

**Responses to Recommendations**

**GEORGIA**

Review in the Working Group: 28 January 2011  
 Adoption in the Plenary: 8 June 2011

**Georgia's responses to recommendations (as of 22.11.2011):**

<b>In the Report of the Working Group:</b>	<b>In the Addendum:</b>	<b>During the plenary:</b>	<b>Summary:</b>
96 REC accepted, 5 rejected, 62 pending	Out of the 62 recs. pending, 22 were accepted, 21 accepted in part (underlined in blue), 23 rejected and 2 not mentioned (-> pending) <sup>1</sup>	The delegation added that the two recs. missed out in the addendum (n°106.35 and 106.49) were accepted	Accepted: 141 Rejected: 28 No clear response: 0 Pending: 0

**List of recommendations contained in Section II of the Report of the Working Group A/HRC/17/11:**

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

A - 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);

A - 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);

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

<sup>1</sup> The total number of recommendations is now 169 as 6 were split.

A - 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);

A - 105.6. Respectfully 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 article 6, as well as adopt appropriate measures to guarantee the impartiality of its judicial system (France);

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

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

A - 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);

A - 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);

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

A - 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);

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

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

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

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

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

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

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

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

A - 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);

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

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

A - 105.24. Further implement policies to advance women's role in society and combat gender-based discrimination and violence (Brazil);

- A - 105.25. Continue efforts to eliminate all forms of discrimination and violence against women, particularly in the labour market (Ecuador);
- A - 105.26. Intensify efforts on gender equality (Spain);
- A - 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);
- A - 105.28. Implement the national plan of action against ill-treatment 2011-2013 (Republic of Moldova);
- A - 105.29. Approve the plan of action 2011-2013 against torture and ill-treatment in the context of comprehensive measures to combat torture; (Kazakhstan);
- A - 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);
- A - 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);
- A - 105.32. Continue to pursue appropriate policies to improve conditions in its detention facilities (Slovakia);
- A - 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);
- A - 105.34. Further address overcrowding in prisons and ensure that minimum standards are met (Austria);
- A - 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);
- A - 105.36. Improve conditions in Georgian prisons, including in relation to overcrowding and inadequate health care (Australia);
- A - 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);
- A - 105.38. Reinforce mechanisms for monitoring violence and sexual abuse within the family (Bulgaria);
- A - 105.39. Intensify efforts to combat domestic violence and violence against women (Norway);
- A - 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);
- A - 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);
- A - 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);
- A - 105.43. Continue efforts to eliminate domestic violence against women and ensure that women are economically empowered (Iraq);
- A - 105.44. Take steps to prevent child labour by formulating a strategy to eliminate the worst forms of child labour (Bulgaria);

A - 105.45. Adopt specific measures to improve effectively the situation of children living in the streets of big cities and children with disabilities (Algeria);

A - 105.46. Take essential steps to create an environment where rule of law is preserved (Czech Republic);

A - 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);

A - 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);

A - 105.49. Strengthen its efforts to promote the independence of the judiciary (Greece);

A - 105.50. Continue its efforts to implement the judicial reforms undertaken in the last years (Republic of Moldova);

A - 105.51. Continue efforts for developing trust among the population with regard to the judiciary (Lithuania);

A - 105.52. Continue strengthening the reform of the judiciary and the criminal justice system in order to overcome the lack of confidence (Chile);

A - 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);

A - 105.54. Continue to pursue appropriate justice-system reforms with a view to strengthening its efficiency, impartiality and independence (Slovakia);

A - 105.55. Further develop initiatives aimed at fighting judicial corruption, including through the implementation of adequate education of judges (Poland);

A - 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);

A - 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);

A - 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);

A - 105.59. Strengthen the protection of journalists by ensuring the effective investigation of violations of their rights (Chile);

A - 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);

A - 105.61. Adopt appropriate measures to ensure equal enjoyment of the right to freedom of religion or belief (Slovakia);

A - 105.62. Ensure equal enjoyment of the right of freedom of religion or belief, both de jure and de facto (Denmark);

A - 105.63. Reduce the length of alternative service for conscientious objectors so that it is the same length as the military service (Slovenia);

A - 105.64. Safeguard full and unhampered enjoyment of freedom of expression (Czech Republic);

A - 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);

A - 105.66. Continue efforts to ensure freedom of speech and of the press, and to promptly investigate all complaints in this regard (Denmark);

A - 105.67. Take all necessary steps to promote an environment which would allow freedom of expression to be enjoyed without undue impediment (Greece);

A - 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);

A - 105.69. Equal treatment for all media and prompt investigations of reported violations against the rights of press and speech (Germany);

A - 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);

A - 105.71. Establish appropriate solutions to combat poverty and ensure sustainable development (Iraq);

A - 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);

A - 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);

A - 105.74. Initiate adequate reforms in the health sector (Sri Lanka);

A - 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);

A - 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);

A - 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);

A - 105.78. Promote the inclusion and political participation of all ethnic minorities (Plurinational State of Bolivia);

A - 105.79. Ensure that the policy of promoting the Georgian language is not pursued to the detriment of the linguistic rights of minorities (Pakistan);

A - 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);

A - 105.81. Protect rights of migrants and their families (Iraq);

