil society.

2.2

The Constitution and respective laws provide the Georgian parliament with a wide range of mechanisms for effective control over the executive institutions. That is to say, the parliament can control government policy by exercising its right to:

- Adopt defence-related laws;
- Determine the country's domestic and foreign policy priorities;
- Determine the state defence policy;
- Ratify, denounce or annul international treaties and agreements and military contracts;
- Approve the structure of government and governmental programs and action plans;
- Require progress reports on the implementation of governmental programs and organize respective hearings;
- Debate and approve the state budget, including the defence expenditure;
- Approve military oaths - approve the strength of the defense forces;
- Approve presidential decrees on the deployment, stay and withdrawal of foreign troops into/from the Georgian territory;
- Approve presidential state of emergency and martial law decrees;
- Approve presidential decisions on the use of the Defense forces during the state of emergency. A decision on the activation of the Defence Forces during martial law shall be made by the Prime Minister and shall not require approval by Parliament.

2.3. Roles and missions of military and State control

According to Article 70 of the Constitution "Georgia shall have the Defense Forces to protect state independence, sovereignty and territorial integrity of the country, and as well as for the fulfillment of other tasks and international obligations related to defense and security in cases provided by the Constitution".

Mechanisms of Democratic control of the Defence forces of Georgia are the following:

The President of Georgia is the supreme commander-in-chief of the Defence forces and shall be elected by special electoral collegium (in 2024).

The Parliament of Georgia approves the number of military forces, adopts State Budget, the part of which is the Defence Budget, declares the power of attorney to the government, the member of which is the Minister of defence of Georgia.

For ensuring democratic control of Defence System, the Law of Georgia “On Defence of Georgia” has been adopted.

According to above-mentioned Law, depending on their functions, the structural units of the Ministry of Defence of Georgia are integrated into the Ministry’s civil Office or Georgian Defence Forces.

The Minister of Defence of Georgia conducts the planning and management of the state defence policy through the civil office of the Ministry.

The Minister is carrying out democratic control of the Defence Forces. According to the law, one of the most important mechanisms of democratic control over the defence sector is that the Minister and Deputies are civilians.

In addition, Legislative amendments initiated by the MoD in 2013 on “Trust Group” and “Defence of Georgia” laws which requires that the Defence and Security Committee (in case of open acquisitions) and Trust Group (in case of classified acquisitions) must be informed of planned acquisitions of an estimated cost of more than GEL 2 million for goods or services and GEL 4 million for construction works. This enables Parliament to track high-value expenditures from initial planning to completion, as well as take timely action in the case of identifying omissions.

Moreover, the Constitution of Georgia, „Parliament regulation”, Laws “On Ombudsman of Georgia”, “On Parliamentary Faction”, on “State Audit Service” and „On the Structure, Proxy and Activity Rule of the Government of Georgia” from legislative point of view ensures democratic control on Defence Forces and Security Services.

3. Procedures related to different forces personnel

3.1

According to the Constitution, “The Defence of Georgia shall be every Georgian citizen’s duty”. Besides, according to the Law of Georgia “On Military Duties and Military Service” citizens of Georgia aged from 18 to 27 years, who are registered or obliged to be registered for military service and are not entitled to be released from the military draft or to deferment of the military call-up, shall perform their military duty.

Procedures such as interview, medical examination, physical examination, psychological testing and other special examination procedures are used for the recruitment and call up.

3.2

According to the Chapter 29 of the Law of Georgia “On Military Duties and Military Service”

1. The following persons shall be released from the military draft:
 - Persons recognized as unfit for military service as per their condition of health;
 - Persons who did military service in the military forces of other states;
 - Persons who have been convicted for grave or especially grave crimes;
 - Persons who have done non-military, alternative labor service;
 - The only son of a family in which at least one member was killed in the action for the territorial integrity or military service;
 - A member of the Parliament of Georgia.

2. The Prime-Minister of Georgia shall be empowered to release an especially gifted conscript from the military draft.

3. Persons with disabilities defined by the legislation of Georgia are released from the performance of military duty.

Besides, the Law “On Non-Military, Alternative Labor Service” considers the cases of call-up deferment.

