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Georgia

The present report is a compilation of the information contained in reports of the treaty bodies and special procedures, including observations and comments by the State concerned, in reports of the United Nations High Commissioner for Human Rights, and in other relevant official United Nations documents. It is presented in a summarized manner owing to word-limit constraints. For the full texts, please refer to the documents referenced. The report does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review, and developments during that period.



I. Background and framework

A. Scope of international obligations¹

International human rights treaties²

| | <i>Status during previous cycle</i> | <i>Action after review</i> | <i>Not ratified/not accepted</i> |
|---|--|--|----------------------------------|
| <i>Ratification, accession or succession</i> | ICERD (1999) | OP-CRC-AC (2010) | ICRMW |
| | ICESCR (1994) | CRPD (2014) | ICPPED |
| | ICCPR (1994) | | |
| | ICCPR-OP 2 (1999) | | |
| | CEDAW (1994) | | |
| | CAT (1994) | | |
| | OP-CAT (2005) | | |
| | CRC (1994) | | |
| | OP-CRC-SC (2005) | | |
| <i>Reservations and/or declarations</i> | | OP-CRC-AC (declaration, art. 3 (2), age of recruitment at 18 years, 2010) | |
| | | CRPD (declaration, art. 12, 2014) | |
| <i>Complaints procedures, inquiries and urgent action³</i> | ICERD, art. 14 (2005) | | OP-ICESCR |
| | ICCPR-OP 1 (1994) | | ICCPR, art. 41 |
| | OP-CEDAW, art. 8 (2002) | | OP-CRC-IC |
| | CAT, arts. 20 (1994) and 21-22 (2005) | | ICRMW |
| | OP-CRPD (signature, 2009) | | OP-CRPD (signature, 2009) |
| | | | ICPPED |

Other main relevant international instruments

| | <i>Status during previous cycle</i> | <i>Action after review</i> | <i>Not ratified</i> |
|--|---|--|---|
| <i>Ratification, accession or succession</i> | Convention on the Prevention and Punishment of the Crime of Genocide Rome Statute of the International Criminal Court Palermo Protocol ⁴ 1951 Convention relating to the Status of Refugees and its 1967 Protocol Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁵ ILO fundamental conventions ⁶ Convention against Discrimination in Education | 1954 Convention relating to the Status of Stateless Persons (2011) 1961 Convention on the Reduction of Statelessness (2014) | ILO Conventions Nos. 169 and 189 ⁷ |

1. In 2014, the Committee on the Elimination of Discrimination against Women encouraged Georgia to accede to ICRMW and ICPPED.⁸ In 2011, the Committee on the Elimination of Racial Discrimination encouraged Georgia to ratify ICRMW.⁹
2. The Committee on the Elimination of Discrimination against Women recommended that Georgia ratify the International Labour Organization Maternity Protection Convention, 2000 (No. 183).¹⁰
3. The United Nations country team in Georgia recommended that Georgia ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence.¹¹
4. The Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that Georgia accede to the European Convention on Nationality and the Council of Europe Convention on the avoidance of statelessness in relation to State succession.¹²
5. The Committee on the Elimination of Racial Discrimination recommended that Georgia ratify the European Charter for Regional or Minority Languages.¹³
6. That same Committee recommended that Georgia ratify the Council of Europe Convention on Cybercrime and the Additional Protocol thereto.¹⁴

B. Institutional and human rights infrastructure and policy measures

Status of national human rights institutions¹⁵

| <i>National human rights institution</i> | <i>Status during previous cycle</i> | <i>Status during present cycle¹⁶</i> |
|--|-------------------------------------|---|
| Public Defender's Office | A (2007) | A (2013) |

7. In 2014, the Human Rights Committee, the Committee on the Elimination of Discrimination against Women and the United Nations High Commissioner for Human Rights welcomed the adoption of the National Human Rights Strategy 2014-2020 and the National Human Rights Action Plan 2014-2015.¹⁷

8. The country team and the Human Rights Committee welcomed the adoption of the Law on the Elimination of All Forms of Discrimination in May 2014 and noted the role of the Public Defender in monitoring its implementation.¹⁸ The High Commissioner recommended that the Government consider ways of extending the law to cover the private sector.¹⁹ The Human Rights Committee urged Georgia to improve its anti-discrimination legislation and continue to provide the Office of the Public Defender with increased resources.²⁰ The Committee considered that Georgia should empower the Office of the Public Defender to issue binding opinions and to request initiation of legal proceedings, or set up a separate independent monitoring body and extend such powers to it.²¹

9. While noting that the Gender Equality Council had successfully advocated several gender-sensitive legislative initiatives, the Committee on the Elimination of Discrimination against Women regretted that the Council lacked adequate resources. It recommended that Georgia strengthen the Council and establish a comprehensive national mechanism within the executive branch to coordinate, implement effectively and monitor gender equality policies.²²

10. The Special Rapporteur on the rights to freedom of peaceful assembly and of association urged the Government to increase efforts to ensure that all political parties, including opposition parties, have genuine, equitable and adequate access to State resources for election campaigning. He stated that it was especially crucial that the line between the ruling party and the State be clearly defined.²³

11. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that Georgia be encouraged to further promote human rights education and training.²⁴

II. Cooperation with human rights mechanisms

12. In 2013 Georgia provided a midterm progress report on the implementation of its universal periodic review recommendations.²⁵

