

TREATY BODY MONITOR

International Service for Human Rights



Human Rights Monitor Series

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Information submitted to the Committee

The State report

On 7 November 2006 Georgia submitted its third periodic report to the Human Rights Committee (the Committee) regarding the implementation of the *International Covenant on Civil and Political Rights* (the Covenant).¹ Georgia became a party to the Covenant by virtue of decision of the Parliament on 25 January 1994, and it entered into force on 3 August 1994. The 83-page report focused on changes relating to the protection of rights guaranteed by the Covenant for the reporting period of 2002-2006 and the Committee's concluding observations.² The report contained an introduction, which focused mainly on the radical changes in political life in Georgia since the 2003 Rose Revolution. This included positive steps undertaken in the process of building a State based on democratic values and the rule of law. According to the report the most flagrant human rights violation is still taking place in the territory of Abkhazia and Tskhinvali. These regions

¹ CCPR/C/GEO/3, 7 November 2006, available at <http://www.ohchr.org/english/bodies/hrc/hrcs91.htm>

² CCPR/CO/74/GEO, 19 April 2002, available at <http://www.unhchr.ch/tbs/doc.nsf/0/80256404004ff315c125638c005d8676?OpenDocument>

are *de facto* out of control of the Government of Georgia and the Russian Federation exercises effective control. Furthermore the report contained responses to the Committees concluding observations on the previous report, and an article/by article commentary on the implementation of the Covenant.

List of issues

On 15 August 2007 the Committee provided a list of issues to the State party.³ This list contained questions on the fundamental human rights within the ICCPR, and addressed the implementation of the Covenant into the Constitution and the national legal framework. The Committee also enquired about measures taken to guarantee the rights of Chechen refugees, as these were allegedly deported from Georgia to Russia without due process.⁴ Furthermore, the Committee requested updated information on violations of gender equality and protection of the family, including measures taken to eliminate “bride kidnapping” and domestic violence.⁵ Follow-up information was also requested on violations of the right to life and prohibition of torture and other cruel, inhuman or degrading treatment and punishment, as well as treatment of prisoners.⁶ Here the main focus was on the excessive use of force by police and the overcrowded and poorly ventilated prisons cells. Finally, the list highlighted issues regarding violations of the principles of non-discrimination and freedom of movement, especially in regard to internally displaced persons (IDPs);⁷ measures taken to ensure independence of the judiciary and the right to fair trial; freedom of religion; freedom of opinion and expression; rights of persons belonging to minorities and dissemination of information relating to the Covenant.⁸

NGO parallel reports and briefing

Ten non governmental organisations (NGOs) submitted reports regarding the human rights situation in Georgia.⁹ Several of the reports highlighted concerns regarding the conditions in prisons, stating that widespread human rights violations were ongoing.¹⁰ This included overcrowding of prisons cells, beatings and other inhumane treatment, and lack of confidential meetings with lawyers in detention centres. Two NGOs specifically addressed the rights of ethnic minorities, including the use of native languages, and the right of minorities to enjoy their own culture and practise their own religion.¹¹ Other NGOs expressed concerns regarding gay and lesbian rights in Georgia¹² and the length of alternative military services.¹³ Amnesty International and the Human Rights Information and Documentation Centre both submitted substantial reports of almost 40 pages covering several issues also addressed by the Committee. These issues included among others domestic violence, freedom of the mass media, reform the judiciary, excessive use of force by law enforcers, torture and ill treatment in prisons and remedy to torture victims.

The Committee also held an informal briefing with Yerkir Union, Amnesty International, Minority Rights Group International and the Public Movement Multinational Georgia. The first issue addressed at this briefing regarded the rights of minorities in Georgia. According to Dr. Fernand De Varrennes (speaking on behalf of

³ CCPR/C/GEO/Q/3, 15 August 2007, available at www.ohchr.org/english/bodies/hrc/hrcs91.htm

