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**Universal Periodic Review**

## **Report of the Working Group on the Universal Periodic Review\***

### **Georgia**

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\* The annex to the present report is circulated as received.

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## Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its tenth session from 24 January to 4 February 2011. The review of Georgia was held at the 9th meeting on 28 January 2011. The delegation of Georgia was headed by Sergi Kapanadze, Deputy Minister of Foreign Affairs. At its 13th meeting held on 1 February 2011, the Working Group adopted the report on Georgia.
2. On 21 June 2010, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Georgia: Cameroon, Mexico and Ukraine.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Georgia:
  - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/10/GEO/1 and Corr.1);
  - (b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/10/GEO/2);
  - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/10/GEO/3).
4. A list of questions prepared in advance by Belgium, Canada, Czech Republic, Denmark, Germany, Lithuania, Netherlands, Norway, Russian Federation, Slovenia, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland was transmitted to Georgia through the troika. These questions are available on the extranet of the UPR.

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. Sergi Kapanadze, Deputy Foreign Minister, introduced the national report of Georgia developed through inclusive inter-agency process and participation of the civil society.
6. The delegation stated that the Georgian Constitution safeguarded human rights and freedoms. The Constitutional amendments adopted in 2010 reinforced the balance of power among the various branches and strengthened the independence of the judiciary, inter alia, by introducing the lifetime appointment of judges.
7. The Constitutional Court of Georgia assessed the compatibility of legislation with human rights and freedoms.
8. The Office of the Ombudsman established in 1996 received status “A” in 2007. In 2008, the Ombudsman was designated as the national preventive mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In June 2010, the mechanism published its first report.
9. The Parliamentary Committee on Human Rights and Civil Integration enacted human rights acts and monitored their observance. At the executive level, human rights were dealt by various inter-agency councils and human rights monitoring units.

10. Reforms in the judiciary increased the number of professional judges, modernized the judicial framework and improved accessibility of the system. Public trust in the court system has improved, demonstrated by recent surveys which showed that 71 per cent of total users of a court system were satisfied with the court service.
11. Criminal justice reforms in Georgia were led by the Criminal Justice Reform Council.
12. In 2009, the Criminal Procedure Code and the Code of Imprisonment were adopted. The Criminal Procedure Code transformed existing procedural system based on the principles of adversarial proceedings, equality of arms and jury trials. Particular attention was paid to improving the access to fair and effective justice. The Code of Imprisonment safeguarded detainees' rights and improved conditions in the penitentiary.
13. Georgia had a strategic approach towards prison overcrowding by promoting discretionary prosecution, diversion, alternative sanctions and increased use of probation.
14. The delegation reaffirmed its respect for the principle of the freedom of association and assembly. Recent amendments to the Law on Assembly and Manifestation, welcomed by the European Commission for Democracy through Law (Venice Commission) as "significant improvement", further adapted the Georgian legislation to international standards.
15. The delegation stated that the law enforcement agencies were undergoing extensive training in crowd management.
16. Georgia adopted the Law on Broadcasting, which transformed the State Television and Radio Company into a Georgian public broadcaster and guaranteed editorial, managerial and financial independence.
17. A new political television channel modeled after the channel C-SPAN/BBC Parliament was launched in 2010, providing live and unedited coverage of all political events.
18. Defamation was decriminalized in 2004. The Criminal Procedure Code guaranteed a higher standard of protection for media institutions during the investigative proceedings.
19. In 2010, a tax amnesty was introduced for television outlets including regional broadcasters.
20. Georgia acceded to the Convention on the Rights of the Child in 1994. In 2004, the Child welfare reform was launched. The Child Welfare Action Plan 2008–2011 covered children with disabilities and minority and internally displaced children and emphasized the fight against poverty and violence among children. Georgia was reforming the childcare institution system.
21. The delegation noted that as a result of two waves of ethnic cleansing, in 1991–1993 and in 2008 in Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia, close to half a million people were displaced, most of them within Georgia. Georgia elaborated the State Strategy and Action Plan on internally displaced persons (IDPs) with the participation of civil society, IDPs themselves and international organizations.
22. By 2010, up to 17,000 IDP families living in collective centres have received rehabilitated apartments under private ownership. About 8,000 IDP families displaced as a result of the 2008 Georgia-Russia war received an individual house or apartment, or targeted financial assistance. Over 5,000 IDP families received allotments and agricultural land plots.
23. The Constitution safeguarded the principle of non-discrimination. The National Concept and Action Plan for Tolerance and Civil Integration, both adopted in 2009,

safeguarded minority rights. The national curriculum was updated and textbooks were improved to promote tolerance. Steps were undertaken to teach Georgian language to national minorities. The public broadcaster aired news programmes in minority languages.

24. Positive quotas were established for educational institutions, which accepted students on the basis of examination in general aptitudes, conducted in Azeri, Armenian, Ossetian and Abkhazian languages.

25. Georgia acknowledged positive obligations under international law to protect human rights throughout its territory including in Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia. However it was unable to do so due to the occupation of these regions by a third country. The delegation stressed that no effective mechanisms existed for ensuring protection of human rights in these regions.<sup>1</sup>

26. The delegation noted that the human rights situation in these regions of Georgia was of concern to the international community. Various United Nations documents stressed the necessity of human rights protection in these regions and safe and dignified return of IDPs and refugees.

27. The delegation noted systematic unlawful restrictions discriminately exercised against ethnic Georgians in the occupied regions. Human rights violations included ethnically targeted violence, looting, violation of security and religious rights, hindering of freedom of movement and residence, destruction of property and forced passportization. These acts were aimed at preventing the safe and dignified return of ethnic Georgians.

28. The delegation recalled recent cases of property rights violations in the occupied regions.

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<sup>1</sup> The Russian Federation made the following point of order: the Republic of Abkhazia and the Republic of South Ossetia are independent States. Therefore the human rights situation in these two countries cannot be subject to discussion within the UPR of Georgia. The allegations of Georgia about the occupation of the mentioned territories are absurd. Russia does not exercise authority in the said countries and does not control their governing bodies, which have been formed by democratic means. In this regard we request you to call on the delegation of Georgia not to politicize the situation, but to do what it is supposed to do – consider the human rights violations in Georgia. We request to fully reflect this statement in the report of our session.

In response, Georgia made a point of order objecting to the point of order raised by the delegation of Russian Federation. The Georgian Delegation stressed that it wanted to focus discussions strictly on the human rights and that it was unfortunate that Russia was trying to politicize the process. It was no secret that Russia challenged Georgia's territorial integrity, even though Georgia's territorial integrity and sovereignty was recognized by the international community which was adequately reflected in the United Nations documents, including all Security Council resolutions adopted on the situation in Georgia since 1993 and all United Nations General Assembly resolutions adopted since 2008.

Georgia called on Russia to respect the very essence of the Human Rights Council and concentrate on issues related to human rights. The Georgian side was ready to engage in a constructive discussion and reflect on all issues related to the human rights record in its country.

