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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
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11-29 November 2002

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLES 16 AND 17 OF THE COVENANT**

**Concluding observations of the Committee on
Economic, Social and Cultural Rights**

GEORGIA

1. The Committee considered the second periodic report of GEORGIA on the implementation of the Covenant (E/1990/6/Add.31) at its 35th and 36th meetings, held on 14 and 15 November 2002 (see E/C.12/2002/SR.35 and 36), and adopted, at its 56th meeting, held on 29 November 2002, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the second periodic report of the State party, which was prepared generally in conformity with the Committee's guidelines.

3. The Committee notes with appreciation the comprehensive written replies given by the State party to the list of issues, as well as the open and constructive dialogue with the delegation.

B. Positive aspects

4. The Committee notes the efforts of the State party to comply with its obligations under international human rights instruments to which it is a party, in particular the adoption of various plans of action on a number of human rights topics, such as children's rights, women (as recommended in paragraph 27 of the Committee's concluding observations of May 2000), and combating violence.

5. The Committee welcomes the delegation's statement that the general tendency of a weak economic growth has been reversed in the period 2000-2002: GDP has increased from 6 billion GELS in 2000 to 6.6 billion GELS in 2001. Growth in agricultural production has had a positive impact on national food security.

C. Factors and difficulties impeding the implementation of the Covenant

6. The Committee notes that the State party continues to encounter difficulties in implementing the economic, social and cultural rights contained in the Covenant, arising from the process of transition to a market-oriented economy.

D. Principal subjects of concern

7. The Committee notes with regret that, despite the international assistance being provided to the State party, it has been unable to comply with most of the recommendations contained in the Committee's previous concluding observations on the State party's initial report.

8. The Committee also notes with regret that, despite the information provided in the State party's report and in the written replies to the Committee's list of issues, many requests made by the Committee for detailed information and disaggregated comparative statistical data on many Covenant rights remain unanswered.

9. The Committee is concerned about the existing gap between legislation in the field of economic, social and cultural rights and its actual implementation.

10. The Committee is further concerned about the lack of awareness in the State party about the provisions of the Covenant.

11. The Committee is deeply concerned that the State party has not been able to address adequately the widespread and rampant problem of corruption, as it is one of the primary causes of the decrease in, and the inappropriate allocation of, revenue and resources, thus adding to the extremely difficult economic, social and cultural situation in the State party. The Committee is particularly concerned about the limited effectiveness of the use of foreign funds received in the context of international cooperation.

12. The Committee expresses deep concern about the deplorable situation of internally displaced persons in the State party. The State party's efforts to provide basic services to this disadvantaged group and special legislation adopted to that end have succeeded only partially in meeting the most basic needs of internally displaced persons, particularly with regard to employment, social security, adequate housing and access to water, electricity, basic health services and education.

13. The Committee is concerned that the National Ombudsman is not able to function in an effective manner, owing to severe resource constraints.

14. The Committee is gravely concerned about the high unemployment rate in the State party, particularly in urban areas and among young people, despite the measures adopted to create jobs and to encourage entrepreneurship in the country. The Committee regrets that the State party does not have information or data on the informal economy and on the number of self-employed in the country. The Committee further expresses concern about the slow process of re-establishing incentives to motivate the labour force to seek employment.
15. The Committee is also deeply concerned about the extremely low level of salaries in the State party, including the minimum wage which is far below the minimum level of subsistence. Moreover, the Committee reiterates its concern that employees in various sectors of the economy are often not paid on time.
16. The Committee regrets that the existing legislation does not give sufficient powers to labour inspectors to carry out their responsibilities, particularly in the private sector. The Committee also regrets the lack of adequate resources for the Labour Inspectorate.
17. The Committee is concerned about the extremely low level of the social security benefits, which is far below the minimum level of subsistence, and about the fact that these benefits are often paid in arrears.
18. The Committee expresses serious concern about the inadequacy or even lack of legislation and policies on domestic violence, rape, or sexual harassment, as well as about the de facto impunity with which such acts are committed. The Committee is also concerned that domestic violence is not criminalized as a specific offence.
19. The Committee is also concerned that the State party has not adopted any significant measures or policies to address the problem of trafficking in persons, particularly women.
20. The Committee is concerned about the high number of children living and/or working in the streets who are often victims of various forms of exploitation, including prostitution and pornography.
21. The Committee reiterates its grave concern about the constantly increasing level of poverty in the State party and the inadequacy of the measures undertaken to combat poverty. The Committee also reiterates its previous observations that there seems to be a lack of effective management, transparency and accountability in the policy-making and implementation phases (paras. 7 and 8 of the Committee's concluding observations of May 2000).
22. The Committee further reiterates its concern about the lack of clarity as to the analysis and evaluation of the level of poverty in the country, and the determination of the real poverty line (*ibid.*, para. 9).
23. The Committee expresses concern about the poor living conditions of the majority of the State party's population, including an inadequate supply of water and irregular provision of electricity and heating, which particularly affect the most disadvantaged and marginalized groups of society, such as older persons, persons with disabilities, internally displaced persons, prisoners and persons living in poverty.

24. The Committee expresses deep concern about the insufficiency of material and technical resources, medication, hygienic and sanitary conditions and food in hospitals, as well as about the low wages of the medical staff, resulting in the common practice of charging informal fees for basic health-care services that are formally provided free of charge. A particular negative effect of such informal fees is that it puts basic health care even further beyond the reach of the poorest and most disadvantaged groups of society.