A. Cooperation with treaty bodies

1. Reporting status

| <i>Treaty body</i> | <i>Concluding observations included in previous review</i> | <i>Latest report submitted since previous review</i> | <i>Latest concluding observations</i> | <i>Reporting status</i> |
|---|--|--|---------------------------------------|--|
| Committee on the Elimination of Racial Discrimination | August 2005 | 2014 | September 2011 | Combined sixth to eighth reports pending consideration |
| Committee on Economic, Social and Cultural Rights | November 2002 | - | - | Third report overdue since 2007 |

| <i>Treaty body</i> | <i>Concluding observations included in previous review</i> | <i>Latest report submitted since previous review</i> | <i>Latest concluding observations</i> | <i>Reporting status</i> |
|--|--|--|---------------------------------------|--|
| Human Rights Committee | October 2007 | 2012 | July 2014 | Fifth report due in 2019 |
| Committee on the Elimination of Discrimination against Women | August 2006 | 2012 | July 2014 | Sixth report due in 2018 |
| Committee against Torture | May 2006 | - | - | Fifth report due in 2015 (initially due in 2011) |
| Committee on the Rights of the Child | June 2008 | 2014 | - | Fourth report pending review; initial report on OP-CRC-SC overdue since 2007, initial report on OP-CRC-AC overdue since 2012 |
| Committee on the Rights of Persons with Disabilities | - | - | - | Initial report due in 2016 |

2. Responses to specific follow-up requests by treaty bodies

Concluding observations

| <i>Treaty body</i> | <i>Due in</i> | <i>Subject matter</i> | <i>Submitted in</i> |
|--|---------------|--|---|
| Committee on the Elimination of Racial Discrimination | 2012 | Roma population; stateless persons; Draft Law on Refugee and Humanitarian Status ²⁶ | - |
| Human Rights Committee | 2008 | Domestic violence; investigation of complaints against law enforcement officials; prison overcrowding ²⁷ | 2009; ²⁸ further follow-up information pending ²⁹ |
| | 2015 | Administrative detention; jury trials ³⁰ | 2015 ³¹ |
| Committee on the Elimination of Discrimination against Women | 2016 | Violence against women; participation of women in political and public life ³² | - |
| Committee against Torture | 2007 | Code of conduct for law enforcement officials; rights of detainees to a lawyer and doctor; visible identification of penitentiary personnel; deaths in custody; women in detention ³³ | - Further information requested ³⁴ |

B. Cooperation with special procedures³⁵

| | <i>Status during previous cycle</i> | <i>Current status</i> |
|--|--|--|
| <i>Standing invitation</i> | Yes | Yes |
| <i>Visits undertaken</i> | Torture (2005) | Arbitrary detention (2011) |
| | Internally displaced persons (2005 and 2008) | Freedom of peaceful assembly and of association (2012) |
| | | Internally displaced persons (2009 and 2013) |
| | | Torture (2015) |
| <i>Visits agreed to in principle</i> | Arbitrary detention | Independence of judges and lawyers |
| | | Sale of children |
| | | Water and sanitation |
| <i>Visits requested</i> | Freedom of religion | - |
| <i>Responses to letters of allegation and urgent appeals</i> | During the period under review six communications were sent. The Government replied to five of them. | |

C. Cooperation with the Office of the United Nations High Commissioner for Human Rights

13. A senior human rights adviser covering the South Caucasus has been based in Tbilisi since 2007.³⁶

14. In his 2015 report on the status of internally displaced persons and refugees from Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia, the Secretary-General invited all stakeholders to grant unimpeded access to the Office of the United Nations High Commissioner for Human Rights, in order for the Office to be able to monitor, report on and address the human rights situation.³⁷

III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Equality and non-discrimination

15. The Human Rights Committee welcomed the adoption of the Law on Gender Equality (2010) and the National Action Plan for Gender Equality 2014-2016.³⁸ The country team noted the progress achieved, but was concerned that gender equality was not a priority in the development agenda and that the mechanisms and plans were poorly funded.³⁹ It recommended that the Law on Gender Equality be improved to be in line with the Law on the Elimination of All Forms of Discrimination.⁴⁰ The Committee urged Georgia to combat patriarchal attitudes and stereotypes on the roles and responsibilities of women and men, and the practice of sex-selective abortions.⁴¹ The country team noted the October 2014 order in which the Government outlawed the artificial termination of

pregnancy for the purpose of sex selection, and made further recommendations on the issue.⁴²

16. The Committee on the Elimination of Racial Discrimination was concerned at reports of stereotyping, prejudice and misconceptions with regard to members of ethnic and religious minorities, and at reports that after the 2008 armed conflict members of some minorities had been depicted as “enemies”. It recommended that Georgia promote a peaceful coexistence in inter-ethnic relations and remove derogatory references to minorities in school textbooks.⁴³ In its comments on the Committee’s concluding observations, Georgia stated that no cases of minorities being depicted as enemies had been reported and that the State’s observation was corroborated in reports from various international organizations.⁴⁴

17. The Committee on the Elimination of Racial Discrimination was concerned that the Criminal Code did not prohibit racist discourse in general, the dissemination of ideas based on racial superiority, expressions of racial hatred and incitement to racial discrimination. It recommended that Georgia amend the Criminal Code to include such a prohibition, introduce a clear definition of direct and indirect discrimination and recognize racial, religious, national or ethnic grounds as a general aggravating circumstance.⁴⁵

18. That same Committee was concerned that a large number of children did not have birth certificates. It recommended that Georgia take all the measures necessary to register the births of children, in particular those from minorities born in remote parts of the country, and that Georgia ensure the issuance of birth certificates and other documents to all members of the Roma minority.⁴⁶

19. The Committee on the Elimination of Discrimination against Women called on Georgia to abolish restrictions on obtaining identity documents for transgender persons.⁴⁷

20. That same Committee was concerned about the physical violence and harassment faced by lesbian, bisexual and transsexual women.⁴⁸ The Human Rights Committee and the country team urged Georgia to combat the social stigmatization of homosexuality, bisexuality and transexuality, as well as hate speech, discrimination and violence against persons based on their sexual orientation or gender identity.⁴⁹

B. Right to life, liberty and security of person

21. The Working Group on Arbitrary Detention recommended that Georgia ensure that instances of ill-treatment of prisoners and detainees are eliminated and that proper and thorough investigations are conducted in such situations in order to hold perpetrators accountable. Investigations should be conducted into allegations and reports of ill-treatment to ensure adherence to State obligations under CAT and article 17 of the Constitution of Georgia.⁵⁰