Subsequently, the President recalled all delegations that, as per rule 113 of the rules of procedure, a point of order should focus on procedural matters. Debating of territorial issues was a substantive exercise. Moreover, those issues were more appropriately dealt with in other forums. The Working Group on the Universal Periodic Review was not the competent body to discuss issues of a political or territorial nature. Consequently, he invited all delegations to focus on human rights issues, in the context of their statements. In that regard, he also reiterated that all States were entitled to their views. He asked that those be voiced in a respectful manner. He also appealed to all concerned to refrain from using the review to deal with bilateral issues as that ultimately undermined the principles of universality and goals of this mechanism.

29. Finally, the Head of the delegation called for a result-oriented constructive dialogue on human rights, avoiding the artificial politicization of the debate by some delegations.

## **B. Interactive dialogue and responses by the State under review**

30. During the interactive dialogue, 54 delegations made statements. Recommendations made during the dialogue are to be found in chapter II of the present report. A number of delegations acknowledged the constructive engagement of the Georgian Government with the universal periodic review mechanism and commended the process of preparation of the national report which included the participation of the civil society and other stakeholders. They thanked the delegation for the detailed and informed presentation and for responses to advance questions. They noted with satisfaction that various achievements in the promotion and protection of human rights since independence notwithstanding remaining challenges.

31. Algeria welcomed the amendments to the Georgian Constitution, which strengthened the independence of the judiciary. It noted with appreciation that Georgia is party to the majority of human rights conventions and welcomed initiatives taken to institutionalize social dialogue. Algeria made recommendations.

32. The Russian Federation emphasized that human rights violations committed by Georgia against the population of Abkhazia and South Ossetia during and before 2008 conflict were yet to be investigated. Focusing on systemic human rights problems in Georgia, it pointed at the unwillingness of Georgia to objectively evaluate them. It reminded that Russia and a number of other States recognized the independence of the Republics of Abkhazia and South Ossetia and thus their human rights situation could not be discussed under the review of Georgia. Accusations that Russia was occupying the mentioned territories were false and unacceptable. It made recommendations.

33. Czech Republic noted reports of cases of illegal interference in journalists' activities and that physical attacks and other forms of intimidation and pressure on journalists continued with impunity. It made recommendations.

34. Azerbaijan highlighted the "A" status of the Office of the Public Defender. Azerbaijan welcomed measures aimed at protecting the rights of children and addressing violence against women. Azerbaijan further noted important legal reforms, including amendments to the Constitution. Azerbaijan made recommendations.

35. Italy encouraged Georgia to continue reforms as well as its work with civil society. Italy also encouraged Georgia to consider the suggestions recently made by the Representative of the Secretary-General on human rights of internally displaced persons. It asked for an update on the measures to address the ownership and maintenance of places of worship and related properties claimed by religious minorities.

36. Brazil stated that the standing invitation of Georgia to special procedures indicates its commitment to the United Nations human rights system. It referred to challenges regarding IDPs, as well as poverty and gender-based violence. Brazil invited Georgia to elaborate on possible measures to address low representation of ethnic minorities in State institutions. Brazil made recommendations.

37. Slovenia took note of the concluding observations of the Human Rights Committee on the issue of conscientious objectors, in particular, the differences between the length of non-military alternative service and military service and asked what steps had been taken to address that difference. Slovenia made recommendations.

38. Estonia commended Georgia on improving legislation and on the standing invitation to special procedures. It requested clarification on how impartial implementation of the 2009 amendments to the Administrative Code and the Law on Assembly and Manifestation

is ensured. It commended Georgia on its initiative to increase the independence of the media and to ensure transparency of its ownership. It expressed concern regarding the independence of the judiciary, in spite of reforms.

39. France expressed concern at allegations of lack of independence of the judiciary and the prosecution of political opponents. It asked what measures had been adopted to implement recommendations made by the Commissioner for Human Rights of the Council of Europe on the issue of disappeared persons during the conflict of 2008. France made recommendations.

40. Bulgaria welcomed the adoption of the Gender Equality Law in 2010, but shared the concerns expressed by the Committee on the Elimination of Discrimination against Women on the lack of a comprehensive approach to achieve gender equality. It also shared concerns of the Committee on the Rights of the Child about child labour. Bulgaria made recommendations.

41. Switzerland noted the issues of constitutional reform, impunity for allegations of excessive use of force by law enforcement officials, the weaknesses of the judiciary and the penitentiary system and the manner in which evictions are carried out. Switzerland made recommendations.

42. The Republic of Moldova commended Georgia for the creation of its national human rights institution, which received “A” status in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). The Republic of Moldova made recommendations.

43. Japan asked whether Georgia was considering accession to international human rights instruments to which it was not a party. Japan noted concerns on the use of force by law enforcement officials and prison staff, torture, lack of judicial independence, corruption and reports of violations of women’s rights. Japan made a recommendation.

44. Belgium asked what measures were being considered in order to guarantee the social and economic rights of persons displaced since the 1990s and after the conflict of 2008. It noted the commitment of Georgia to respecting freedom of the press but remained concerned by the limited diversity of television stations. Belgium made a recommendation.

45. Cyprus welcomed the recent ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. It noted reports of intimidation and detention of the opposition. It asked for information on legislative measures adopted to implement recommendations by the Committee on the Elimination of Racial Discrimination on the protection of minorities. Cyprus made recommendations.

46. Turkey expressed appreciation at the approach adopted by Parliament on the issue of the repatriation of Meskhetian Turks. It advised Georgia to seek the assistance from international institutions and friendly States, while establishing an adequate environment for the orientation of the returnees. Turkey remains ready to cooperate with Georgia in this respect. Turkey made recommendations.

47. Jordan appreciated efforts made to enhance human rights, including its cooperation with human rights mechanisms and noted challenges faced. It also noted that several human rights mechanisms have expressed concern regarding the rights of minorities, women and children and expressed the hope that these would be effectively addressed. Jordan made recommendations.

48. The United Kingdom of Great Britain and Northern Ireland asked if the authorities plan to investigate allegations of police mistreatment of war veterans protesting in Heroes Square. It indicated that work is needed to ensure respect for the rights of minorities and freedom of religion. While recognizing that Georgia does not have control in the regions of

Abkhazia and South Ossetia, it continued to encourage the country to play a constructive role in finding a long-term peaceful solution to its conflicts. It made recommendations.

49. Spain commended Georgia for its political determination to combat torture and other cruel, inhumane or degrading treatment. In particular, Spain congratulated Georgia for the new strategy against ill-treatment, adopted in September 2010. Spain made recommendations.

50. The United States of America referred to electoral reform and inquired about the envisioned timeline for enacting these. It hoped that Georgia will address areas the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE/ODIHR) noted needed improvement. It noted that, due to the occupation by the Russian Federation of the regions of South Ossetia and Abkhazia, Georgia was unable to promote and protect human rights in those regions, which sat within the internationally recognized borders of Georgia. It asked about the country's views on the European Commission for Democracy through Law (Venice Commission) recommendations regarding the independence of the judiciary. The United States made recommendations.

51. Slovakia welcomed the adoption of legislation on domestic violence, trafficking and adoption. Slovakia noted the concerns expressed by the Human Rights Committee on discrimination of religious groups, interference with the independence of the judiciary and judicial corruption and adverse prison conditions. Slovakia made recommendations.