⁴ Articles 2, 13 and 26 of

⁵ Articles 3,23 and 26

⁶ Articles 6,7 and 10

⁷ Articles 12 and 26

⁸ Articles 14,18,19,25,27 and 2

⁹ Public health and Medicine Development Fund of Georgia, Georgian young lawyers association, Human Rights Information and Documentation Centre, Organisation Mondiale Contre la Torture, Conscience and Peace Tax International, Human Rights Watch, Amnesty International, Global Rights Partner for Justice, YERKIR and the Minority Rights Group International, The Public Movement “Multi National Georgia”, Public Association for Human Rights Protection “Tolerance”, all report are available at www.ohchr.org/english/bodies/hrc/hrcs91.htm

¹⁰ Human Rights Information and Documentation Centre, Human Rights Watch, Organisation Mondiale Contre la Torture, Amnesty International

¹¹ Yerkir, Public Association and for Human Rights Protection “Tolerance”

¹² Global Rights Partners for Justice

¹³ Conscience and Peace Tax International

Yerkir Union), several provisions in Georgian legislation were changed, resulting in an exclusion and marginalisation of minority groups. In 1995 the official language was changed from Russian to Georgian. This made it difficult for teachers, lawyers, and doctors, who had Russian as their first language, to perform their work. The speaker also mentioned that only Georgian could be used by Government officials and parliamentarians, and that access to universities was restricted for many ethnic Armenians because of language difficulties. Although the law recognised the right to be taught in your own minority language as well as Georgian, there was a lack of bi-lingual teachers equipped for this task. This, as well as other factors, resulted in a deterioration of the integration of ethnic minority groups in Georgia. Also the right to freedom of religion was mentioned, as several minority religions faced problems getting registration and thereby gaining legal status. This legal status was closely connected to the right to receive restitution for the religious buildings that were confiscated during the Soviet rule. Ms Anna Sunder Plassmann (speaking on behalf of Amnesty International) brought up the issue of domestic violence. According to her this was still a private matter in Georgia, which was reflected in the fact that there were currently only four small women shelters in Georgia, all of them run by NGOs. In regard to torture and inhuman treatment the speaker acknowledged that the Government had taken many steps to amend this problem. However, she underlined that there were still problems with excessive use of force during arrest and demonstrations. Also the ongoing problem of overcrowded prisons was a source of great concern. Finally the speaker raised the problem of lack of financial compensation to victims of torture, stating that this was only possible if the victim could identify the perpetrator and even then only if he was able to pay. The Government would not compensate if the perpetrator was too poor to pay the damages. Several of the Committee members present at the briefing posed questions, and some of the concerns of NGOs were later raised with the delegation of Georgia.¹⁴

Themes and issues

The Georgian delegation was headed by Mr Givi Mikanadze, Deputy Minister of Justice. He was accompanied by Mr Irakli Adeishvili, Chairman, Tbilisi City Court; Mr Valerian Kopaleishvili, Head of the Secretariat of the States Commission for internally displaced persons (IDPs) at the Ministry of Refugees and Accommodation; Ms Tinatin Goletiani, Legal Department of the Office of the Prosecutor General; Mr Archil Giorgadze, Human Rights Protection Unit of the Office of the Prosecutor General; Ms Natia Gabitashvili, Senior Expert at the Division of International Organisation at the Office of the State Minister on Conflict Resolution Issues; Mr Teimuraz Bakradze, Minister Plenipotentiary, the Permanent Mission of Georgia to the UN office and other International Organisations at Geneva; Ms Tomashvili, Advisor at the Permanent Mission of Georgia to the UN office and other international organisations in Geneva. Several of the Committee members took notice that the delegation members appeared to be very young, but seemed well prepared and direct in their answers.

In her opening statement Ms Thomashvili reminded the Committee members that Georgia had gone through significant changes since the last report, and had acknowledged that the process of implementing democratic values and the rule of law was not an easy process. To this end Georgia was grateful for the recommendations of the Committee. Ms Thomashvili then gave a short overview of the steps taken by the Georgian Government to address the problems that the Committee had highlighted in its list of issues. On 9 August 2005, Georgia acceded to the Optional Protocol of the Convention against Torture (the OPCAT), and was currently drafting an anti-torture plan. Progress was made both in regard to creating a truly independent judiciary, as well as combating corruption at all levels. Ms Thomashvili also highlighted the importance of reforming the penitentiary system. In this regard budgetary allocation for food and medication were growing each year, and two new prisons were being built to relieve the problem of overcrowding of prison cells. Finally she assured the Committee that the rights of the minority groups were also one of the priorities of the Government of Georgia, and a reform based on dialog was necessary for the preservation of cultural rights.