According to the Article 5 of the Law of Georgia “On Non-Military, Alternative Labor Service”:

Citizens shall perform non-military, alternative labor service in the following special nonmilitary labor formations, in groups or individually:

- Rescue, ecological, fire-prevention or other special non-military labor formations;
- Engineering, repair organizations and facilities of civil purpose;
- Organizations and facilities making agricultural production;
- Establishments of communal/utility services;
- Establishments of health protection.

Under this Law assignment of the citizens by the State Commission on the call-up of Citizens for Non-Military, alternative labor service to care for aged persons, invalids, persons without any care, and, according to the legislation, other socially unprotected persons, shall be considered as non-military, alternative labor service.

According to Article 5, paragraph 3 of the law on “non-military alternative labor service” A citizen may undergo non-military, alternative labor service in the relevant civilian position in the construction, agricultural and other subdivisions of the Georgian Defense Forces. The Government approves the list of the alternative labor jobs/formations where citizen could pass the alternative service.

According to the article 5, paragraph 4 on the “non-military alternative labor service” citizen who passes non-military alternative labor service, could be employed in liquidation works of the natural disasters consequences, other seasonal harvest works or other non-military works based on the decision of the Government or/and Prime Minister.

3.3

The Law of Georgia “On the Status of Military Servicemen” defines the rights, obligations, and also the basic guarantees of their social and legal protection of the persons having the status of military servicemen, as well as members of their families and persons discharged from military service.

Besides, protection of the Rights of military personnel (including conscripts) is regulated by the Constitution of Georgia, as well as by the Georgian Laws on “The Status of Military Personnel”, „Defence Forces Reserve and Military Reserve Service”, “Public Service”, “State Compensation and State Academic Scholarship”, “Military obligations and Military Service”, Labor Code”, Decree N238 of the Government of Georgia. The servicemen enjoy all rights provided by the Constitution except the following:

- membership of any political party;
- Organization of demonstrations and participation in demonstrations;

- Owning business or another simultaneous job (excluding scientific, pedagogical and medical assignments, if they do not prevent or hamper responsibilities related to military service);

Military servicewomen (as well as civilians) enjoy special rights defined by the new law on “Labor Code” in case of pregnancy, giving birth and growing child.

According to the abovementioned laws, servicemen have right to appeal to above-standing administrative structures as well as to the Court or Ombudsman.

4. Implementation of other political norms, principles, decisions, and international humanitarian law

4.1

Lawyers, employed at the military divisions, permanently give instructions to military persons in order to inform about normative acts.

Field Manuals and guiding documents consider the aspects of IHL in it.

According to the memorandum of understanding signed between the MOD and International Committee of Red Cross in May 2014. A “Working group” consisting of ICRC and GDF representatives elaborates annual action plan which includes IHL courses and seminars for the officers of GDF.

Most of educational and training programs within the MOD system (including National Defence Academy) include aspects of International Humanitarian Law.

According to the Article 1, Paragraph 3 of the Georgian Law from July 22, 1999 “On Participation of Georgian Defence Forces in the peacekeeping operations” for implementation of the aims of the Law, Peacekeeping forces should have special training and studies (supervision over the implementation of cease-fire agreement, separating adversarial sides, their disarmament and dispersal, conduct of engineering works).

Implementing Gender Perspectives in the Georgian Defence Forces

The Ministry of Defence (MoD) of Georgia takes sustained efforts to integrate gender perspectives in the institutional development and operational capacity building of the Georgian Defence Forces (GDF).

The MoD actions are focused on:

Implementation UNSC Resolutions on Women, Peace, and Security;

Strengthening Gender equality and Gender mainstreaming;

Integrating gender perspectives in human resources and in the education and Trainings.

Strengthening Gender Equality and Gender Mainstreaming

Gender equality is an essential principle of military and civilian personnel management. The MoD supports women`s representation and participation in decision making, institutional reforms, and international peace building.

During 2020 Ethics Code and Gender Equality Concept drafts were developed. Additionally, Performance Appraisal Policy for professional civil servants was revised. Civilian personnel Policy direction is in strong cooperation with Military Personnel Policy and number of MPMS (Military Personnel Management System) policy document drafts are also developed (Recruitment Concept, Officers Professional and Career Development Concept and Transition Concept).