52. Poland noted with appreciation the judicial reforms undertaken but noted also that further efforts were needed to strengthen administration of justice and the rule of law. Poland made recommendations.

53. Responding to the questions on media transparency, the delegation noted that in 2011 the Parliament planned the adoption of the Media Transparency legislation. *Inter alia*, the law would prohibit offshore companies from participating in any form of broadcasting.

54. The delegation acknowledged the importance of empowering women and cited the number of women in high governmental positions. Georgia adopted the Law on Gender Equality and the national action plan that enhanced women's protection, strived against gender stereotyping, intensified women's political partaking, and equality in the labour market. The Law on Domestic Violence developed a framework for preventing and combating domestic violence and protecting victims. The Inter-agency Council with active participation of national and international organizations developed the action plan and a national referral mechanism on fight against domestic violence.

55. The delegation noted that Georgia had inherited a Soviet judiciary characterized by lack of public trust. Challenges were acknowledged and adequate responses were prepared by the Criminal Justice Reform Council. Legislative and administrative measures were implemented, including the adoption of the Criminal Procedure Code that introduced the adversarial system and jury trials.

56. The High Council of Justice was transformed into an advisory body of judiciary – which majority was composed of judges. To avoid arbitrariness in the appointment of judges, procedures were elaborated in consultation with relevant stakeholders. The High School of Judges conducted professional trainings for the candidates for judges.

57. The Criminal Justice Reform Council adopted the Penitentiary Strategy and Action Plan addressing prison overcrowding, rehabilitation and resocialization of prisoners. A comprehensive healthcare strategy was developed. Diversion among juveniles, strengthening the community labour schemes and the new parole system were developed to decrease prison population.



58. The strategy against ill-treatment addressed the issue of excessive use of force during arrest or detention. The action plan envisaged a broad range of measures, including professional training, adoption of legislative and administrative guidelines for avoiding excessive use of force.

59. The delegation stressed the country's success in the fight against corruption having the best record in Eastern Europe and neighbouring countries. The Transparency International index listed Georgia among top three nations where public perception was very positive (80 per cent) of the Government's efforts in the fight against corruption

60. The delegation emphasized the importance of cooperation with the Committee on the Elimination of Racial Discrimination; Georgia has recently submitted to the Committee its report.

61. China noted the efforts of Georgia to improve the people's right to health and to integrate persons with disabilities. It hoped that Georgia would take measures to develop its economy, eliminate poverty and protect the rights of women, children and other vulnerable groups. China made a recommendation.

62. Germany asked whether Georgia was intending to ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol, signed in 2009. It also requested information on how the Government was investigating the attacks on independent media in 2007, as raised by the High Commissioner on Human Rights. Germany made recommendations.

63. Austria noted that recent evictions of IDPs had led to loss of livelihood and access to education and health, and asked about efforts in this regard. Austria also asked for information on the independence of the judiciary and whether reported incidents of excessive use of force have been investigated. Austria made recommendations.

64. Norway welcomed the establishment of a mechanism to combat domestic violence but noted that domestic violence was still considered widespread. It indicated that more work was needed to ensure press freedom. Norway also referred to a number of pending issues regarding the independence of the judiciary. Norway made recommendations.

65. The Bolivarian Republic of Venezuela reiterated the concerns expressed by United Nations bodies and mechanisms regarding legislation which continued to discriminate against IDPs, who were prevented from participation in arable land adjudication on equal footing with the local population; as well as the strictly regulated access to Abkhazia and South Ossetia. It also expressed concern about the attitude towards minorities, particularly the use of stereotypes in the media and excessive manifestations of nationalism and propaganda against Russians, Abkhazians and Ossetians. The Bolivarian Republic of Venezuela made a recommendation.

66. Sri Lanka highlighted concerns about the feminization of poverty and the need for gender-sensitive poverty eradication programmes; the necessity of further efforts to strengthen the performance of the judiciary; challenges in achieving millennium development goal 4; and that preschool education remained underdeveloped and had a negative impact on primary school education. Sri Lanka made recommendations.

67. Lithuania referred to information provided in the national report on the situation of IDPs and refugees, as well as on repatriation and the 2008 events. Lithuania appreciated efforts to safeguard human rights in these circumstances. Lithuania made recommendations.

68. Chile welcomed the establishment of the Public Defender's Office and of a centre on the rights of the child. It also welcomed considerable progress made in the availability of antiretroviral treatment for HIV/AIDS, which, according to the Joint and Co-sponsored

United Nations Programme on HIV and AIDS (UNAIDS), now reaches 88 per cent of the concerned population. Chile made recommendations.

69. India referred to initiatives to strengthen the legal and institutional framework. It noted existing concerns, in particular conditions in penal institutions and the living conditions of IDPs. It encouraged Georgia to continue strengthening measures to address these issues. India made a recommendation.

70. Canada noted efforts but stated that improvements still needed to be made for prison conditions to be brought into line with universal standards. It referred to reports of abuses by security forces. Canada welcomed efforts to provide IDPs with adequate housing. Canada made recommendations.

71. Armenia took note of the intention of Georgia to accelerate the democratic transition. Armenia also noted the readiness of Georgia to secure the rights of minorities and welcomed its accession to the Council of Europe Framework Convention for the Protection of National Minorities. Armenia made a recommendation.

72. Pakistan noted that the Constitution covered all basic principles of universally recognized human rights and freedoms. However, while discrimination on the basis of race, religion, nationality or ethnicity was a criminal offence, minorities' participation in the cultural, economic and social life, especially public affairs, remained limited. Pakistan made recommendations.

73. Belarus, referring to treaty body conclusions, noted legislation adopted regarding adoption, domestic violence and trafficking, initiatives to reform the judicial system and the implementation of a number of national plans. It indicated also that the United Nations Children's Fund (UNICEF) had noted the absence of a comprehensive strategy for disabled children. Belarus made a recommendation.

74. Malaysia noted positively the acceptance of a number of international and regional human rights instruments and ongoing and constructive cooperation with United Nations mechanisms and regional human rights bodies. Malaysia made recommendations.

75. Hungary expressed concern about allegations of deaths, torture and ill-treatment caused by excessive use of force. Hungary also noted that street children could not enter rehabilitation centres due to lack of identification documents and the lack of adequate measures to address the situation of street children. Hungary made recommendations.

76. Mexico recognized progress in harmonizing the legal framework with international standards. It welcomed cooperation with treaty bodies and human rights mechanisms. It noted challenges with regard to IDPs and called on the authorities with jurisdiction to allow access to international humanitarian assistance. Mexico made recommendations.

77. Denmark noted reports of undue influence of the executive on the judiciary. It raised concerns regarding prison overcrowding and asked when the new Criminal Procedure Code would be implemented. It also asked about measures adopted to ensure freedom of religion, and noted steps taken to ensure independence of the media, where challenges remained. Denmark made recommendations.

78. Greece welcomed efforts bring legislation into compliance with international conventions. It noted the new Code of Imprisonment and that the improvement of living conditions for prisoners has been a priority. Greece expressed concern about the situation of IDPs. Greece made recommendations.