¹⁴ Committee members present at the NGO briefing Palm, Motoc, Kälin, Rodley, Bhagwati

Status of the Covenant in domestic law

The first thing that the Committee enquired about in its list of issues was the measures taken to implement the recommendations made by the Committee in the case of *Ratiani vs. Georgia*.¹⁵

Ms. Thomashvili responded to the enquiry by stressing that the Government would like to implement the recommendations in good faith. However, while the Committee had based its decision in accordance with well established practice of Article 2.3(a),¹⁶ it had not determined the exact amount of compensation. Because of this Georgian legislation did not provide for implementation of the recommendations. Ms Thomasvhili ensured the Committee that discussions were presently taking place on who should be the authority in determining the exact amount of compensation, and what would be the best practices when compensation had not been given. She said that more time was needed, but expressed hope that the implementation of the recommendation of the Committee would happen very soon.

Committee member Ms. Palm commented on this, saying that she would like a more specific time for the implementation of the recommendations, to which Ms Thomashvili responded that the legislation had to pass through several committees, which meant that it would not be possible to pass it in the autumn session. It would most likely be passed during the spring session of the Parliament thereby making the implementation possible.

The second issue that was addressed concerned legislation on the rehabilitation and restitution of the property of conflict victims. Ms Goletiani explained that for several years ongoing work had taken place on a general legal framework to safeguard the rights of the conflict victims. In January 2007 a law concerning property restitution entered into force. However, this law only covered the region of South Ossetia. A committee with representatives from the Ossetia region, from Georgia, and from the international community would be created to address the problems that the stakeholders were still facing. Steps were also taken to create new programs, which would cover both regions and provide the opportunity for people to claim their property. One of these programs included special maps to determine loss of property. When all relevant documents had been checked, and ownership established, a person would be put on the map and get compensation. Many families had asked for this, but the major obstacle in this process was a very difficult verification procedure, as the Georgian Government did not have jurisdiction over the Abkhazia and the Ossetia region.

Committee member Mr Kälin complemented Georgia on the new legislation in this area, and stated that he was impressed by the overall reform spirit in Georgia, especially for a country that met with the many challenges of a new State. He added that he would like some more information on when the new committee would be able to begin its work, and was also interested in knowing if there were any discussion on what kind of restitution would be offered, for example whether the victim would have a choice between property and money.

Ms Goletiani responded to Mr Kälin's questions by saying that the problems connected to the territories were one of the biggest challenges for Georgia, which was why the international community was also involved. Currently the Government of Georgia was negotiating with the European Council on who should be Chair of the new committee, and when this and other budgetary problems was resolved, the new committee could begin its work. Ms Goletiani said that the choice of compensation would be left to the discretion of the new committee, who would decide on a case by case basis.

The third and last issue under this item regarded the implementation of the Covenant in the Abkhazia and the Ossetia region. Ms Goletiani reminded the Committee members that these two regions were considered an

¹⁵ Communication No. 975/2001 (*Ratinani vs. Georgia*). The communications referred to the execution of the recommendation of the Committee on granting the author appropriate compensation. More information available at <http://www1.umn.edu/humanrts/undocs/975-2001.html>

¹⁶ ICCPR, Article 2(3(a)) dealing with the entitlement to appropriate remedy

integral part of Georgia, but the Government had been prevented from exercising *de facto* control over the areas. She highlighted that Georgia understood its obligations under the Covenant to protect all people on its territory, but since the Georgian Government did not have jurisdiction, and was not able to send in law enforcement agencies, it could not be held responsible.

Mr Kälin commented that the lack of control in these regions did not mean that individuals should not enjoy the rights under the Covenant. The President of the Committee, Mr Posada, also stated in his concluding remarks that the Committee was aware of the political situation, but compliance with the Covenant should nonetheless be met.