22. The Human Rights Committee was concerned that some investigations, namely, into the excessive use of force by law enforcement and prison officers during specified incidents of prison disturbances, the ill-treatment of prisoners in 2006, the violent dispersal of peaceful demonstrations in 2009 and 2011 and the incidents in Mereti and Karaleti in 2012, during which journalists had been physically and verbally assaulted, were still pending. It urged Georgia to establish an independent and impartial body to investigate allegations of abuse, including torture and inhuman or degrading treatment, by police and other law enforcement officers, and to complete investigations into those cases without any undue delay, prosecute perpetrators and, if they are convicted, impose sanctions commensurate with the gravity of their acts and provide victims with effective remedies.⁵¹ In 2014 the High Commissioner noted that such a body would help remove public doubts and suspicion

over allegations of abuse and urged the Government to speed up the training of investigators.⁵²

23. That same Committee was concerned that allegations of torture and inhuman or degrading treatment were often investigated under the Criminal Code articles on exceeding official powers, torture, and inhuman or degrading treatment. It urged Georgia to ensure that cases of torture and ill-treatment are prosecuted under the relevant articles of the Criminal Code and to desist from classifying such crimes under provisions that provide for lesser penalties.⁵³

24. The Committee was further concerned about the tens of thousands of complaints lodged with the Prosecutor's Office in relation to violations committed before the 2012 elections, including unfair trials, acts of torture and ill-treatment and illegal expropriations. It urged Georgia to pursue the investigation into past abuses while, given that such violations had been committed before the 2012 elections, avoiding the appearance of political retribution.⁵⁴

25. In March 2015 the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment praised the accomplishments of Georgia in the treatment of prisoners since the 2012 parliamentary elections. He identified room for improvement in relation to pretrial prisoners whose one-hour-per-day access to open areas he found to be unnecessarily restrictive. He recommended increased possibilities for phone calls and visits for that group of detainees. The Special Rapporteur also recommended that Georgia enhance efforts to ensure compliance with international standards as set out in the Manual on the Effective Investigation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). He stated that there had been significant prosecutions and convictions for the torture and abuse of the recent past, but a large legacy remained and hundreds of victims still demanded an effective remedy. The Special Rapporteur encouraged the authorities to consolidate the recent reforms as State policy and include all relevant stakeholders in the process of ensuring accountability for torture and preventing future mistreatment.⁵⁵

26. The Committee on the Elimination of Racial Discrimination was concerned at allegations of arbitrary arrests and ill-treatment of members of minority groups and foreigners by law enforcement officials. It recommended that Georgia look into such allegations and that law enforcement officials fully respect the human rights of members of minority groups and foreigners. The Committee encouraged the recruitment into the police force of persons belonging to ethnic minorities.⁵⁶

27. The Working Group on Arbitrary Detention recommended that the Government ensure systematic civil society participation in the monitoring and investigation of police stations and prison facilities and, in that regard, access to civil society organizations (other than those represented in the national preventive mechanism) to all premises and facilities where people are detained.⁵⁷

28. The Human Rights Committee welcomed the amendments made in 2014 to the Prison Code.⁵⁸ The Committee on the Elimination of Discrimination against Women urged Georgia to provide access to prolonged family visits for women in detention.⁵⁹

29. The Committee on the Elimination of Discrimination against Women welcomed the adoption of the amendments to the Criminal Code in 2012, introducing provisions defining the scope and categories of domestic violence.⁶⁰ It also welcomed the Action Plan for Combating Domestic Violence and Implementing Measures for the Protection of Victims of Domestic Violence for 2013-2015.⁶¹ The country team made recommendations to address domestic violence, including on the need to put in place monitoring mechanisms for the enforcement of restriction and protection orders and establish police units specialized in the areas of domestic and gender-based violence.⁶² The country team recommended that

Georgia reinforce the capacities of professionals in the identification, referral and protection of child victims of violence through the development of training.⁶³

30. The Human Rights Committee noted with concern that corporal punishment continued to be accepted and practised as a traditional form of discipline by parents and guardians. It urged Georgia to end corporal punishment in all settings and encourage non-violent forms of discipline.⁶⁴

31. The Committee on the Elimination of Discrimination against Women was concerned at the growing number of women murdered by their husbands or partners and of women victims of other forms of violence. It urged Georgia to, inter alia, ensure the effective investigation of cases of violence against women, prosecute and punish perpetrators with sanctions commensurate with the gravity of the crime and provide victims with adequate compensation, protection and assistance.⁶⁵

32. That same Committee was concerned that child marriage continued to be practised, and recommended that Georgia prevent such marriage among all ethnic groups.⁶⁶ It urged Georgia to amend the Civil Code to allow marriages of persons between the ages of 16 and 18 years only by judicial authorization in exceptional circumstances and to ensure that such court decisions are made only with the express consent of the child in person before the court.⁶⁷ The country team noted the actions taken by Georgia, including the amendments to the Criminal Code of October 2014 that stipulated criminal sanctions for forcing a person into marriage, and provided further recommendations to address child marriage.⁶⁸

33. The Committee on the Elimination of Racial Discrimination was concerned that children were living in the streets of Tbilisi. It recommended that Georgia protect Roma children living and working in the streets.⁶⁹

34. While noting the establishment of mobile trafficking inspection groups in 2013, the Committee on the Elimination of Discrimination against Women remained concerned at the decreasing number of prosecutions and punishment of traffickers. It recommended that Georgia, inter alia, ensure that all reports of trafficking in women and girls are promptly and effectively investigated and perpetrators prosecuted and adequately punished.⁷⁰

C. Administration of justice, including impunity, and the rule of law

35. The Working Group on Arbitrary Detention recommended that the Government ensure full implementation of national and international fair trial standards, such as ensuring adequate access of lawyers to their detained clients, and that confidentiality of communications between lawyers and clients is protected.⁷¹