79. Philippines noted the increase in resources for social welfare and the provision of free health care. It commended the establishment of the Action Plan on People with Disabilities and asked when Georgia planned to ratify the Convention on the Rights of Persons with Disabilities. On human trafficking, Philippines asked whether there was a

cooperation programme with civil society and other countries. Philippines made recommendations.

80. The Holy See, while noting that the Constitution recognized freedom of expression, opinion, conscience, confession and faith, and that this constitutional principle was safeguarded in the Criminal Code, raised concerns regarding the status of religious minorities, which remained without legal personality and civil recognition. Holy See made recommendations.

81. Argentina referred to measures to reduce gender discrimination. It asked about measures to eliminate discriminatory practices on the basis of gender, race and religion. It also asked about actions to encourage an increase in the participation of women in the political sphere. Argentina made recommendations.

82. Netherlands expressed concern about reports of ill-treatment of detainees and excessive use of force by police. Netherlands was also concerned by the comments made by the Representative of the Secretary-General on human rights of internally displaced persons on the way in which evictions of collective centres had been carried out. Netherlands made recommendations.

83. The delegation noted the commitment undertaken in 1999 to return the persons forcefully displaced in the 1940s by the Soviet Regime. In 2007, the Law on the Repatriation of the Forcefully Displaced Persons was adopted; in 2008 relevant application-related procedures were developed. The deadline for submitting the applications for receiving the status of repatriates was prolonged twice providing two years for submitting applications. More than 5,800 applications had been submitted and Georgia was now in the process of reviewing them, after which a four-month period would be given to correcting flaws. The first persons would receive the status of repatriates by the end of 2011. Measures were undertaken by the Government in cooperation with the international community to ensure their integration and raise awareness.

84. The delegation underscored that the Steering Committee – that included donors, NGOs and experts – had overseen the resettlement process of IDPs. More than 3,000 IDP families received durable housing solutions. Standard operating procedures for vacation and reallocation of IDPs were elaborated in cooperation with relevant stakeholders and international organizations. Temporary shelters were vacated in full compliance with the procedures. The resettled IDPs received temporary houses before the resettlement or were offered alternative housing. After the resettlement, IDPs received firewood, food, non-food items and other assistance.

85. The Government, together with international and local partners, supported socio-economic and other livelihood activities for IDPs. The rural population of IDPs affected by the 2008 war received 860 hectares of agricultural land and assistance for cultivation. Irrigation systems were improved. The regions with higher employment opportunities were identified for further resettlement of IDPs, where the process of creation of living spaces had started. The delegation stated that the best solution for the IDPs would be to return to their places of permanent residence in safety and dignity, which was, unfortunately, not possible at this stage.

86. In response to the alleged unequal treatment of ethnic minorities, including Ossetians, the delegation responded that no evidence of such practice existed. At least twice as many Ossetians resided on the territory of Georgia outside of the Tskhinvali Region/South Ossetia than within the occupied region itself. The delegation cited the 2009 OSCE report on the situation of Ossetians in Georgia outside the former Autonomous District of South Ossetia, stating that “Inter-ethnic relations between Georgians and Ossetians ... do not give reason for concern” and that “the OSCE is not aware of any recent

individual cases of ethnically motivated violence or discrimination, let alone a state policy of discrimination”.

87. The delegation noted that for the implementation of the National Concept for Tolerance and Civil Integration, a five-year action plan had been adopted by the Council of Tolerance and Civil Integration in cooperation with the Ethnic Minority Council functioning under the Public Defender’s Office. Several State agencies signed a memorandum of understanding with the Office, thus establishing an effective system of cooperation and consultation.

88. The delegation noted that a number of high-ranking officials were self-declared national minorities. The Ministry of Internal Affairs’ policy was to give priority to minority applicants while recruiting people in the regions inhabited by national minorities. The Zurab Zhvania School of Public Administration provided training for national minorities for preparing them for employment in public sector.

89. The legislation regarding the registration of religious groups provided the possibility to any religious group to operate as registered and/or non-registered legal entity. Amendments to the Civil Code simplified registration and provided tax breaks for non-profit organizations, including religious groups. Twenty religious organizations were registered in Georgia. Discussions were under way to accommodate interest of those traditional religious organizations that refused to register in accordance with the current legislation.

90. The delegation also stressed positive actions on the restitution of property to a number of religious organizations.

91. The delegation noted that a comprehensive reform was under way in the childcare institution system. The delegation underlined the importance of the State Care Agency, responsible for almost all childcare institutions.

92. Reform aimed at substituting a network of family group homes for large residential institutions for children without parental care was mentioned by the delegation. Measures were taken to foster reintegration of a child into biological families, promotion of adoption and foster-care services, including kinship and emergency foster care. Small-to-medium size group homes and long-term palliative care services would be developed for children with disability.

93. As to street children, the delegation underlined the importance of establishing a day centre in Tbilisi and the launching of another centre in 2011, in line with the Child Welfare Action Plan.

94. Serbia noted the strengthened legislative and operational efforts of Georgia. It requested more information on practical steps planned or under way to increase the participation of ethnic minorities in civil, political and economic life, and the practical steps emerging from the recently adopted Gender Equality Law. Serbia made recommendations.

95. Latvia noted that Georgia had made efforts in a number of fields by enhancing legal reforms and enforcing human rights legislation. Latvia also welcomed the fact that Georgia had extended a standing invitation to the special procedures in March 2010. Latvia made a recommendation.

96. Sweden observed that reports indicated that prison conditions remain poor, in certain cases amounting to inhuman treatment. It also noted that, in 2010, the forced eviction of some 5,000 persons had been carried out without adequate consultation or the provision of appropriate housing alternatives. Sweden made recommendations.

97. Australia noted efforts to improve the situation in a number of areas such as criminal justice, gender equality and children’s rights. It voiced concerns about prison conditions

and reports of low public trust in the judiciary. Australia supported the territorial integrity of Georgia and called on all parties to respect the terms of the ceasefire agreement and to engage constructively in international discussions on stability in the Georgian territories of South Ossetia and Abkhazia. Australia made recommendations.

98. Kazakhstan welcomed the active cooperation of Georgia with human rights mechanisms of the United Nations, Council of Europe and the Organization for Economic Cooperation and Development, and the standing invitation to special procedures, demonstrating the country's will to establishing an open policy regarding freedom of religion and to combat torture. Kazakhstan made recommendations.

99. The Plurinational State of Bolivia noted the ethnic, racial and religious diversity of the population, as noted in the national report, and asked about their participation in the preparation of the report. It further asked if cases of discrimination had been brought to justice and what the results had been. The Plurinational State of Bolivia made recommendations.

100. Iraq noted positively that Georgia was party to the main human rights instruments, and that the Constitution guaranteed basic human rights principles. It noted further efforts to establish a priority strategy for IDPs and to find sustainable solutions in accordance with international agreements. Iraq made recommendations.

101. Ecuador noted the positive participation of Georgia in the universal periodic review and its commitment in the protection of human rights. It recognized progress made by Georgia in the promotion of gender equality. Ecuador made recommendations.