In its concluding observations the Committee restated that Georgia should take all possible measures to enhance protection under the Covenant for the population of the two regions.¹⁷

Right to life and prohibition of torture and other cruel and inhuman treatment

The Committee asked for an explanation of the number of deaths of detainees at any stage of detention, and investigations carried out in these cases. The Committee also asked for a comment on the reported disturbances at Tbilisi prison in March 2006, in which seven inmates allegedly died.

The Georgian delegation provided the relevant statistics in its written replies, illustrating that the percentage of deaths out of the total number of prisoners had decreased.¹⁸ Mr Mikanadze added that all cases where there was reasonable doubt that a crime had been committed within the penitentiary system would be properly investigated by the Prosecutor's office. With regard to the disturbances at Tbilisi prison, investigations were currently being carried out. In 2007 there had been two similar instances where three policemen were wounded and nine were killed.

Committee member Mr Shearer commented on the statistic by noting that there had been a sharp increase in the number of prisoners. He sought information on what caused this increase, and also asked if there had been any charges made against any of the prison guards in connection with the disturbances in Tbilisi prison, and if Government officials in general were obliged to wear identity tags.

Mr Giorgadze explained that for over a decade there had been high level criminal networks in Georgia, resulting in a high number of crimes. This problem had been a top priority for the new Government, but because these criminals responded with extreme aggressiveness, the Government had no choice but to respond in a corresponding manner. One of the results was a double in the number of prisoners. He added that at this stage of the investigation there had not been any criminal charges against any of the prison guards at Tbilisi prison, and that identity tags were mandatory for all Government officials, including in the penitentiary system.

Committee member Sir Nigel Rodley enquired about alleged police brutality during pre-trial detention, and asked what mechanisms existed to safeguard the rights of these detainees. Mr Mikanadze responded that there are several human rights monitor units set up in relevant ministries.¹⁹ On a more specific level it was mentioned that every time a detainee left and returned to his cell he would be asked if he had obtained any physical injury, while undergoing medical examination. This information was often requested by the human rights monitoring units. Ongoing training in human rights was also taking place throughout the public sector, and people who were prone to violence were not accepted into the police force.

¹⁷ Concluding observations of the Committee available at <http://www.ohchr.org/english/bodies/hrc/hrcs91.htm>

¹⁸ Written replies of the Government of Georgia, 15-2 November 2007, p. 6, available at <http://www.ohchr.org/english/bodies/hrc/hrcs91.htm>

¹⁹ Written replies of the Government of Georgia, 15-2 November 2007, p. 7, available at <http://www.ohchr.org/english/bodies/hrc/hrcs91.htm>

Finally, Sir Rodley brought up the issue of remedy to torture victims, stating that ‘all the awareness training in the world’ would not help if the victim had to first prove that he had been tortured and then by whom. According to Ms Goletiani the Constitution of Georgia called for compensation to torture victims. In cases where the perpetrator was an unknown Government official, a civil case could be brought against the State. The main problem with this procedure was lack of knowledge by lawyers and victims. To resolve this problem the Government were drawing up an action plan to raise awareness about remedy to torture victims.

In its concluding observations the Committee stressed that Georgia should take firm measures to eradicate all forms of excessive use of police force and other forms of torture and ill-treatment, ensure prompt investigation of complaints, and provide compensation to the victims and their families.

Treatment of prisoners

The issue of overcrowded prisons and prisoners allegedly receiving inadequate nutrition and medical care, as well as being contained to their cells for months without exercise or fresh air, was of critical importance to Committee members.

Mr Mikanadze and Mr Giorgadze stressed that considerable steps had been taken in this regard. Two new prisons were being built, which would be ready in only a few months; refurbishment of the old prisons were taking place to improve living conditions; special prison hospitals had been established, and in cases where these hospitals were not sufficient the prisoner could be transferred to a public hospital; budgetary allocation for food increased every year and small shops had been established in some of the prisons so that prisoners could buy small supplies for daily life. Furthermore a prisoner’s rights unit had been established in the Department of the Ministry of Justice in 2006, monitoring the conditions and addressing rights of the prisoners and the persons in pre-trial detention.