Sex-Disaggregated Data Collection and Analysis System

Gender equality issues are part of HR data software system. The system gives the opportunity to segregate data on gender bases, Sex-Disaggregated data collection and analysis are processed annually.

Gender equality and Implementation UNSC Resolutions on Women, Peace, and Security

The Ministry of Defence of Georgia is one of the leading institutions successfully implementing The National Action Plan on UNSCR 1325, in order to advocate Women`s Participation, Protection, and Violence Prevention.

Draft of the new Gender Equality Concept in collaboration with UN Women Georgia was developed in 2020 and is planned to be approved in 2021. It should be mentioned also, on January, 2020 UN Women Georgia organized trainings for national partners to improve sexual harassment mechanisms in the workplace, as well as to investigate sexual harassment cases using an approach focused on the victims/survivors.

In addition, at the end of 2020, together the UK and DCAF started working on the design, implementation, and delivery of a Women`s Empowering Program.

Integrating Gender Perspectives in Human Resources and in the Education and Trainings

Training on gender perspectives and UNSC1325 and following Resolutions became part of pre-deployment training for peacekeepers and since 2014 military service men and women are being trained annually.

Gender in Security Sector as a permanent module is taught in all courses in the Defence Institution Building School (DIBS), In National Defence Academy and in the NCO School. Gender trainings in the MoD institutions are held by MoD and GDF employees who are certified gender trainers by Nordic Center of Gender in Military (NCGM).

In 2020, in the frames of ongoing institutionalization process of gender advisers, the curriculum of gender advisers training program were updated;

In the National Defense Academy, existing training module: "Gender Equality" was enhanced and a new training on "Gender Mainstreaming" was developed.

4.2

The General Staff of the Defence Forces on regular base co-operates with the International Committee of Red Cross (ICRC). In the first quarter of every year Action Plan is signed with ICRC. According to the Action Plan relevant trainings and seminars are conducted on each level of the Defence Forces.

Criminal Code of Georgia contains a separate section on crime against the humanity which on its own consists of subsection on crime against humanity, peace, security and International Humanitarian Law.

All military order includes ROE Annex.

4.3

According to the Constitution of Georgia and the Law of Georgia "On Defence of Georgia", "Georgia shall maintain the Defense Forces to protect independence, sovereignty and territorial integrity of the

country, and fulfill other tasks and international obligations related to defense and security in cases provided by the Constitution”.

Besides, Prime Minister makes a decision on activation of the Defense Forces during martial law. Decision does not require approval by Parliament. In addition, the Defence Forces act by order of the Prime Minister during a state of emergency or martial law.

The President, on the recommendation of the Prime Minister makes a decision on the activation of the Defense Forces during a state of emergency and immediately presents to Parliament for approval.

4.4

The civil rights and liberties are ensured by the Constitution of Georgia, relevant laws and bylaws. It should be noted that concrete steps have been taken to further strengthen this practice.

The MoD General Inspection Service is responsible for internal monitoring of the Defence System. Its main functions are to prevent, respond and investigate alleged violations including recommendations for disciplinary measures. A General Inspection Service hotline launched on 30 May 2013 and is available 24 hours a day. Special comment boxes have been installed at all military units, enabling military personnel to inform the General Inspection Service of complaints and opinions on the issues within their area of competence.

According to article 23 of the Constitution of Georgia “A person who is enrolled in the personnel of the military forces, the bodies of internal affairs or a person having been designated as a judge or a prosecutor shall cease his/her membership of any political association”.

4.5

Conceptual documents should be in compliance with the Georgian legislation and International law.

Relevant structural units of the MOD are taking part in the drafting process of each doctrine and political document in order to ensure these documents to be in compliance with international law.

The Legal Department of the MoD, International Law Division of the International Relations and Euro-Atlantic Integration Department of the MoD, Legal Service of the General Staff of the Georgian Defence Forces and the lawyers at all unit levels down to and including battalions of the Georgian Defence Forces ensure compliance with the international law.

Section III. Public access and contact information

1. Public access

1.3.

