



International Covenant on Civil and Political Rights

Distr.: General
14 November 2013

Original: English

Human Rights Committee

List of issues in relation to the fourth periodic report of Georgia*

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Please provide examples of the application of the Covenant by domestic courts. Please also indicate what procedures are in place for the implementation of the Committee's Views under the Optional Protocol.
2. Please provide updated information on the measures taken to enhance protection under the Covenant for the population of Abkhazia, Georgia and the Tskhinvali region/South Ossetia by the Abkhaz and South Ossetian de facto authorities. Please comment on information that the Law on the Occupied Territories has an adverse impact on the work of humanitarian agencies providing assistance to the civilian population inside the Tskhinvali region/South Ossetia and Abkhazia, Georgia.

Non-discrimination, equality between men and women, prohibition of advocacy of national, racial or religious hatred (arts. 2, 3, 20 and 26)

3. Please indicate whether the State party plans to adopt comprehensive anti-discrimination legislation that addresses discrimination, including in the private sphere, prohibits direct and indirect discrimination, contains a comprehensive list of grounds for discrimination and provides for effective remedies in judicial and administrative proceedings.
4. Please indicate whether the Criminal Code includes specific provisions that prohibit racist and xenophobic discourse, the dissemination of ideas based on racial superiority and expressions of racial hatred, and incitement to racial discrimination, and that ban racist organizations. Please outline the measures taken to combat hate speech and use of discriminatory language against ethnic, religious or other minorities, including in political discourse and the media.
5. Please indicate the measures taken to enhance de facto participation and representation of women in political and public life, including in legislative and executive bodies, and to increase the representation of women in decision-making positions. What steps are being taken to reduce the gender pay gap and give effect to the principle of equal pay for work of equal value? Please also outline the measures taken to eradicate deep-rooted religious and patriarchal attitudes, and stereotypes regarding the roles, responsibilities and identity of women and men in the family and society in general.

* Adopted by the Committee at its 109th session (14 October–1 November 2013).

6. Please report on measures taken to combat discrimination against persons with disabilities and ensure their access to appropriate health care, education, employment and social assistance, as well as to provide de facto accessibility in public places and transportation.

7. Please comment on reports of discrimination, hate speech, public incitement to violence and harassment against lesbian, gay, bisexual and transgender (LGBT) persons. Please provide information on measures taken to combat discrimination against and social stigmatization of LGBT persons, including LGBT minors.

Violence against women, including domestic violence (arts. 2, 3, 6, 7 and 26)

8. Please provide information on the measures taken to investigate cases of sexual and gender-based violence, including rape, that had been committed during the 2008 conflict, to bring perpetrators to justice and to provide adequate remedies to victims or their relatives.

9. Please update the Committee on any legislative, institutional and awareness-raising measures adopted to address violence against women, including domestic violence, and on the effectiveness of the adopted measures. In addition, please provide updated information on: (a) training of the police and judiciary on relevant legislation and on how to investigate such cases; (b) the availability of disaggregated data on cases of domestic violence; (c) the sufficiency of State-run shelters for victims; and (d) the number of complaints received, investigations carried out, types of penalties imposed and compensation awarded to victims. Please also specify whether spousal rape is explicitly defined as a crime under the Criminal Code and whether the law explicitly prohibits sexual harassment in the workplace.

Right to life and prohibition of torture and other cruel, inhuman or degrading treatment or punishment, liberty and security of person, and treatment of persons deprived of their liberty (arts. 6, 7, 9 and 10)

10. Please report on measures taken to effectively and thoroughly investigate the human rights violations committed during the 2008 armed conflict, including unlawful and disproportionate use of force by the Georgian military causing civilian casualties, unlawful detention, torture and inhuman treatment; to punish perpetrators in a manner commensurate with the gravity of the committed acts; and to provide victims with adequate remedies, including compensation.