Several of the Committee members complemented this progress but called for practical results from the reforms. The President of the Committee, Mr Posada, highlighted that if conditions were so extreme, as were indicated by some of the NGOs, the Committee was obliged to monitor this carefully. Sir Rodley asked for confirmation of allegations that prisoners had to sleep in shifts because there were not a sufficient number of beds, and added that if this were true he would suggest that those imprisoned for “minor offences” were released on conditional parole.

Mr Mikanadze confirmed that in some of the prisons people had to sleep in shifts, but he assured the Committee that this situation would be resolved within a few months when the two new prisons were put in to use.

In its concluding observations the Committee emphasised that Georgia should take firm, immediate and positive steps to improve the conditions of all persons deprived of their liberty in order to fulfil all the requirements outlined in *the UN Standard Minimum Rules for Treatment of Prisoners*.

Gender equality and protection of the family

The Committee enquired whether domestic violence, including marital rape and incest, was considered a crime under the Criminal Code in Georgia. The Committee also asked for statistics on the number of incidents of domestic violence, and what had been done to raise awareness of the problem among police officers.

Ms Tomashvili stated that this was a complex social problem. Georgia was committed to addressing this problem, and to this end the *Law on Elimination of Domestic Violence, Protection of Assistance to Violence Victims* was adopted in 2006. To raise awareness on this issue police officers and inspectors were receiving training so that they would be able to identify problems when they arose. In 2005 there were 47 criminal cases

on the basis of “disagreement of family-members”, in 2006 there were 108 cases, and in 2007 937 cases of family conflicts and 319 cases of domestic violence had been registered. Currently the Georgian Criminal Code did not contain separate articles criminalising incest or marital rape. However, both these violations were included in different articles in the Criminal Code, for example rape (Article 137) and sexual abuse under violence (Article 138).

Ms Palm responded to this information by complimenting the initiatives and new legislation, but added that there were still problems in this area. According to NGOs based in Georgia, domestic violence was still considered a private matter. She asked if the prosecutor would pay special attention to the relationship between victim and perpetrator if a crime was committed, and also enquired about the very small amount of women shelters, stressing that four small shelters run by NGOs were obviously not enough.

Ms Thomashvili disagreed with Ms Palm that domestic violence was considered a private matter. Since the new legislation and the action plan were adopted in 2007, people were discussing these problems openly, and police brought information brochures when they responded to cases of domestic violence. In cases where for example rape was committed within a marriage, it would be considered an aggravating circumstance. In relation to the shelters she agreed that this should be organised by the relevant Ministry, but the Government were still in the process of training social workers. So far the Government have left the running of the shelters to the more experienced NGOs, but have provided the sufficient funding.

Finally the issue of the reappearing bride-kidnapping in rural areas was addressed. Mr Mikanadze explained that the principle of equality was protected by the Constitution, and that marriage was a voluntary union between man and woman. He added that the bride-kidnapping took place throughout Georgia but only as isolated incidents. When the crime occurred it was prosecuted as an illegal deprivation of liberty with a minimum sentence two to four years imprisonment. Ms Palm asked how frequently this practice took place, and Mr Givinadze responded that in 2006 investigations had been initiated in 403 cases, while in the first half of 2007 investigation had been initiated in 144 cases. This number indicated that the reoccurring bride kidnappings were not only isolated incidents.

In its concluding observations the Committee stated that Georgia should take prompt measures to compile data on incidents of domestic violence, including sex, age and family relations. Investigations should be carried out in all cases, and all necessary measures should be taken to protect the victims, including establishing a sufficient number of appropriate shelters across the country.

Principles of non-discrimination and non-refoulement

Under this issue the Committee enquired about measures taken to guarantee the rights of refugees, in particular Chechen refugees, who allegedly were deported from Georgia to Russia without regard to due process.

Ms Goletiani first highlighted some of the practical measures taken to ensure the rights of the refugees. Within three days of crossing the border a person should be given or denied refugee status. If they were registered as refugees they would be given temporary residence and a monthly allowance. Secondly she stressed that there had not been a single fact of deportation of Chechen refugees from Georgia to Russia since 2002. In 2001 Georgia had extradited citizens wanted by Russian law enforcement organs. The European Human Rights Court found this in breach of the obligation under the *European Convention on Human Rights*. Since then significant legislative amendments had been made to avoid similar gaps and misunderstanding in the future.