The right to access to public information is guaranteed by the Constitution of Georgia according to which:

“Everyone has the right to be familiarized with information about him/her, or other information, or an official document that exists in public institutions in accordance with the procedures established by law, unless this information or document contains commercial or professional secrets, or is acknowledged as a state secret by law or in accordance with the procedures established by law as necessary in a democratic society to ensure national security or public safety or to protect the interests of legal proceedings (Article 18).”

General Administrative Code of Georgia also states that: “Everyone may have access to public information available at the administrative body, as well as receive copies unless the information contains state, professional, or commercial secrets or personal data. (Article 10).”

The General Administrative Code of Georgia provides that any state agency is required to issue public information (including information requested electronically) instantly or no later than 10 days (Article 40). The exception to the general rule is envisaged in the same Code according to which: “Public information shall be open, except for cases provided for by law and information considered to be the state, commercial or professional secrets, or the personal data (Article 28).” In such cases the state agency should inform citizens in a written form within 3 days (Article 41, General Administrative Code).

The issues of classified information are regulated by the Law on State Secrets and the Decree of the Government of Georgia No. 507 on approving the Normative Acts Concerning the Enforcement of the Law of Georgia on State Secrets. Annex 2 of the Decree regulates the list of information that is considered as a state secret and Chapter 2 includes Defence related provisions.

The Law on Personal Data Protection provides the definition of personal data. In particular, article 2 states that:

“Personal data is any information connected to an identified or identifiable natural person. A person shall be identifiable when he/she may be identified directly or indirectly, in particular by an identification number or by any physical, physiological, psychological, economic, cultural or social features specific to this person;”

In accordance with Article 49 of General Administrative Code public institutions are obliged to prepare annual reports on access to public information by December 10 each year, and submit it to the Parliament, the President and the Prime Minister of Georgia, and publish in the Legislative Herald of Georgia.

The annual reports of the Ministry of Defence on access to public information are regularly submitted to the aforementioned institutions and are available on the Public Information Portal of the Ministry. Below you can find information on the statistics of 2020 annual report ([information is presented as of December 1, 2020](#)):

- Total number of requests - 1960;
- Number of requests met - 1344;
- Number of requests partially met - 14;
- Number of requests at the review stage - 108;
- Number of requests left without any review – 11;
- Forwarded to another agency (Article 80 of General Administrative Code) – 10;
- Total number of decisions made to reject a claim – 473.

The legal grounds for refusal of information were relevant articles of the General Administrative Code of Georgia (Articles 3, 28, 29, 44, 83, 99 and 102), Law of Georgia on Personal Data Protection, Law of Georgia on State Secrets, and the absence of requested information.

Public Information Division within the Administration of MoD is responsible to ensure the public access to information with regard to the data protection provisions in order to make the Institution more compliant with the abovementioned regulations. It is also tasked to ensure elaboration of specific recommendations and proposals on the matter, designed for the Ministry and its LEPLS (the Order of Minister of Defense No. 335 of 20th April, 2017).

the Decree of the Government of Georgia No. 219 (26th of August, 2013) on Requesting Public Information in Electronic Form and Publishing It Proactively was promoted by the group of civil society organizations and defines the standard for proactive publication of public information, the rule for requesting public information in electronic form and the list of public information to be proactively published. The Decree creates obligations for all state agencies to release information on their activities electronically, free of charge and in easy-to-use, open forms.

The order of the Minister of Defence No. 27 (5th of April, 2017) defines the updated rule about proactive publishing and the standard of requesting and issuing public information in electronic form.

As a result, number of information is now proactively published and regularly updated (quarterly/annually) on the official website of the Ministry. This information is categorized under the following headings:

- General information about the Ministry;
- Information about staffing of the Ministry;
- Information about procurements and privatization of state property;
- Information on Ministry's funding and spending;
- Legal acts related to the activities of the Ministry;
- Contact information of responsible persons for public information;
- Contact information of other structural units;
- Other public information.

The above mentioned information is available on MOD's Public Information Portal - <https://mod.gov.ge/ge/public>. In addition, since 2017 public information requests can also be sent to the following email address: public@mod.gov.ge.