11. With reference to the Committee's previous concluding observations (CCPR/C/GEO/CO/3, para. 9) and the information supplied by the State party (CCPR/C/GEO/4, para. 21), please provide updated information on the investigation into the deaths caused by the excessive use of force by police and prison officials during the March 2006 disturbance at Tbilisi Prison No. 5, the prosecution of those responsible and the remedies awarded to victims' families. Please also provide information on the investigation into the alleged excessive use of force by law enforcement officers during the 26 May 2011 demonstration, when a police crackdown on anti-government protesters resulted in several deaths and dozens of injured persons.

12. Please provide information on the role in combating torture and ill-treatment conferred on judges by the new Code of Criminal Procedure. Please respond to reports that investigations into allegations of torture and inhuman or degrading treatment are often delayed and ineffective, that such allegations are often investigated under article 333 of the Criminal Code (exceeding official powers) instead of articles 144, paragraph 1 (torture), and 144, paragraph 3 (inhuman or degrading treatment), of the Criminal Code, and that those found guilty of torture receive sentences below statutory limits. Please provide updated information on the number of reported cases of torture and ill-treatment, the investigations and prosecutions initiated, the number of actual criminal convictions, sentences imposed and remedies granted.

13. Please provide information on the investigations into the alleged ill-treatment of prisoners at Gldani Prison in Tbilisi (as shown in the video footage published on 18 September 2012) and Ksani Prison No. 15, and the incident at Prison No. 2 in Kutaisi; on the sanctions imposed on perpetrators; and on the remedies provided to victims. What practical steps have been taken to guarantee the right of prisoners to submit complaints and to ensure their adequate protection against reprisals? Please outline the measures taken to ensure de facto access of victims to compensation, including relevant statistics, and clarify whether there are any functional State-owned rehabilitation programmes for prisoners who are victims of torture.

14. Please report on measures taken to ensure that corporal punishment has been eradicated in all settings, including the home.

15. Please indicate whether the State party plans to reform its system of administrative detention as a sanction for administrative offenses with a view to reducing the maximum duration (90 days) for such detention, providing full due process rights for administrative detainees and ensuring that they are not held in temporary detention isolators.

16. What measures have been and are being taken to prevent overcrowding and achieve sustainable reduction of the prison population? Please provide information on non-custodial preventive measures and alternatives to custodial sentences and statistics on their application in practice. Please highlight the practical measures taken to facilitate the reintegration into society of persons who have been deprived of their liberty.

17. Please clarify whether detention facilities comply with the standard of minimum space for each prisoner. Please clarify whether the small cubicles (many measuring less than 2 square metres) used in Prison No. 8 (Gldani) in Tbilisi and Prison No. 2 in Kutaisi for temporary holding purposes are still in service. Please provide information on measures taken to address the inadequate provision of activities for both sentenced and remand prisoners, including work opportunities and access to education and vocational training.

18. Please comment on reports of acts of violence against LGBT persons. Please provide information on: (a) the prevention, investigation, prosecution and punishment of acts of violence and intimidation motivated by the victim's sexual orientation or gender identity in line with article 53, paragraph 3, of the Criminal Code; and (b) investigations of physical assaults committed during and after the anti-homophobia demonstrations of 17 May 2012 and 2013 and their outcome. Please also respond to allegations that gay, bisexual or transgender prisoners face discrimination and violence in prison and are often forced into prostitution.

Right to fair trial and independence of the judiciary (arts. 2, 14 and 24)

19. Please provide updated information on further steps taken to reform the judiciary (CCPR/C/GEO/4, paras. 115–121), particularly in such areas as the procedures and criteria related to the selection, appointment, promotion and dismissal of judges and the application of disciplinary measures against them, as well as the safeguards in place to ensure the independence of judges from any outside pressure.

20. Please provide updated information on the crimes that are tried by jury and clarify whether jury trials are available throughout the country. Please outline the guarantees protecting juries against outside influence. Please explain how the criminal procedure legislation providing that only a verdict of guilt can be appealed and only on questions of law is compatible with the Covenant.