102. Bangladesh shared the concerns expressed by United Nations mechanisms and agencies on minorities, discrimination against women, gender-based violence, feminization of poverty and the situation of disabled children. It also noted observations of the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Human Rights Committee on the population living in the South Caucasus and IDPs. Bangladesh made recommendations.

103. Kyrgyzstan noted with satisfaction the cooperation of Georgia with international mechanisms, including the standing invitation to special procedures in 2010, as well as the growing share of the State budget on social welfare. It called on Georgia to take further steps to eliminate deficiencies in the protection of the rights of women and children. Kyrgyzstan made recommendations.<sup>2</sup>

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<sup>2</sup> The Russian Federation made the following point of order: "Regarding the statements of the delegations of Georgia, the USA and Australia, made in spite of the call of the Chairperson of our session, we would like to point out once again that allegations about the occupation of Abkhazia and South Ossetia are false and unacceptable. The allegations of discrimination by Russia of Georgian population in Abkhazia and South Ossetia from the 1990s are also absurd. During all this period Russia exercised in the mentioned regions peace-making function in full compliance with the mandates of the CIS and the UN and by approbation of the Georgian side. In conclusion we would like to reaffirm that the human rights situation in the Republic of Abkhazia and Republic of South Ossetia cannot be subject to discuss within the UPR of Georgia, and the relevant chapters of the documents submitted to it must not be considered by the Working Group and the Human Rights Council. We request to fully reflect this statement in the report of our session."

In response the Georgian delegation made a point of order regretting that, despite the President's call and the call from the head of the Georgian delegation, Russia continued to misuse the point of order procedures and was giving no other choice, but to take the floor. Georgia did not want to take the valuable time from the speakers, who were eager to sincerely discuss the progress as well as challenges that Georgia had with regard to the human rights protection and, thus, it would not to repeat the points already mentioned during the first point of order. Georgia underlined once again that

104. While responding to the issues regarding allegations of ill-treatment, torture and excessive use of force, the delegation noted that every single case of power abuse needed to be investigated effectively. The delegation noted the inconsistency in some of the statements, probably due to the lack of information. It was emphasized that torture as a systemic problem had disappeared as cited by national and international human rights institutions. Regarding alleged deaths and torture caused by excessive use of force, the delegation noted that no such cases had been confirmed during last several years.

## **II. Conclusions and/or recommendations**

105. **The recommendations formulated during the interactive dialogue and listed below have been examined by Georgia enjoy the support of Georgia:**

**105.1. Consider accession to the remaining core international human rights instruments (Brazil);**

**105.2. Consider the possibility of becoming a party to the following international instruments: the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina);**

**105.3. Consider ratifying of the International Convention on the Rights of All Migrant Workers and Members of Their Families, in accordance with the recommendation of the Parliamentary Assembly of the Council of Europe, as well as the Convention on the Rights of Persons with Disabilities (Algeria);**

**105.4. Consider ratifying the Convention on the Rights of Persons with Disabilities (Mexico);**

**105.5. Consider ratifying the Convention on the Rights of Persons with Disabilities as well as the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (India);**

**105.6. Respect fully the International Covenant on Civil and Political Rights, in particular its article 14, as well as the European Convention for the Protection of Human Rights and Fundamental Freedoms, particularly its**

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the territorial integrity of Georgia was recognized by the United Nations and the international community. It was regrettable that the only State that challenged Georgian territorial integrity had still managed to politicize the debate. Georgia was in the working group for human rights. Georgia reminded representatives of the Russian Federation that the military presence and the effective control of a territory of one country by another country, without the consent of the country, made the other country an occupying power. It urged the President to strongly call on certain delegation to respect the procedures, the format and the goals of the session and of the Human Rights Council. It requested that both points of order to be reflected in the minutes of the meeting.

Subsequently, the President stated that he understood that delegations may be tempted to raise issues which they considered very important in a bilateral context. However, he reminded that the Working Group on Universal Periodic Review was not the competent or appropriate forum to raise and discuss bilateral issues of a political or territorial nature. He already clarified what should be the framework within which the Working Group was operating. He urged those concerned to take this into account and avoid resorting to points of order. Substantive considerations should be included in the relevant statements and not in points of order.

article 6, as well as adopt appropriate measures to guarantee the impartiality of its judicial system (France);

105.7. Continue efforts in establishing institutions to protect and guarantee human rights and to provide sufficient resources to these institutions (Germany);

105.8. Build capacities and comply with international commitments (Iraq);

105.9. Do not impede access to detention centres by other national or international oversight mechanisms different from the national preventive mechanism established by the Optional Protocol to the Convention against Torture; and adopt legislation defining and clarifying the role and responsibilities of the Special Prevention Group in respect to the Office of the Ombudsman (Spain);

105.10. Strengthen capacity, including that of the Prosecutor-General's Office, to examine allegations of torture and ill-treatment as recommended by the Committee against Torture (Denmark);

105.11. Establish institutional structures to ensure birth registration throughout the country, including of the IDP population (Austria);

105.12. Step up relevant measures in order to protect and promote the rights of the socially vulnerable, inter alia through an enhancement of the legal system pertaining to this area (Japan);

105.13. Increase international cooperation devoted to protecting the rights of the child, of women and of migrants workers (Philippines);

105.14. Continue measures in the field of women and child's rights protection (Azerbaijan);

105.15. Incorporate the principle of the best interest of the child in all programmes and policies (Hungary);

105.16. Continue efforts in the field of protection of the rights of persons with disabilities (Azerbaijan);

105.17. Continue with its efforts to protect and integrate in the society all persons with disabilities (Ecuador);

105.18. Increase the support to children with disabilities so that they can live in the community and avoid their institutionalization (Canada);

105.19. Increase support to children with disabilities to live in the community to avoid institutionalization (Denmark);

105.20. Strengthen support to children with disabilities (Bangladesh);

105.21. Effectively address the recommendations of human rights treaty bodies and special procedures with respect to its human rights legislation, particularly on minorities, women and children, in order to bring them in line with international human rights law (Jordan);

105.22. Involve civil society representatives in the follow-up implementation of the universal periodic review recommendations (Kyrgyzstan);