36. The Committee on the Elimination of Racial Discrimination was concerned at the limited number of cases of racial discrimination considered by the judiciary or other competent authorities. It recommended that Georgia improve access to justice and the functioning of the judicial system.⁷²

37. The Committee on the Elimination of Discrimination against Women was concerned that there were no cases involving sex- and gender-based discrimination before the national courts. It recommended that Georgia encourage women to report sex- and gender-based discrimination to the relevant judicial and quasi-judicial bodies.⁷³

38. The Human Rights Committee was concerned that the current jury trial system did not afford sufficient safeguards to enable the accused and the public to understand the verdict pronounced by a jury, nor did it provide for the possibility to appeal a verdict of guilty on its merits. It urged Georgia, as a matter of urgency, to reform the current jury trial system to ensure its compatibility with the fair trial guarantees enshrined in ICCPR.⁷⁴

39. That same Committee was concerned that the current system of administrative detention did not guarantee sufficient due process rights for administrative detainees. It recommended that Georgia reform its system of administrative detention in order to ensure its full compliance with articles 9 and 14 of ICCPR.⁷⁵

40. The Working Group on Arbitrary Detention noted that the law and practice with regard to remand had resulted in lengthy detention that was disproportionate to the crimes of which a person was accused or convicted. It recommended that arrest warrants be shown at the moment of the arrest and detainees be immediately informed of all their rights.⁷⁶

41. The Human Rights Committee was concerned that the acquittal rate in criminal cases remained low and that legal safeguards provided to defendants under the current plea-bargaining system were insufficient. It noted that legislative amendments aimed at reforming the plea-bargaining system and the zero tolerance drug policy had been drafted, and urged Georgia to reform those and address past cases of coercion of defendants to enter into plea-bargaining agreements.⁷⁷

42. The Working Group on Arbitrary Detention recommended that Georgia implement training and capacity-building of all State law enforcement agencies on international human rights standards, particularly with regard to the means and mechanisms of crowd control.⁷⁸

43. The Human Rights Committee was concerned about the slow progress in investigating, identifying and prosecuting perpetrators of human rights violations committed during or in the immediate aftermath of the 2008 armed conflict. It urged Georgia to, inter alia, ensure that allegations of enforced disappearances, indiscriminate and disproportionate attacks against civilian population and other protected persons, unlawful detention, torture and inhuman treatment, and extensive destruction and appropriation of property are investigated effectively, independently and impartially.⁷⁹

44. The Human Rights Committee welcomed the increase in the age of criminal responsibility from 12 to 14 years.⁸⁰ The Committee and the country team noted the launch of the Juvenile Diversion and Mediation Program.⁸¹ The country team noted the development of the Juvenile Justice Code and other progress, such as in reducing the number of children in detention. It recommended that the juvenile justice system be improved, including through the development of a comprehensive data collection system on children in contact with the law.⁸²

D. Right to privacy and family life

45. In 2014 the High Commissioner noted the widespread belief that surveillance, including the use of secret recordings by law enforcement personnel as a means of blackmail, continued despite the Government's order to destroy recordings.⁸³ The country team mentioned the appointment in 2013 of the Personal Data Inspector and civil society claims that amendments to legislation in 2014 had worsened the protection against arbitrary surveillance. It recommended that Georgia restore the role of the inspector as an oversight mechanism without a role in secret investigations and other measures to prevent illegal surveillance and investigate allegations of past abuses.⁸⁴

46. The country team recommended that Georgia develop a proactive and child-sensitive social protection system that promotes social inclusion and the right to a family environment.⁸⁵

E. Freedom of religion or belief, expression, association and peaceful assembly, and the right to participate in public and political life

47. The Human Rights Committee remained concerned that insufficient measures were taken to address the restitution of places of worship and related properties of religious minorities confiscated during the Soviet era.⁸⁶

48. That same Committee was concerned about religious intolerance, including harassment and verbal and physical assault against persons belonging to religious minorities. It urged Georgia to strongly condemn any acts of violence and hate speech against religious minorities and ensure that such crimes are properly classified in accordance with article 53, paragraph 3, of the Criminal Code and thoroughly investigated.⁸⁷

49. The Special Rapporteur on the rights to freedom of peaceful assembly and of association recommended that the Government seriously consider repealing paragraphs 1 and 2 of article 26.1 of the Law on Political Unions of Citizens and granting physical and legal persons the right to participate in the conduct of public affairs, as well as the right to freedom of opinion and expression without undue restrictions. The Government should also ensure that alternative measures are sought and applied to prevent illicit political party financing.⁸⁸

50. UNESCO stated that Georgia must ensure that journalists and media workers are able to practise their profession in a free and safe environment in accordance with international standards and must investigate all attacks on them.⁸⁹

51. UNESCO invited Georgia to pay particular attention to the legal provisions and regulatory frameworks that ensure that scientific researchers enjoy intellectual freedoms, freedom of expression and related rights.⁹⁰

52. The Human Rights Committee was concerned about violations of the rights of lesbian, gay, bisexual and transgender persons to freedom of expression and assembly, and urged Georgia to guarantee the exercise of those rights by lesbian, gay, bisexual and transgender persons and defenders of their rights.⁹¹

53. The Special Rapporteur on the rights to freedom of peaceful assembly and of association recommended that civil society actively engage in the monitoring of assemblies, cases where activists and protesters are brought before courts and cases where persons are brought before the Chamber of Control.⁹²

54. The High Commissioner stated that it was important to increase significantly the number of women in decision-making roles, including in Parliament.⁹³ The country team and the Committee on the Elimination of Discrimination against Women recommended the adoption of mandatory quotas to increase the participation of women in elected structures.⁹⁴

