

## GEORGIA OMBUDSMAN: THE ASPECTS OF STRUCTURAL- INSTITUTIONAL AND FUNCTIONAL

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**Abstract:** *The concept of ombudsman is an organization that receives complaints and resolves complaints about issues that citizens face in public bodies. It refers to a representative person in the Swedish language. It is more related to parliament and in this respect is a democratic legitimacy. Founded in all continents of the world, this organization has found its place in various country levels. In this study, it is aimed to explain the Georgia Ombudsman with its structural-institutional and functional aspects. The main aim of this study is to introduce the ombudsman organization of the state of Georgia in the institutional and functional areas and to determine its general characteristics.*

**Keywords:** *Ombudsman, Georgia, Democracy, Auditing.*

### Introduction

With a general definition, the Ombudsman is a public organization that receives complaints from citizens about violations of rights against public bodies in a state and reaches a decision by solving the problem with certain legal regulations. This organization, which was first established in Sweden in the 18th century in the World, it continued to develop after the World War II and today it is applied in many states on different continents. Strengthening democracy, institutionalizing the rule of law and defending human rights are among the main features of the Ombudsman. In this respect, the ombudsman is a contemporary organization that defends individual rights and freedoms with a citizen focus.

In this study, it is desired to examine the Georgia Ombudsman with its institutional and functional qualities. Therefore, the aim of this study is to draw a general view of the ombudsman organization in Georgia within the literature. The method of the study is a descriptive evaluation based on literature review. After giving general conceptual information about the ombudsman in the first part of the study, in the second part, firstly, the Georgian political system and public administration structure were expressed in general terms, and then the Georgia Ombudsman was explained with the aforementioned dimensions.

### The Ombudsman Concept

The word Ombudsman is Swedish in origin. "Ombuds", representative; "Man" also means person. In other words, it means "representative person" in Turkish. As a scientific concept, the ombudsman is the name given to a public institution/organization that receives the complaints of the citizens of the country against the public administrations and

evaluates them by passing them through a certain procedural process (Özden, 2010). The Ombudsman organization works mainly on behalf of the parliament. However, it is also independent from all other state institutions and bodies (Fendoğlu, 2011). The origin of this organization in the world is Sweden. At the beginning of the 19th century, it increased its power by entering the Swedish Constitution. Ombudsman, especially it increased its development after World War II. As a matter of fact, there are approximately 190 countries that make up the ombudsman organization at the country level. Therefore, this organization has spread to all continents of the world and continues its activities at different levels with each passing time (Parlak and Doğan, 2016).

## **Ombudsman in Georgia**

### *Georgian Political System and Public Administration*

Georgia gained its independence on April 9, 1991 with the dissolution of the Soviet Union (Aprasidze, 2012: 219; Tsitsishvili, 2010). There are two autonomous republics (Abkhazia and Ajara), eight provinces and 67 districts in the Georgian state, which is governed as a democracy as a political regime and as a republic as a form of government (DESA, 2004: 2). In the legislature, deputies are elected by the people for four-year terms. The President, who has important powers over the executive, is elected by the people for five-year terms. The President is also the commander-in-chief of the armed forces. The government is directly responsible to the President (DEİK, 2012: 3). The Georgian judicial/court system consists of the following (DESA, 2004: 6): Georgian Supreme Court, Supreme Courts of Autonomous Republics, Courts of Appeal, Circuit Courts, District and City (city districts) Courts.

### *Ombudsman of Georgia in terms of Historical Development, Duties, Appointment, Investigation and Evaluation of Complaints*

In Georgia, the ombudsman takes the name of “Public Defender” and after it was stipulated by the Georgian Constitution of 1995 and the Law on Public Defender of 1996, the organization took office in 2001 (Vangansuren, 2002: 43; Reif, 2004). This organization is the Parliamentary ombudsman at the national level (Kofler, 2008: 197; Giddings et al., 2000: 443). As it is accepted in the literature, from now on, the Georgia Public Defender will be referred to as the ombudsman. Georgia Ombudsman is the constitutional institution that oversees the protection of human rights and freedoms in the territory of Georgia, reveals the facts of violations and facilitates the restoration of violated rights (<https://ombudsman.ge/eng>). Georgia Ombudsman performs his duties independently, and these duties are bound only by the Constitution, international treaties and conventions, internationally recognized principles and rules of international law, the Organic Law of the Public Defender, and other legal regulations. Any influence or interference by other state bodies regarding the activities of the ombudsman is prohibited by law (ENNHRI, 2019).

The strategic objectives of the Georgia Ombudsman are (ENNHRI, 2019):

- To actively monitor and advise the human rights situation and assist the Georgian authorities in complying with their human rights commitments,

- To provide human rights education activities of the highest professional and academic quality and to increase the role of the ombudsman as the primary institution in human rights education and research.

In this respect, the defense of human rights and freedoms within the territory of Georgia is overseen by the ombudsman elected for a five-year term by the absolute majority of the Parliament (DESA, 2004: 10; Welt, 2009: 204). If the Ombudsman does not fulfill his duties for four consecutive months or carries out an activity that does not comply with his position, he can be dismissed by a simple majority decision of the Parliament (Kofler, 2008: 199). The duties of the Georgia Ombudsman include advising the authorities. The Ombudsman may also seek information from any government body that may be suitable for the defense mission. In addition, the ombudsman has the right to enter any civil or military prison center to compose his report (DESA, 2004: 10). The scope of the Ombudsman's control covers the activities of state institutions, local governments, authorities and legal entities (Kofler, 2008: 199).

If your rights are violated, the ombudsman can (<https://ombudsman.ge/eng>):

- Send recommendations to the state body, official or legal person, whose actions violated your rights;
- If the ombudsman feels a crime has been committed, submit materials possessed by him to the investigating unit;
- Submit proposals to relevant agencies regarding disciplinary or administrative procedures of its employees whose action(s) violated your rights and freedoms;
- Inform mass media about violations of human rights and freedoms;
- Publish information on violations of human rights in special reports and annual reports.

The Ombudsman takes into account the complaints and objections of citizens, foreigners and NGOs. The complainant can convey his/her complaint to the organization in cases where he/she thinks that human rights and freedoms have been violated. The complaint is exempt from state taxes and the assistance of the ombudsman given to the persons concerned is free of charge. The Ombudsman informs the claimant of the results of the investigation. The Ombudsman cannot bring a formal legislative initiative before the Parliament, but can make proposals for improving legislation to secure human rights and freedoms. Its decisions are advisory in nature. The Ombudsman presents an annual report to the Parliament on the situation of protection of human rights and freedoms in Georgia and also publishes special reports on the protection of human rights and freedoms. The annual report is published in the official gazette (Kofler, 2008: 199-201).

## **Conclusion and Evaluation**

The ombudsman in Georgia is a democratic organization established after the Soviet System, mainly for the protection of human rights and public freedoms. The Ombudsman is a Parliamentary ombudsman at the national level, and besides its defense duties, it also has a mission to educate the public, especially on human rights and freedoms. After examining the complaints received from citizens and other persons within the framework of the relevant legislation, the Ombudsman arrives at a decision, makes recommendations to the parliament and can issue reports.

As a result, the ombudsman organization, which is extremely important for the development of Georgian democracy and human rights, has been operating in Georgia for years and seems to have completed its institutionalization phase.

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