21. Please comment on the low acquittal rate. Please respond to reports that the prosecutor has discretionary powers during the negotiation of the plea agreement, that the defence plays a limited role in the process, that the judge has no discretion to alter a sentence agreed upon in a plea agreement, and that there are no clear criteria for determining financial penalties or fines.

22. Please provide updated information on the progress made towards the reform of the juvenile justice system (CCPR/C/GEO/4, paras. 101–104). Please clarify whether the system of restorative justice has been implemented throughout the country and elaborate on the existing alternative sanctions to imprisonment of juvenile offenders and their application in practice (including relevant statistics). Please also comment on information that police officers, prosecutors, lawyers and judges working in the area of juvenile justice lack proper training and that there are no certified mediators in the country.

Freedom of movement and rights of internally displaced persons (arts. 2, 12 and 26)

23. Please elaborate on the impact of the legal regime on movement introduced in relation to Abkhazia, Georgia and the Tskhinvali region/South Ossetia on the rights of the residents of these territories. Please provide information on measures taken to ensure: (a) that internally displaced persons (IDPs) can make an informed decision on housing assistance offered to them and have access to complaint mechanisms to appeal to when their rights are not respected; (b) safeguards against forced evictions and recourse to effective remedies and reparation, including for victims of the forced evictions of 2010 and 2011; (c) improved access to transportation, medical services, water and sanitation, land, education and employment-generating activities for IDPs at new resettlement sites; and (d) restitution of housing, land and property left behind by IDPs or payment of appropriate compensation where restitution is not possible. Please also provide information on integrating IDPs into the national social welfare system. Please inform the Committee about the proposed revision of legislation on IDPs and clarify whether participation of IDPs in the adoption of laws, programmes and policies affecting them is ensured.

Freedom of conscience and religious belief, freedom of expression, peaceful assembly, freedom of association, right to participate in public life and rights of minorities (arts. 2, 18, 19, 21, 22, 25, 26 and 27)

24. With reference to the information provided by the State party in paragraph 38 of its report (CCPR/C/GEO/4), please outline the measures taken to address the restitution of confiscated property of religious groups. Please report on measures taken to enforce in practice the principle of religious neutrality in schools and respond to reports of preferential treatment of the Georgian Orthodox Church in such matters as taxation. Please also comment on information that cases of religious intolerance, including harassment and verbal and physical assault against persons belonging to religious minorities, in particular Jehovah's Witnesses and members of other non-traditional religious minorities, as well as interference in their worship activities and vandalism, occur throughout the country, and that authorities fail to effectively investigate such cases and bring perpetrators to justice.

25. Please respond to reports that journalists, activists, human rights defenders, opposition members and supporters have been subjected (mainly during the 2012 pre-election period) to harassment and intimidation, physical attacks, alleged politically motivated arrests and dismissals from work. Please provide information on the investigations, and their outcome, concerning: (a) the violent dispersal of peaceful demonstrations on 7 November 2007, 15 June 2009 and 3 January, 25 March, 5 June and 15 September 2011; (b) the alleged arbitrary detention and physical assault of independent journalist and human rights defender Gela Mtvlishvili on 20 May 2012; (c) the physical assault of Mamuka Kardava, leader of the Khobi Branch of the Georgian Dream coalition, and Ioseb Elkanashvili, a member of the Georgian Dream coalition in Gori, on 20 May 2012 and 27 June 2012, respectively; and (d) the incidents in Mereti (26 June 2012) and Karaleti (12 July 2012), during which journalists were physically and verbally assaulted.

26. Please indicate whether the State party has adopted specific legislation to protect minorities, in particular Armenian and Azeri communities, and the use of their language at the local level. Please outline the steps taken and progress achieved in promoting the integration of ethnic minorities through, inter alia, adequate programmes for teaching the

Georgian language. Please outline the measures taken to address the problems faced by Roma, including widespread prejudice and marginalization, extreme poverty and access to identity documents, social assistance, health care, education and employment. Please elaborate on the efforts made to facilitate the repatriation of Meskhetians and their reintegration into society.