In its concluding observations the Committee acknowledged amendments made to the *Law of Refugees*, which granted the refugees in Georgia temporary residence. However, the Committee was still concerned

about the gaps in current legislation. To this end the Committee suggested that legislation and procedural safeguards were adopted to ensure the full respect of the principle of non-refoulement.

Non discrimination and freedom of movement

The Committee asked for information on what concrete measures had been undertaken to integrate internally displaced persons (IDPs) into Georgian society, and to create measures to ensure a safe and dignified return.

The delegation responded that Georgia had adopted a national strategy plan, which aimed at ensuring the IDPs' conditions to live in dignity and to either be integrated into the new society or have a safe and voluntary return to their regions. All stakeholders had been involved in the development of this action plan and it had now been submitted for discussion and adoption to the Government of Georgia. Currently 45 % of the IDPs were living in detention centres. Part of the detention centres were former hotels, so a big part of the action plan was to improve living conditions for the IDPs. This was being done by privatising the centres.

Mr Kälin requested a response to allegations from NGOs that there had been cases of forced eviction from the detention centres without a court order, and also asked for information on the safeguards in the process of privatising the centres. Ms Thomashvili responded that the IDPs' return was strictly voluntary, and that they had the choice between accepting money from the State to buy a new house or to stay in the centres. Furthermore, she guaranteed that the IDPs would be satisfied when the privatisation of the centres had been concluded.

In its concluding observations the Committee asked Georgia to ensure that the privatisation of the centres was properly regulated and that steps should be taken to avoid forced evictions in the future.

Rights of persons belonging to minorities

In its list of issues the Committee asked Georgia to provide information about the use of minority languages at the level of the local Government and administration, and what was being done to protect minority language and improve the knowledge of the Georgian language.

Ms Goletiani began her response by highlighting that under the Constitution the first language of Georgia was Georgian. This was also therefore the language used in the public service. However, in the regions the minority language was often used by local authorities in everyday practice. In the local council the main language was Georgian, but translators were used in some cases. With regard to political participation Ms Goletiani noted that minority groups were more active on a local level than on a Government level. A significant number of the minorities were represented in the city council. In 2004 the Government started implementing the 'Civil Integration Programme', which would enhance the knowledge of Georgian but also preserve the minority languages. For example, Armenian would be taught in Armenian schools as a first language, and Georgian would be taught as a second language.

Mr Kälin commented on this saying that he considered this a significant and complex problem. 16% of the Georgian population belonged to minorities. He noted that there was no prohibition against using minority languages, but at the same time the language seemed to be the main factor in the marginalisation of minorities. He also mentioned that the number of minorities in official positions were still low, and asked for further information on language tests and if there were any plans to facilitate better access for minorities to universities.

The representative of the delegation restated that as in many other European countries the official language should be used by the authorities, however, the Government was taking all necessary means to create a positive environment for the local language to develop. There was a possibility to take a secondary education

in the minority languages, and if applying to university it would be at the same level as everyone else. This also applied to the language test both at university level as well as for officials.

In its concluding observations the Committee asked Georgia to consider allowing minorities to use their own language at the local Government level. The Committee also urged the Government to take all appropriate measures to ensure adequate political representation as well as to improve the minorities' knowledge of Georgian. To this purpose the Government should engage in dialogue with the concerned groups and civil society working with these issues.

Other issues

With regard to the **independence of the judiciary** the Committee enquired about what result had been achieved by the implementation of the new reforms, and asked the delegation to comment on allegations that plea agreements had been used to stop full investigations into allegations of torture.

Ms Thomashvili mentioned some of the many steps taken to ensure an independent judiciary and also referred to the States written replies as well as the country report for further statistics.²⁰ With regard to the allegations of using plea agreements to stop investigations, she underlined that since amendments had been made to the Criminal Code, as well as internal guidelines of the Prosecutor General in 2004, there had been no allegations of this kind.

In its concluding observations the Committee asked Georgia to intensify its efforts to educate judges, and take steps to eradicate all forms of interference with the judiciary and ensure prompt and independent investigations.