25. The Committee is especially concerned about the situation of persons with mental illnesses, who, in addition to suffering social stigmatization, often spend a long time in psychiatric facilities where they live in sub-standard conditions and receive sub-standard treatment and care.

26. The Committee regrets the lack of detailed information on the situation of primary education in the information provided by the State party. The Committee is concerned that, although primary education should be provided free of charge, as stipulated by law and in article 14 of the Covenant, parents are faced with payments for various purposes.

27. The Committee is further concerned about the high rate of school drop-outs, particularly in secondary education.

E. Suggestions and recommendations

28. The Committee recommends that the enforcement of legislation in the field of economic, social and cultural rights be improved and that the various plans and programmes on human rights be implemented in a consistent manner.

29. The Committee also recommends that human rights education in the State party be improved and that adequate human rights training be provided to the judiciary and government officials.

30. The Committee strongly urges the State party to take effective measures to combat corruption and, in particular, to increase transparency and consultations at all levels of decision-making and concerning the evaluation of distribution of funds, especially with regard to the determination of the use of aid, the monitoring of fund distribution and the evaluation of impact.

31. The Committee strongly recommends that the State party take effective measures, in consultation with relevant civil society organizations, to improve the situation of internally displaced persons, including the adoption of a comprehensive programme of action aiming at ensuring more effectively their rights to adequate housing, food and water, health services and sanitation, employment and education, and the regularization of their status in the State party.

32. The Committee recommends that the National Ombudsman be accorded adequate resources. The Committee further suggests that the State party seek international assistance concerning the effective functioning of the Ombudsman's office.

33. The Committee strongly recommends that the State party intensify steps to ensure the right to work and the right to just and favourable conditions of work, in particular more timely payment of wages, and to establish the minimum wage at a level adequate for the requirements of the minimum level of subsistence.
34. The Committee urges the State party to improve the legislation concerning labour inspections, in particular with regard to the private sector, and to provide more resources to the Labour Inspectorate.
35. The Committee strongly recommends that the State party undertake reform of the social security system, including the establishment of a clearer relationship between pensions and previous employment; the raising of social security benefits to a level closer to the subsistence minimum; and the payment of benefits in a more timely manner, in particular to those most disadvantaged and marginalized groups that have no other means of subsistence.
36. The Committee recommends that the State party implement its national plans of action for the advancement of women and for combating domestic violence, and that it adopt adequate legislation and policies to address and to ensure access to effective remedies concerning domestic violence, rape and sexual harassment. The Committee encourages the State party to develop programmes aimed at raising awareness of, and educating law enforcement officials, the judiciary and the general public on, these problems.
37. The Committee urges the State party to undertake and implement effective measures to combat trafficking in persons, including adequate training of law enforcement officials and the judiciary, the prosecution of perpetrators in accordance with the law, and rehabilitation programmes for victims of trafficking.
38. The Committee calls upon the State party to undertake urgent and effective measures to address the problems faced by children living and/or working in the street, and to protect them against all forms of exploitation.
39. The Committee encourages the State party, in preparing its poverty reduction strategies, in particular the Poverty Reduction Strategy Paper for the World Bank, to ensure active and meaningful participation of members of civil society. The State party may also wish to take into account the Committee's Statement on Poverty, and the International Covenant on Economic, Social and Cultural Rights (E/2002/22-E/C.12/2001/17, annex VII) and the United Nations High Commissioner for Human Rights (OHCHR) draft guidelines for the integration of human rights into poverty reduction strategies.
40. The Committee urges the State party to continue its efforts to improve the living conditions of its population, in particular by ensuring that the infrastructure for water, energy provision and heating is improved, and by paying priority attention to the needs of the most disadvantaged and marginalized groups of society, such as older persons, persons with disabilities, internally displaced persons, prisoners and persons living in poverty.

41. The Committee requests the State party to include, in its next periodic report, detailed information on the process of agricultural reform, and in particular on any costs imposed upon new landowners in the form of fees or taxes.
42. The Committee urges the State party to undertake effective measures to improve the living and working conditions in hospitals, ensure adequate wages for the medical staff, and actively combat the practice of informal fees.
43. The Committee recommends that particular attention and adequate funding be devoted to improving the treatment of and care for persons with mental illnesses.
44. The Committee encourages the State party to undertake preventive measures against HIV/AIDS, particularly awareness-raising campaigns, in order to prevent the spread of the disease in the country.
45. The Committee recommends that the State party undertake measures to ensure that access to free primary education is not impeded in reality by additional material costs and by informal fees. In addition, the Committee suggests that the State party continue its reform of the school system, which aims, inter alia, to reduce the number of dropouts.
46. The Committee requests that the State party include, in its next periodic report, detailed information on the quality of higher education.
47. The Committee recommends that, in its efforts to implement the rights contained in the Covenant, the State party continue to seek international assistance and engage in international cooperation with donors and relevant international organizations, including OHCHR. In this regard, the Committee recommends that the State party ensure that its international human rights obligations are taken fully into account when entering into technical cooperation and other arrangements.
48. The Committee requests the State party to disseminate the present concluding observations widely at all levels of society, and in particular among State officials and the judiciary, and to inform the Committee, in its next periodic report, on all steps taken to implement them. It also encourages the State party to continue to involve non-governmental organizations and other members of civil society in the preparation of its third periodic report.
49. Finally, the Committee requests the State party to submit its third periodic report by 30 June 2007, and to include therein detailed information on the steps it has undertaken to implement the recommendations contained in the present concluding observations.