105.23. Pay further attention to women's rights and gender equality issues at the policymaking level (Sri Lanka);

- 105.24. **Further implement policies to advance women's role in society and combat gender-based discrimination and violence (Brazil);**
- 105.25. **Continue efforts to eliminate all forms of discrimination and violence against women, particularly in the labour market (Ecuador);**
- 105.26. **Intensify efforts on gender equality (Spain);**
- 105.27. **Take steps to promote intercultural and inter-religious dialogue and cooperation to strengthen non-discrimination campaigns and to enhance participation of minorities in public life to promote an inclusive society (Philippines);**
- 105.28. **Implement the national plan of action against ill-treatment 2011-2013 (Republic of Moldova);**
- 105.29. **Approve the plan of action 2011-2013 against torture and ill-treatment in the context of comprehensive measures to combat torture; (Kazakhstan);**
- 105.30. **Implement the recommendations made by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in its September 2010 report, to improve the conditions of detention in its prisons (Canada);**
- 105.31. **Study meticulously the report of the Public Defender's Office and enact the recommendations made therein to ensure that the human rights of all people deprived of their liberty are effectively protected (Netherlands);**
- 105.32. **Continue to pursue appropriate policies to improve conditions in its detention facilities (Slovakia);**
- 105.33. **Adopt measures to fight overcrowding in places of detention, by, for example, more frequently applying alternative sentences to the deprivation of liberty (Switzerland);**
- 105.34. **Further address overcrowding in prisons and ensure that minimum standards are met (Austria);**
- 105.35. **Increase efforts, in a result-oriented manner, so as to combat prison overcrowding and to improve the human rights situation of the people detained (Greece);**
- 105.36. **Improve conditions in Georgian prisons, including in relation to overcrowding and inadequate health care (Australia);**
- 105.37. **Take effective measures to safeguard the rights of prisoners and to improve the living conditions, including medical and health services, for detainees (Sweden);**
- 105.38. **Reinforce mechanisms for monitoring violence and sexual abuse within the family (Bulgaria);**
- 105.39. **Intensify efforts to combat domestic violence and violence against women (Norway);**
- 105.40. **Give a prominent role to civil society – not least women's organizations – in efforts to address domestic violence and violence against women and place focus on strengthening public awareness (Norway);**
- 105.41. **Ensure that there is an accessible mechanism to register cases of domestic violence and provide legal, medical and psychological advice to victims (Mexico);**



- 105.42. Continue efforts to prevent, punish and eliminate all forms of violence against women, and to overcome the stereotypes that cause gender discrimination (Argentina);
- 105.43. Continue efforts to eliminate domestic violence against women and ensure that women are economically empowered (Iraq);
- 105.44. Take steps to prevent child labour by formulating a strategy to eliminate the worst forms of child labour (Bulgaria);
- 105.45. Adopt specific measures to improve effectively the situation of children living in the streets of big cities and children with disabilities (Algeria);
- 105.46. Take essential steps to create an environment where rule of law is preserved (Czech Republic);
- 105.47. Continue to strengthen and effectively implement the rule of law, especially through an effective reform of the judicial system, and to strengthen democratic institutions (Latvia);
- 105.48. Continue to build public trust in democratic institutions by strengthening the rule of law including as it relates to the independence of the judiciary (Australia);
- 105.49. Strengthen its efforts to promote the independence of the judiciary (Greece);
- 105.50. Continue its efforts to implement the judicial reforms undertaken in the last years (Republic of Moldova);
- 105.51. Continue efforts for developing trust among the population with regard to the judiciary (Lithuania);
- 105.52. Continue strengthening the reform of the judiciary and the criminal justice system in order to overcome the lack of confidence (Chile);
- 105.53. Follow up on the initiatives whose aim is to improve the judiciary and to further train judges on human rights norms and the international jurisprudence regarding treaties ratified by Georgia (Hungary);
- 105.54. Continue to pursue appropriate justice-system reforms with a view to strengthening its efficiency, impartiality and independence (Slovakia);
- 105.55. Further develop initiatives aimed at fighting judicial corruption, including through the implementation of adequate education of judges (Poland);
- 105.56. Carry out effective and independent investigations on excessive use of force by law enforcement officials in order to bring to justice those responsible (Switzerland);
- 105.57. Take necessary measures with the aim of ensuring that each case of abuse of power by law enforcement officers is properly investigated and perpetrators brought to justice (Czech Republic);
- 105.58. Ensure that the cases of intimidation and violation against journalists and human rights defenders are effectively investigated and prosecuted and that those responsible are brought to justice (Czech Republic);
- 105.59. Strengthen the protection of journalists by ensuring the effective investigation of violations of their rights (Chile);

- 105.60. Take steps to ensure equal enjoyment of the right of freedom of religion or belief and ensure freedom of speech and of the press (Bulgaria);
- 105.61. Adopt appropriate measures to ensure equal enjoyment of the right to freedom of religion or belief (Slovakia);
- 105.62. Ensure equal enjoyment of the right of freedom of religion or belief, both de jure and de facto (Denmark);
- 105.63. Reduce the length of alternative service for conscientious objectors so that it is the same length as the military service (Slovenia);
- 105.64. Safeguard full and unhampered enjoyment of freedom of expression (Czech Republic);
- 105.65. Enhance efforts to guarantee freedom of speech and of the press and other media, and to ensure that complaints in this regard are promptly investigated and that the perpetrators are prosecuted and punished (Poland);
- 105.66. Continue efforts to ensure freedom of speech and of the press, and to promptly investigate all complaints in this regard (Denmark);
- 105.67. Take all necessary steps to promote an environment which would allow freedom of expression to be enjoyed without undue impediment (Greece);
- 105.68. Strictly uphold freedom of the press, including public access to information, and ensure that the complaints made in this regard are properly investigated (Netherlands);
- 105.69. Equal treatment for all media and prompt investigations of reported violations against the rights of press and speech (Germany);
- 105.70. Amend legislation governing radio, television and communications to fully guarantee the openness, transparency and the diversity of the media in the country (Mexico);
- 105.71. Establish appropriate solutions to combat poverty and ensure sustainable development (Iraq);
- 105.72. Continue and strengthen social dialogue to support further enjoyment of economic social and cultural rights by large segments of the Georgian population (Algeria);
- 105.73. Consider the possibility of increasing or matching resources toward socio-economic and development programmes aimed at, among others, further alleviating poverty and reducing unemployment (Malaysia);
- 105.74. Initiate adequate reforms in the health sector (Sri Lanka);
- 105.75. Promote a culture of tolerance and cooperation among different ethnic and religious groups, and foster greater socio-economic inclusion of the existing minorities (Brazil);
- 105.76. Take steps to implement the national integration strategy to ensure the participation of minorities in Georgia's cultural, social and economic life (United Kingdom);
- 105.77. Take measures to ensure the effective participation of minorities in the social, economic and cultural life of the country and that they are adequately represented in State institutions and public administration (Pakistan);