55. The Committee on the Elimination of Discrimination against Women recommended that Georgia ensure that rural women have adequate access to economic opportunities and equal opportunities to participate in political and public life.⁹⁵

56. That same Committee was concerned about the country's lack of understanding of the purpose and need for temporary special measures and recommended that Georgia establish temporary special measures targeting disadvantaged and marginalized groups of women.⁹⁶

F. Right to work and to just and favourable conditions of work

57. The Committee on the Elimination of Discrimination against Women was concerned about the disproportionately high unemployment rate of women and the significant gender wage gap in the labour market.⁹⁷ The Human Rights Committee urged Georgia to, *inter alia*, combat vertical and horizontal segregation in employment and prohibit sexual harassment by law.⁹⁸

58. The Committee on the Elimination of Discrimination against Women was concerned at the gender imbalance among teaching professionals, with most teachers being women owing to the low salaries paid, while senior school administration positions were predominantly held by men.⁹⁹

59. While noting the efforts made by Georgia to improve pregnancy and maternity protection through the amendments to the Labour Code in 2013, the Committee on the Elimination of Discrimination against Women remained concerned about the lack of childcare facilities. It recommended that Georgia facilitate the reconciliation of professional and private life for women and men.¹⁰⁰

G. Right to social security and to an adequate standard of living

60. The Committee on the Elimination of Discrimination against Women was concerned about the inequalities between urban and rural women with regard to their access to social and health-care services.¹⁰¹ The Committee was also concerned about the lack of access to shelters and support services for older women who had lost or been abandoned by their families.¹⁰²

61. The Committee on the Elimination of Racial Discrimination was concerned that the Roma population continued to live in precarious economic and social conditions. It recommended that Georgia improve employment, social services, health and housing conditions for Roma, alleviate their state of marginalization and poverty and ensure their greater representation in public life.¹⁰³

H. Right to health

62. The country team made recommendations for the improvement of child and maternal health, including on nutrition and strengthening the management information system and the analytical capacity for decision-making.¹⁰⁴ The Committee on the Elimination of Discrimination against Women welcomed the Strategy of Health Protection System 2014-2020, aimed at promoting the health of mothers and children.¹⁰⁵

63. The Committee on the Elimination of Discrimination against Women noted the new State programme on universal health care that provided health insurance to all citizens free of charge. It remained concerned about the lack of access to family planning services and contraceptives by women, especially in rural areas, and limited access to sexual and reproductive health services by adolescent girls and young women. It urged Georgia to improve women's access to high-quality health care and health-related services.¹⁰⁶ The country team recommended that reproductive health be placed at the top of the State health strategy and called for sustainable government investment towards the achievement of universal access to quality reproductive and sexual health services.¹⁰⁷ The Committee remained concerned at the absence of age-appropriate sexual and reproductive health and rights education.¹⁰⁸

64. The Committee on the Elimination of Discrimination against Women urged Georgia to provide gender-sensitive and evidence-based drug treatment services to reduce harmful effects for women who use drugs.¹⁰⁹

I. Right to education

65. The Committee on the Elimination of Discrimination against Women remained concerned at the low level of school attendance among children belonging to disadvantaged and marginalized groups. It recommended that Georgia ensure full-time school attendance at all levels.¹¹⁰ The Committee on the Elimination of Racial Discrimination recommended that Georgia increase the rate of school enrolment of Roma children.¹¹¹ The country team noted that preschool attendance had increased between 2012 and 2013 and recommended, inter alia, that Parliament adopt the Law on Early and Preschool Education.¹¹²

66. The Committee on the Elimination of Discrimination against Women was concerned at the significant rate at which girls were dropping out of secondary school. It recommended that Georgia promote school attendance by girls belonging to ethnic minorities and remove barriers to their access to education, such as child marriage.¹¹³

67. That same Committee recommended that Georgia abolish the requirement for Georgian citizenship or identity documents for gaining access to education beyond the ninth grade.¹¹⁴

J. Persons with disabilities

68. The country team recommended that Georgia align its current laws on children with disabilities with international standards, support their implementation and develop alternative services to provide quality care for children with severe disabilities.¹¹⁵

69. The Special Rapporteur on the human rights of internally displaced persons recommended that the Government ensure that the new policies target internally displaced persons, including those with disabilities, to improve their livelihoods and combat their vulnerability.¹¹⁶

K. Minorities

70. The Committee on the Elimination of Racial Discrimination welcomed the development of the Action Plan for 2009-2014 on National Minorities' Integration through Multilingual Education.¹¹⁷

71. The Human Rights Committee noted efforts to integrate minorities into political and public life. It remained concerned that poor knowledge of the Georgian language continued to be the main barrier to their integration. It urged Georgia to, inter alia, strengthen the teaching of Georgian to minorities and promote their representation in political and public bodies.¹¹⁸

72. The Committee on the Elimination of Racial Discrimination was concerned that names of localities could be changed without consulting local inhabitants. It recommended that Georgia consider any changes of geographic names of localities in consultation and agreement with the local population and preserve the cultural heritage and monuments of minorities.¹¹⁹

73. While noting the efforts made by Georgia to facilitate the repatriation of persons deported in 1944, among them the Meskhetian Turks, the Committee on the Elimination of Racial Discrimination was concerned that only a small number of them had been granted repatriation status. It recommended that Georgia adopt a comprehensive strategy to integrate persons deported and create an administrative environment that facilitates and speeds up the repatriation process.¹²⁰

74. That same Committee noted that Meskhetian Turks had never been compensated for their loss of property. It recommended that Georgia consider providing compensation to the repatriated persons for the loss of property when they were deported.¹²¹ In its comments on the Committee's concluding observations, Georgia stated that it did not consider itself to be under an obligation to pay such compensation.¹²²

75. While welcoming the projects for development undertaken by the Government, that same Committee was concerned that members of Azeri and Armenian communities living in remote rural areas suffered from a lack of adequate infrastructure, including roads, transport, water, electricity and natural gas supplies. It recommended that Georgia review and consider reversing the negative repercussions of past land reforms.¹²³