On the issue of **freedom of religion** the Committee was concerned that the status of the legal public entity was granted exclusively to the Georgian Orthodox church, and that this might lead to discrimination of other religions. Ms Motoc asked if the religious groups that were not registered enjoyed the same rights as the ones who were registered, and if they were entitled to the same rights as any other legal entity (e.g. property restitution). The representative of the delegation responded that in a great number of States there existed a church/State model where one or a number of religions were more or less privileged due to historical and social factors. This did not necessarily result in discrimination of other religions. Furthermore, the Government submitted that the current status available to religious groups fully satisfied international standards; in particular the status of non-commercial legal entities under the 2005 amendment of the Civil Code provided for necessary religious autonomy.

In its concluding observations the Committee asked Georgia to take steps to ensure equal enjoyment of the rights of freedom of religion, and asked the Government to address the problems related to restitution for the confiscation of places of worship and related properties of religious minorities.

Finally the Committee addressed the rights to **freedom of opinion and expression**, as there had been allegations that NGOs, human right defenders and representatives of the State organs were harassing independent journalists.

Ms Thomashvili ensured the Committee that the protection of the lawful activity of journalists fell within the priorities of the Government. Investigations were launched in each case of alleged harassment and the perpetrator brought to justice.

Ms Palm then drew the attention of the delegation to a booklet from a human rights group, according to which Georgia failed when it came to freedom of the media. Furthermore the booklet stated that there had been no

²⁰ Written replies and country report (paras. 255-304) available at <http://www.ohchr.org/english/bodies/hrc/hrcs91.htm>

investigations in the area of freedom of expression in 2006, contrary to what Ms Thomashvili had stated. In response to this, a member of the delegation referred to one case where this issue had been addressed, and to the written replies. In the written replies one paragraph was dedicated to this issue, in which the delegation restated that all cases of harassment and interference were investigated, but did not mention any case material.

Conclusions and next steps

At the end of the session the President of the Committee, Mr Posada, thanked the delegation of Georgia for handing in the report on time and for giving detailed replies. He touched upon four of the issues that had been addressed during the session, including exercising the necessary jurisdiction to also guarantee the rights under the Covenant in the conflict region; the concerns regarding deaths of pre-trial and convicted detainees; rights to freedom of expression and religion and finally respect for the rights of minorities. He highlighted that even though the Committee acknowledged that many steps had been taken to improve the situation, they would still be monitoring closely to see the practical results.

The head of delegation, Mr Mikanadze, thanked the Committee and the delegation members for a very constructive dialog, and ensured the Committee that Georgia looked forward to informing them on further progress.

Previously other treaty bodies made recommendations on some of the issues dealt with by the Committee during its review of the country report. On the question of torture and other inhuman and degrading treatment the Committee against Torture (CAT) made several recommendations after its examination of Georgia in 2007. Among other things CAT asked the State party to provide detailed information on the causes and circumstances of all sudden deaths that had occurred in places of detention, as well as information in respect of independent investigations. CAT also recommended that all penitentiary personnel, as well as special forces, be equipped with visible identification badges at all times, and to take all necessary steps to ensure that all detained persons were duly informed of their rights immediately upon arrest, and that they were provided with prompt access to a lawyer and to a doctor of their own choice.²¹ The Committee on the Elimination of Discrimination against Women (CEDAW) urged the State party to undertake awareness-raising campaigns about the importance of women's participation in public and political life and at decision-making levels. The Committee also recommended that the State party enhanced its action beyond domestic violence to all forms of violence against women, in the light of the Committee's general recommendation 19, and that consideration be given to addressing the problem of marital rape.²² In 2005 the Committee on the Elimination of Racial Discrimination (CERD) recommended that the State party adopt legislation on the status of languages, as well as effective measures to improve the knowledge of the Georgian language amongst minority groups, and to increase the use of ethnic minority languages in public administration.

The Human Rights Committee invited Georgia to submit its fourth periodic report on 1 November 2011.

²¹ CAT/C/GEO/CO/3, 25 July 2006 available at www.ohchr.org/english/countries/ge/index.htm

²² CEDAW/C/GEO/CO/3, 25 August 2006, available at www.ohchr.org/english/countries/ge/index.htm

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