- 105.78. **Promote the inclusion and political participation of all ethnic minorities (Plurinational State of Bolivia);**
- 105.79. **Ensure that the policy of promoting the Georgian language is not pursued to the detriment of the linguistic rights of minorities (Pakistan);**
- 105.80. **Provide information, as requested by the International Labour Organization, on the implementation of measures to promote the participation of ethnic minorities in the labour market in the public and private sectors (Kazakhstan);**
- 105.81. **Protect rights of migrants and their families (Iraq);**
- 105.82. **Consider implementing the recommendations of UNHCR with respect to refugees and IDPs (Jordan);**
- 105.83. **Strengthen policies and seek international cooperation to ensure the rights of internally displaced people, including measures for their return or resettlement (Brazil);**
- 105.84. **Give the highest priority to the implementation of the action plan for IDPs (Netherlands);**
- 105.85. **Implement the recommendations made by the Representative of the Secretary-General on the human rights of internally displaced persons following his visit to Georgia on the eviction of IDPs and their relocation (France);**
- 105.86. **Continue efforts to find solutions to improve the situation of IDPs and refugees (Lithuania);**
- 105.87. **Consider additional measures of protection for displaced persons (Chile);**
- 105.88. **Continue, in close coordination with United Nations bodies, to address the needs of IDPs, including those living in host communities (Australia);**
- 105.89. **Step up efforts to protect displaced persons, particularly providing assistance and access to public services on an equal basis (Ecuador);**
- 105.90. **Consider exploring possible ways and means to further facilitate access to and provision of humanitarian aid and other forms of assistance to the IDP population, with a view to normalizing their living situation (Malaysia);**
- 105.91. **Consider adopting a holistic approach in order to enable the totality of IDPs to sustain themselves and have access to employment, education and health care (Greece);**
- 105.92. **Establish clear procedures to ensure that evictions of displaced persons are carried out respecting international norms and guaranteeing the rights to decent housing and work, and the access to health services and education (Switzerland);**
- 105.93. **Take steps to protect IDPs including through the provision of durable housing solutions and by ensuring that forced evictions are carried out in accordance with international standards (United Kingdom);**
- 105.94. **Intensify its efforts to ensure that collective centres and resettlement zones for IDPs that are still in operation meet adequate living standards, in particular access to drinking water and basic sanitation. Forced evictions**

should be exceptional, proceed in compliance with due process and respect the right to adequate housing for the affected population (Spain);

105.95. Ensure that evictions are carried out in full compliance with the guarantees required by international human rights law and that those who are evicted are provided with adequate housing (Netherlands);

105.96. Fully integrate IDP children in the regular education system (Austria).

106. The following recommendations will be examined by Georgia which will provide responses in due time, but no later than the seventeenth session of the Human Rights Council in June 2011. The response of Georgia to these recommendations will be included in the outcome report adopted by the Human Rights Council at its seventeenth session in June 2011.

106.1. Sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, as well as intensify its efforts for the prompt ratification of the Convention on the Rights of Persons with Disabilities and its Optional Protocol (Spain);

106.2. Accede to the human rights treaties to which it is not a party yet, particularly the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Ecuador);

106.3. Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Plurinational State of Bolivia);

106.4. Ratify the Convention on the Rights of Persons with Disabilities and the Optional Protocol, as well as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Kyrgyzstan);

106.5. Ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol (Slovenia);

106.6. Ratify the Convention on the Rights of People with Disabilities and its Optional Protocol (Austria);

106.7. Ratify and accede to the Convention on the Rights of Persons with Disabilities (China);

106.8. Speed up the process of national legislation and ratification of the Convention on the Rights of Persons with Disabilities and its Optional Protocol (Serbia);

106.9. Sign and ratify as soon as possible the International Convention for the Protection of All Persons from Enforced Disappearance, and recognize fully the competence of the Committee on Enforced Disappearance (France);

106.10. Sign the International Convention for the Protection of All Persons from Enforced Disappearance (Cyprus);

106.11. Ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness (Slovakia);

106.12. Ratify the Convention on the Status of Stateless Persons and the Convention on the Reduction of Statelessness (Plurinational State of Bolivia);

- 106.13. **Comply effectively with Security Council resolution 1866 (2009) which urges to refrain from the use of force or from any act of ethnic discrimination against persons; to protect those affected, including refugees and IDPs and their property; to ensure their right to freedom of movement and residence within the borders of the State; and to facilitate unimpeded humanitarian assistance in conditions of dignity and security for these vulnerable groups (Bolivarian Republic of Venezuela);**
- 106.14. **Complete and enact the draft media law reform, such that it includes measures to increase media ownership transparency and financial transparency (United States);**
- 106.15. **Reconsider all the recommendations of the Venice Commission on the constitutional reform (Switzerland);**
- 106.16. **Fully implement the Venice Commission and OSCE/ODIHR electoral reform recommendations, in consultation with opposition parties and civil society groups, well in advance of the 2012 and 2013 elections (United States);**
- 106.17. **Bring the legislation on police in line with international standards (Czech Republic);**
- 106.18. **Further amend the Law on Police to bring it in line with international standards (Austria);<sup>3</sup>**
- 106.19. **Amend legislation, public policies and programmes to comply with its international commitments against all forms of discrimination, as stipulated in the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women (Plurinational State of Bolivia);**
- 106.20. **Promote at the social, economic, legislative and judicial levels the development of a general environment that ensures the protection of the fundamental freedoms of all citizens. In particular, adopt and implement a national strategy to guarantee freedom of the press and ensure that complaints of violations of these rights are investigated promptly and impartially (Belgium);**
- 106.21. **Accelerate efforts to achieve the remaining millennium development goal targets, including goal 2 on universal primary education and goal 4 on reducing infant and under-5 mortality rates (Malaysia);**
- 106.22. **Ensure the rights of the child, with attention to the Guidelines for the Alternative Care of Children (Brazil);**
- 106.23. **Undertake effective measures to protect children, particularly those belonging to religious minorities (Ecuador);**
- 106.24. **Implement the recommendations of treaty bodies and take concrete measures to increase the representation of national minorities in the Government and administrative bodies (Russian Federation);**
- 106.25. **Provide regular updates to the Human Rights Council on the implementation of the recommendations adopted during the review (Hungary);**

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<sup>3</sup> The recommendation as read during the interactive dialogue: amend the Law on Police to bring it in line with international standards.

- 106.26. **Develop and implement a comprehensive set of measures to fight discrimination and protect the rights of women and children, adopt a comprehensive legislation to fight the sexual exploitation of children as well as corporal punishment, adopt a plan of action to combat domestic violence and create a mechanism to protect the rights of a child (Russian Federation);**
- 106.27. **Develop legislation and measures to implement it to better protect rights of women and ensuring gender equality (Lithuania);**
- 106.28. **Adopt specific legislation prohibiting discrimination against women on the basis of gender or marital status (Bulgaria);**
- 106.29. **Ensure prevention of discrimination against women and adopt initiatives to ensure gender-sensitive poverty eradication programmes and strategies (Bangladesh);**
- 106.30. **Enhance measures to promote gender equality and gender mainstreaming in public institutions, policies and programmes (Philippines);**
- 106.31. **Further efforts to promulgate and implement focused legislation, action-oriented strategies and implementation in accordance with the adopted international standards as regards gender equality and non-discrimination, advancement of persons with disabilities and fully fledged opportunities for ethnic minorities (Serbia);**
- 106.32. **Adopt political, legislative and administrative measures guaranteeing a higher representation of women in decision-making, as well as in senior positions in all areas of the public administration (Spain);**
- 106.33. **Adopt new measures to strengthen the participation of women in the decision-making process (Algeria);**
- 106.34. **Adopt measures to increase the level of representation of women in the legislative and executive bodies (Bulgaria);**
- 106.35. **Intensify efforts to eliminate excessive use of force by law enforcement officials and protect women in detention, and ensure that relevant allegations are investigated, in order to strengthen accountability and prevent future violations (Cyprus);**
- 106.36. **Develop legislation to explicitly prohibit all forms of corporal punishment of children in all settings, in accordance with the recommendations of the Committee on the Rights of the Child (Mexico);**
- 106.37. **Provide children who work or live in the streets with recovery and social reintegration services (Hungary);**
- 106.38. **Take concrete measures to humanize the judicial system and to improve conditions of detention in prisons (Russian Federation);**
- 106.39. **Implement changes that improve the independence of the judiciary, giving full consideration to the Venice Commission's concerns, particularly by establishing more objective and transparent processes for the appointment, discipline, and removal of judges, including during any applicable probation period (United States);**
- 106.40. **Adopt all necessary measures to guarantee the full independence of the judiciary and restore the confidence of the population in judicial system (Switzerland);**