L. Migrants, refugees and asylum seekers

76. UNHCR recommended that Georgia amend the Law on Refugee and Humanitarian Status and the Criminal and Administrative Codes in order to bring those laws into line with the Convention relating to the Status of Refugees. It made other recommendations concerning the implementation of the principle of non-refoulement and limiting the use and duration of detention for asylum seekers.¹²⁴

77. UNHCR recommended that Georgia revise its legislation relating to stateless persons in order to bring it further into line with the relevant international conventions, amend its legislation on citizenship to facilitate access to citizenship for stateless persons and amend the legislation on free legal aid to facilitate the access of stateless persons to advice and representation.¹²⁵

M. Internally displaced persons

78. UNCHR considered the adoption in 2014 of the Law of Georgia on Forcibly Displaced Persons to be a step forward in the protection of internally displaced persons.¹²⁶ The Secretary-General stated that the socioeconomic aspects of the integration of internally displaced persons, such as sustainable livelihoods and access to quality education, medical and social services, must be addressed.¹²⁷ UNHCR and the Human Rights Committee recommended that Georgia ensure that all internally displaced persons can exercise their right to make a free and informed decision as to whether to return voluntarily to their homes in safety and dignity, to integrate locally or to resettle elsewhere in the country.¹²⁸ The Secretary-General noted that progress made with respect to integration, locally or by resettlement, did not result in a loss of the right of return, which was both a human right and humanitarian issue that must be addressed irrespective of any solution to an underlying conflict.¹²⁹

79. The Special Rapporteur on the human rights of internally displaced persons was concerned that most internally displaced persons suffered from inadequate living conditions, unemployment and lack of livelihoods. He recommended that the Government integrate such persons into broader development plans and initiatives, rather than developing a comprehensive strategy on livelihoods for internally displaced persons only.¹³⁰

80. The Special Rapporteur urged the Government to ensure the full and effective enjoyment of the human rights of internally displaced persons, in particular women, to access land and property. He added that the right of internally displaced persons to housing, land and property was an essential component of the building of durable solutions. The Special Rapporteur reminded the Government that internally displaced persons were entitled to restitution of or compensation for their property, regardless of whether they chose to return, integrate locally or resettle elsewhere.¹³¹

81. The Special Rapporteur noted that the Government was planning to pass a new law on eco-migrants; he encouraged the Government to ensure that the proposed draft law defines the rights and guarantees for legal, economic and social protection for persons internally displaced as a result of natural and human-induced disasters, in accordance with international standards.¹³²

N. Right to development

82. The country team noted that the Government had, in 2014, elaborated the Road Map for Mainstreaming Ageing in Georgia through a participatory process, but that the Road Map needed to be translated into action plans and programmes to increase access to health care and social protection for the elderly.¹³³ The country team considered that the new development strategy Georgia 2020 was focused mainly on economic and financial matters, and recommended that Georgia develop an evidence- and rights-based demographic strategy.¹³⁴

Notes

¹ Unless indicated otherwise, the status of ratification of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation on Georgia from the previous cycle (A/HRC/WG.6/10/GEO/2).

² The following abbreviations have been used in the present document:

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| ICERD | International Convention on the Elimination of All Forms of Racial Discrimination |
| ICESCR | International Covenant on Economic, Social and Cultural Rights |
| OP-ICESCR | Optional Protocol to ICESCR |
| ICCPR | International Covenant on Civil and Political Rights |
| ICCPR-OP 1 | Optional Protocol to ICCPR |
| ICCPR-OP 2 | Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty |
| CEDAW | Convention on the Elimination of All Forms of Discrimination against Women |
| OP-CEDAW | Optional Protocol to CEDAW |
| CAT | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment |
| OP-CAT | Optional Protocol to CAT |
| CRC | Convention on the Rights of the Child |
| OP-CRC-AC | Optional Protocol to CRC on the involvement of children in armed conflict |
| OP-CRC-SC | Optional Protocol to CRC on the sale of children, child prostitution and child pornography |
| OP-CRC-IC | Optional Protocol to CRC on a communications procedure |
| ICRMW | International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families |
| CRPD | Convention on the Rights of Persons with Disabilities |

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| OP-CRPD ICPPED | Optional Protocol to CRPD International Convention for the Protection of All Persons from Enforced Disappearance |
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- ³ Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and ICPPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; ICPPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; ICPPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: ICPPED, art. 30.
- ⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- ⁵ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see International Committee of the Red Cross, www.icrc.org/IHL.
- ⁶ International Labour Organization Forced Labour Convention, 1930 (No. 29); Abolition of Forced Labour Convention, 1957 (No. 105); Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Right to Organise and Collective Bargaining Convention, 1949 (No. 98); Equal Remuneration Convention, 1951 (No. 100); Discrimination (Employment and Occupation) Convention, 1958 (No. 111); Minimum Age Convention, 1973 (No. 138); Worst Forms of Child Labour Convention, 1999 (No. 182).
- ⁷ International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169) and Domestic Workers Convention, 2011 (No. 189).
- ⁸ See CEDAW/C/GEO/CO/4-5, para. 41.
- ⁹ See CERD/C/GEO/CO/4-5, para. 23.
- ¹⁰ See CEDAW/C/GEO/CO/4-5, para. 29.
- ¹¹ See United Nations country team submission for the universal periodic review of Georgia, p. 7.
- ¹² See UNHCR submission for the universal periodic review of Georgia, p.10.
- ¹³ See CERD/C/GEO/CO/4-5, para. 15.
- ¹⁴ *Ibid.*, para. 14.
- ¹⁵ According to article 5 of the rules of procedure of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights Sub-Committee on Accreditation, the classifications for accreditation used by the Sub-Committee are: A: voting member (fully in compliance with each of the Paris Principles); B: non-voting member (not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination); and C: no status (not in compliance with the Paris Principles).
- ¹⁶ For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, see A/HRC/27/40, annex.
- ¹⁷ See CCPR/C/GEO/CO/4, para. 3 and CEDAW/C/GEO/CO/4-5, para. 5. See also the opening remarks by the United Nations High Commissioner for Human Rights at a press conference in Tbilisi, 21 May 2014, available at www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14624.
- ¹⁸ See country team submission, p. 10 and CCPR/C/GEO/CO/4, para. 6. See also UNHCR submission, p. 4, CEDAW/C/GEO/CO/4-5, para. 4 and the opening remarks by the High Commissioner at a press conference in Tbilisi, 21 May 2014.
- ¹⁹ Opening remarks by the High Commissioner at a press conference in Tbilisi, 21 May 2014.
- ²⁰ See CCPR/C/GEO/CO/4, para. 6. See also country team submission, p. 10 and CEDAW/C/GEO/CO/4-5, para. 10.