A - 105.82. Consider implementing the recommendations of UNHCR with respect to refugees and IDPs (Jordan);

A - 105.83. Strengthen policies and seek international cooperation to ensure the rights of internally displaced people, including measures for their return or resettlement (Brazil);

A - 105.84. Give the highest priority to the implementation of the action plan for IDPs (Netherlands);

A - 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);

A - 105.86. Continue efforts to find solutions to improve the situation of IDPs and refugees (Lithuania);

A - 105.87. Consider additional measures of protection for displaced persons (Chile);

A - 105.88. Continue, in close coordination with United Nations bodies, to address the needs of IDPs, including those living in host communities (Australia);

A - 105.89. Step up efforts to protect displaced persons, particularly providing assistance and access to public services on an equal basis (Ecuador);

A - 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);

A - 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);

A - 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);

A - 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);

A - 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);

A - 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);

A - 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.**

R - 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

A - the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict,

R - 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);

R - 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);

R - 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);

R - 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);

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

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

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

A - 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);

R - 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);

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

106.11. Ratify

A - the 1954 Convention relating to the Status of Stateless Persons and

R - the 1961 Convention on the Reduction of Statelessness (Slovakia);

106.12. Ratify

A - the Convention on the Status of Stateless Persons and

R - the Convention on the Reduction of Statelessness (Plurinational State of Bolivia);

R - 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);

A - 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);

R - 106.15. Reconsider all the recommendations of the Venice Commission on the constitutional reform (Switzerland);

A - 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);

R - 106.17. Bring the legislation on police in line with international standards (Czech Republic);

R - 106.18. Further amend the Law on Police to bring it in line with international standards (Austria);<sup>1</sup>

A - 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);

A - 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);

A - 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);

A - 106.22. Ensure the rights of the child, with attention to the Guidelines for the Alternative Care of Children (Brazil);

A - 106.23. Undertake effective measures to protect children, particularly those belonging to religious minorities (Ecuador);

R - 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);

A - 106.25. Provide regular updates to the Human Rights Council on the implementation of the recommendations adopted during the review (Hungary);

R - 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);

A - 106.27. Develop legislation and measures to implement it to better protect rights of women and ensuring gender equality (Lithuania);

A - 106.28. Adopt specific legislation prohibiting discrimination against women on the basis of gender or marital status (Bulgaria);

A - 106.29. Ensure prevention of discrimination against women and

R - adopt initiatives to ensure gender-sensitive poverty eradication programmes and strategies (Bangladesh);

A - 106.30. Enhance measures to promote gender equality and gender mainstreaming in public institutions, policies and programmes (Philippines);

A - 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);

A - 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);

A - 106.33. Adopt new measures to strengthen the participation of women in the decision-making process (Algeria);

A - 106.34. Adopt measures to increase the level of representation of women in the legislative and executive bodies (Bulgaria);

A - 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);

R - 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);

A - 106.37. Provide children who work or live in the streets with recovery and social reintegration services (Hungary);

R - 106.38. Take concrete measures to humanize the judicial system and to improve conditions of detention in prisons (Russian Federation);

A - 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);

A - 106.40. Adopt all necessary measures to guarantee the full independence of the judiciary and R - restore the confidence of the population in judicial system (Switzerland);

A - 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);

A - 106.42. Take steps to ensure full accountability of law enforcement agencies, including by strengthening complaints procedures (United Kingdom);

A - 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);

R - 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);

A - 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);

A - 106.46. Take appropriate measures and allocate required resources in the interest of achieving the millennium development goal on universal primary education (Sri Lanka);

R - 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);

A - 106.48. Address the problem regarding the confiscation of places of worship and related properties of religious minorities (Holy See);

A - 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);

A - 106.50. Take the lead in addressing public trust in the media outlets (Norway);

A - 106.51. Develop relevant legislation to resolve the issue of ownership of private media, in a spirit of transparency (Belarus);<sup>2</sup>

A - 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);

A - 106.53. Build on the media transparency law by taking measures to reduce widespread self-censorship and unbalanced reporting (United Kingdom);

R - 106.54. Develop and implement a national plan of action to combat poverty (Russian Federation);

R - 106.55. Take effective measures to facilitate the return of Meskhetian Turks to Georgia, and to guarantee their rights (Russian Federation);

A - 106.56. Adopt a relevant law to create appropriate conditions for the integration of the Meskhetian Turks returnees (Turkey);

A - 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);

A - 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);

A - 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);

A - 106.60. Reinforce further the rights of internally displaced persons in law and in practice (Sweden);

A - 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);

R - 106.62. Ensure that evictions take place voluntary and without coercion and  
A - that those evicted are urgently provided with adequate housing (Sweden).

#### **107. The recommendations below did not enjoy the support of Georgia.**

R - 107.1. Eliminate discriminatory laws and adopt legislation on the status of all languages existing in Georgia (Bangladesh);

R - 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);

R - 107.3. Level the maximum sentence of 90 days for administrative detention to that of 60 days for criminal detention (Austria);

R - 107.4. Strengthen the labour inspectorate (Bulgaria);

R - 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).

#### *Notes*

1 The recommendation as read during the interactive dialogue: amend the Law on Police to bring it in line with international standards.

2 Develop relevant legislation to resolve the issue of ownership of non-State media, in a spirit of transparency.

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