- 106.41. Carry out effective, impartial investigations into allegations of deaths, torture and ill-treatment caused by excessive use of force by the police and prison officials (Hungary);
- 106.42. Take steps to ensure full accountability of law enforcement agencies, including by strengthening complaints procedures (United Kingdom);
- 106.43. Adopt a more rigorous, systematic and transparent inquiry policy for the investigation of allegations of use of excessive force by its internal security forces, and that the members of its forces that are condemned for violating the rights of the citizens be systematically held accountable for their actions (Canada);
- 106.44. Conduct a thorough and objective investigation into the facts of the cruel treatment of demonstrators by police in Tbilisi in November 2007 and May 2009, to hold accountable those responsible and to take all necessary measures to restore the violated rights of the victims, including paying appropriate compensation (Russian Federation);
- 106.45. Do its utmost in ensuring that allegations of self-censorship, threats against journalists and low public trust in the media are investigated in a timely, transparent and effective manner and that those responsible are held to account (Norway);
- 106.46. Take appropriate measures and allocate required resources in the interest of achieving the millennium development goal on universal primary education (Sri Lanka);
- 106.47. Take steps to ensure the legal recognition of all religions and grant each religious minority the possibility of legal registration with a specific ministerial office as a legal public entity (Holy See);
- 106.48. Address the problem regarding the confiscation of places of worship and related properties of religious minorities (Holy See);
- 106.49. Promote social, cultural and political respect and tolerance for religious minorities. In this regard, Ecuador agreed with the views of the Human Rights Committee about the need to take steps to ensure equal enjoyment of the right of freedom of religion or belief and to address the problems related to confiscation of places of worship and related properties of religious minorities (Ecuador);
- 106.50. Take the lead in addressing public trust in the media outlets (Norway);
- 106.51. Develop relevant legislation to resolve the issue of ownership of private media, in a spirit of transparency (Belarus);<sup>4</sup>
- 106.52. Review the July 2009 Law on Assembly and Manifestation imposing several restrictions on the right to assembly and to demonstrate in order to ensure free and unhampered enjoyment of this right (Czech Republic);
- 106.53. Build on the media transparency law by taking measures to reduce widespread self-censorship and unbalanced reporting (United Kingdom);

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<sup>4</sup> Develop relevant legislation to resolve the issue of ownership of non-State media, in a spirit of transparency.

- 106.54. **Develop and implement a national plan of action to combat poverty (Russian Federation);**
- 106.55. **Take effective measures to facilitate the return of Meskhetian Turks to Georgia, and to guarantee their rights (Russian Federation);**
- 106.56. **Adopt a relevant law to create appropriate conditions for the integration of the Meskhetian Turks returnees (Turkey);**
- 106.57. **Launch an awareness campaign to explain the historical reasons for the return of Meskhetian Turks so as to avoid any intolerance against them (Turkey);**
- 106.58. **A comprehensive strategy addressing issues such as language learning, access to education and employment in favour of the integration of Meskhetian Turks (Turkey);**
- 106.59. **Promote the rights of the Armenian minority in line with the recommendations of the Committee on the Elimination of Racial Discrimination, the Human Rights Committee and the Special Rapporteur on freedom of religion or belief, as well as Council of Europe Advisory Committee of the Framework Convention for the Protection of National Minorities with close consultations with representatives of the Armenian community and the Armenian Apostolic Church (Armenia);**
- 106.60. **Reinforce further the rights of internally displaced persons in law and in practice (Sweden);**
- 106.61. **Develop a comprehensive strategy to address the socio-economic challenges faced by IDPs, emphasizing their integration in the local communities to promote work and the autonomy of the individual (Canada);**
- 106.62. **Ensure that evictions take place voluntary and without coercion and that those evicted are urgently provided with adequate housing (Sweden).**
107. **The recommendations below did not enjoy the support of Georgia.**
- 107.1. **Eliminate discriminatory laws and adopt legislation on the status of all languages existing in Georgia (Bangladesh);**
- 107.2. **Prohibit discrimination and the use of stereotypes against minority groups, so as not to qualify them publicly as “enemies”, particularly in the media (Plurinational State of Bolivia);**
- 107.3. **Level the maximum sentence of 90 days for administrative detention to that of 60 days for criminal detention (Austria);**
- 107.4. **Strengthen the labour inspectorate (Bulgaria);**
- 107.5. **Create an environment of public trust to judiciary system in the country by carrying out a reform of the High Council of Justice and amending the law governing appointment and dismissal of judges (Czech Republic).**
108. **All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**



## Annex

### Composition of the delegation

The delegation of Georgia was headed by His Excellency Sergi Kapanadze, Deputy Minister of Foreign Affairs and composed of the following members:

- Ms. Tina BURJALIANI, First Deputy Minister of Justice
  - Ms. Irine KURDADZE, First Deputy Minister of Education and Science
  - Ms. Tamar MARTIASHVILI, First Deputy Minister of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees
  - Ms. Ekaterine ZGULADZE, First Deputy Minister of Internal Affairs
  - Mr. Mikheil DOLIDZE, Deputy Minister of Labour, Health and Social Protection
  - Ms. Tamar KINTSURASHVILI, Deputy Secretary of National Security Council
  - Ms. Tamar KOVZIRIDZE, Chief Adviser to the Prime-Minister
  - Mr. Alexander NALBANDOV, Ambassador-at-Large for Human Rights Issues
  - Mr. Zurab TCHIABERASHVILI, Ambassador-at-Large
  - Ms. Tinatin GOLETIANI, Director of International Legal Department, Ministry of Foreign Affairs
  - Mr. Vakhtang MAKHAROBlishvili, Director of International Organizations Department, Ministry of Foreign Affairs
  - Mr. David OKROPIRIDZE, Head of Social Protection Department, Ministry of Labour, Health and Social Protection
  - Ms. Tamar TOMASHVILI, Head of Public International Law Department, Ministry of Justice
  - Ms. Nino JAVAKHADZE, Expert in the Advisory Group on Foreign Relations, Chancellery of the Government of Georgia
  - Mr. Teimuraz ANTELAVA, Head of Division for the United Nations, Ministry of Foreign Affairs
  - Ms. Ana KEBADZE, Head of General Education Development Division, Ministry of Education and Science
  - Mr. George GORGILADZE – Ambassador, Permanent Representative of Georgia to the UNOG
  - Mr. Ilia IMNADZE – Minister, Deputy Permanent Representative of Georgia to the ONUG
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