- ²¹ See CCPR/C/GEO/CO/4, para. 6. See also country team submission, p. 10 and CERD/C/GEO/CO/4-5, para. 6.
- ²² See CEDAW/C/GEO/CO/4-5, paras. 14-15. See also country team submission, p. 7.
- ²³ See A/HRC/20/27/Add.2, para. 90.
- ²⁴ See UNESCO submission for the universal periodic review of Georgia, paras. 40 and 41.2.
- ²⁵ Available at http://lib.ohchr.org/HRBodies/UPR/Documents/Session10/GE/mid-term_reportGeorgia.pdf.
- ²⁶ See CERD/C/GEO/CO/4-5, para. 30.
- ²⁷ See CCPR/C/GEO/CO/3, para. 19.
- ²⁸ See CCPR/C/GEO/CO/3/Add.2. See also letter from the Human Rights Committee to the Permanent Representative of Georgia to the United Nations Office at Geneva, dated 27 August 2009, available at http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/GEO/INT_CCPR_FUL_GEO_11886_E.pdf.
- ²⁹ See A/66/40 (Vol. I), pp. 194-195. See also letters from the Human Rights Committee to the Permanent Representative of Georgia to the United Nations Office at Geneva, dated 28 September 2010, 10 May 2011 and 2 August 2011, available at http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/FollowUp.aspx?Treaty=CCPR.
- ³⁰ See CCPR/C/GEO/CO/4, para. 21.
- ³¹ See CCPR/C/GEO/CO/4/Add.1.
- ³² See CEDAW/C/GEO/CO/4-5, para. 42.
- ³³ See CAT/C/GEO/CO/3, para. 23.
- ³⁴ Letter from the Committee against Torture to the Permanent Representative of Georgia to the United Nations Office at Geneva, dated 13 November 2009. Available at http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/GEO/INT_CAT_FUF_GEO_11780_E.pdf.
- ³⁵ For the titles of special procedures mandate holders, see www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx and www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx.
- ³⁶ See OHCHR report 2014, "OHCHR in the field: Europe and Central Asia", pp. 240-241.
- ³⁷ See A/69/909, para. 10. See also the opening remarks by the High Commissioner at a press conference in Tbilisi, 21 May 2014.
- ³⁸ See CCPR/C/GEO/CO/4, para. 7. See also UNHCR submission, p. 4.
- ³⁹ See country team submission, p. 7.
- ⁴⁰ Ibid., p. 7.
- ⁴¹ See CCPR/C/GEO/CO/4, para. 7. See also CEDAW/C/GEO/CO/4-5, paras. 18-19 and 30-31.
- ⁴² See country team submission, p. 5.
- ⁴³ See CERD/C/GEO/CO/4-5, para. 14.
- ⁴⁴ See A/66/18, p. 174.
- ⁴⁵ See CERD/C/GEO/CO/4-5, para. 11.
- ⁴⁶ Ibid., paras. 17 and 19.
- ⁴⁷ See CEDAW/C/GEO/CO/4-5, paras. 34-35.
- ⁴⁸ Ibid., para. 34.
- ⁴⁹ See CCPR/C/GEO/CO/4, para. 8; country team submission, p. 10.
- ⁵⁰ See A/HRC/19/57/Add.2, para. 98.
- ⁵¹ See CCPR/C/GEO/CO/4, para. 12. See also UNESCO submission, para. 42.
- ⁵² Opening remarks by the High Commissioner at a press conference in Tbilisi, 21 May 2014.
- ⁵³ See CCPR/C/GEO/CO/4, para. 12.
- ⁵⁴ Ibid., para. 11.
- ⁵⁵ Public statement of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment upon completion of his mission to Georgia, 19 March 2015, available at www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=15724&LangID=E. See also the opening remarks by the High Commissioner at a press conference in Tbilisi, 21 May 2014.
- ⁵⁶ See CERD/C/GEO/CO/4-5, para. 13.
- ⁵⁷ See A/HRC/19/57/Add.2, para. 98.
- ⁵⁸ See CCPR/C/GEO/CO/4, para. 3.
- ⁵⁹ See CEDAW/C/GEO/CO/4-5, para. 35.
- ⁶⁰ Ibid., para. 4. See also UNHCR submission, p. 4.
- ⁶¹ See CEDAW/C/GEO/CO/4-5, para. 5.

- ⁶² See country team submission, p. 7.
- ⁶³ *Ibid.*, p. 3.
- ⁶⁴ See CCPR/C/GEO/CO/4, para. 9.
- ⁶⁵ See CEDAW/C/GEO/CO/4-5, paras. 20-21. See also CCPR/C/GEO/CO/4, para. 9.
- ⁶⁶ See CEDAW/C/GEO/CO/4-5, paras. 18-19. See also CCPR/C/GEO/CO/4, para. 7 and country team submission, pp. 5 and 8.
- ⁶⁷ See CEDAW/C/GEO/CO/4-5, para. 37.
- ⁶⁸ See country team submission, pp. 5 and 6.
- ⁶⁹ See CERD/C/GEO/CO/4-5, para. 17.
- ⁷⁰ See CEDAW/C/GEO/CO/4-5, paras. 22-23.
- ⁷¹ See A/HRC/19/57/Add.2, para. 98.
- ⁷² See CERD/C/GEO/CO/4-5, para. 12.
- ⁷³ See CEDAW/C/GEO/CO/4-5, paras. 8-9.
- ⁷⁴ See CCPR/C/GEO/CO/4, para. 14. See also CCPR/C/GEO/CO/4/Add.1.
- ⁷⁵ See CCPR/C/GEO/CO/4, para. 13. See also CCPR/C/GEO/CO/4/Add.1.
- ⁷⁶ See A/HRC/19/57/Add.2, para. 98. See also the opening remarks by the High Commissioner at a press conference in Tbilisi, 21 May 2014.
- ⁷⁷ See CCPR/C/GEO/CO/4, para. 15. See also the opening remarks by the High Commissioner at a press conference in Tbilisi, 21 May 2014.
- ⁷⁸ See A/HRC/19/57/Add.2, para. 98.
- ⁷⁹ See CCPR/C/GEO/CO/4, para. 10.
- ⁸⁰ *Ibid.*, para. 3.
- ⁸¹ *Ibid.*, para. 16. See also country team submission, p. 1.
- ⁸² See country team submission, pp. 1 and 3.
- ⁸³ Opening remarks by the High Commissioner at a press conference in Tbilisi, 21 May 2014.
- ⁸⁴ See country team submission, p. 6.
- ⁸⁵ *Ibid.*, p. 3.
- ⁸⁶ See CCPR/C/GEO/CO/4, para. 18.
- ⁸⁷ *Ibid.*
- ⁸⁸ See A/HRC/20/27/Add.2, para. 90. See also CEDAW/C/GEO/CO/4-5, para. 4.
- ⁸⁹ See UNESCO submission, para. 42. See also CCPR/C/GEO/CO/4, para. 12.
- ⁹⁰ See UNESCO submission, para. 44.
- ⁹¹ See CCPR/C/GEO/CO/4, para. 8. See also the opening remarks by the High Commissioner at a press conference in Tbilisi, 21 May 2014.
- ⁹² See A/HRC/20/27/Add.2, para. 92.
- ⁹³ Opening remarks by the High Commissioner at a press conference in Tbilisi, 21 May 2014. See also CCPR/C/GEO/CO/4, para. 7.
- ⁹⁴ See country team submission, p. 7; CEDAW/C/GEO/CO/4-5, paras. 24-25.
- ⁹⁵ See CEDAW/C/GEO/CO/4-5, para. 33.
- ⁹⁶ *Ibid.*, paras. 16-17.
- ⁹⁷ *Ibid.*, para. 28. See also country team submission, pp. 7-8.
- ⁹⁸ See CCPR/C/GEO/CO/4, para. 7.
- ⁹⁹ See CEDAW/C/GEO/CO/4-5, paras. 26-27.
- ¹⁰⁰ *Ibid.*, paras. 28-29.
- ¹⁰¹ *Ibid.*, para. 32.
- ¹⁰² *Ibid.*, paras. 34-35.
- ¹⁰³ See CERD/C/GEO/CO/4-5, para. 17. See also CCPR/C/GEO/CO/4, para. 19.
- ¹⁰⁴ See country team submission, p. 3.
- ¹⁰⁵ See CEDAW/C/GEO/CO/4-5, para. 5.
- ¹⁰⁶ *Ibid.*, paras. 30-31.
- ¹⁰⁷ See country team submission, p.4.
- ¹⁰⁸ See CEDAW/C/GEO/CO/4-5, para. 26.
- ¹⁰⁹ *Ibid.*, paras. 30-31.
- ¹¹⁰ *Ibid.*, para. 26.
- ¹¹¹ See CERD/C/GEO/CO/4-5, para. 17.
- ¹¹² See country team submission, p. 1.

- ¹¹³ See CEDAW/C/GEO/CO/4-5, paras. 26-27.
¹¹⁴ Ibid., para. 27.
¹¹⁵ See country team submission, p. 3.
¹¹⁶ See A/HRC/26/33/Add.1, para. 50.
¹¹⁷ See CERD/C/GEO/CO/4-5, para. 5.
¹¹⁸ See CCPR/C/GEO/CO/4, para. 19. See also CERD/C/GEO/CO/4-5, para. 15.
¹¹⁹ See CERD/C/GEO/CO/4-5, para. 16.
¹²⁰ Ibid., para. 18.
¹²¹ Ibid.
¹²² See A/66/18, p. 175.
¹²³ See CERD/C/GEO/CO/4-5, para. 16.
¹²⁴ See UNHCR submission, p. 5; see also p. 6. See also country team submission, p. 9; CERD/C/GEO/CO/4-5, para. 22.
¹²⁵ See UNHCR submission, p. 10. See also country team submission, p. 10 and CERD/C/GEO/CO/4-5, para. 21.
¹²⁶ See UNHCR submission, p. 3. See also CEDAW/C/GEO/CO/4-5, para. 4, A/69/909, para. 21 and CCPR/C/GEO/CO/4, para. 17.
¹²⁷ See A/69/909, para. 25.
¹²⁸ See UNHCR submission, p. 9 and CCPR/C/GEO/CO/4, para. 17. See also A/69/909, para. 18.
¹²⁹ See A/69/909, paras. 44-45.
¹³⁰ See A/HRC/26/33/Add.1, para. 53. See also UNHCR submission, p. 9 and A/69/909, para. 25.
¹³¹ See A/HRC/26/33/Add.1, para. 54.
¹³² Ibid., para. 58.
¹³³ See country team submission, p. 4.
¹³⁴ Ibid.
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