



# General Assembly

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**Human Rights Council**  
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Agenda item 6  
**Universal Periodic Review**

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

### **Georgia**

#### **Addendum**

#### **Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review**

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\* The present document was not edited before being sent to the United Nations translation services.

Georgia welcomes the recommendations made in the course of its Universal Periodic Review on 28 January 2010. During the review, Georgia received 163 recommendations, of which, 96 were accepted instantly, five were immediately rejected and 62 were set aside for later examination. The following Addendum provides Georgia's responses to the third category of recommendations. Within this category, the Addendum provides information on those recommendations that (1) Georgia accepts; it must be noted that the acceptance of a particular recommendation may also imply that the efforts of the Government of Georgia were underway prior to receiving the recommendation and either have been completed or are currently ongoing; (2) Georgia accepts partially, and (3) Georgia does not accept.

**Georgia accepts the following recommendations:**

**106.14, 106.51**

On 8 April 2011, the Parliament of Georgia passed amendments to the Law of Georgia on Broadcasting to enhance media ownership and financial transparency. Measures included a prohibition for companies registered in offshore locations to own shares in a broadcasting license.

**106.21, 106.46**

Georgia is working actively to meet all Millennium Development Goals including those on universal primary education and reduction of infant and under-5 mortality rates. Georgia will remain firmly committed to these efforts.

**106.22, 106.23**

Georgia directs broad efforts to protect and promote rights of the child in line with Guidelines for the Alternative Care of Children, irrespective of their religious or ethnic origin, at the policy level and in practice. Georgia will continue to work diligently towards these ends as called for in these recommendations.

**106.25**

Georgia is committed to constructive cooperation with the Human Rights Council and will submit, on a voluntary basis, a midterm report on follow-up to accepted UPR recommendations, in accordance with the Human Rights Council resolution A/HRC/16/L.39.

**106.27, 106.30, 106.33**

Georgia fully shares the recommendations that aim at strengthening the protection of women against discrimination and the promotion of gender equality, and directs significant efforts towards gender mainstreaming.

**106.37**

Georgia is firmly committed to enhancing the protection and reintegration of street children and has taken significant steps towards these ends, including the creation of designated day-care centers, pursuant to 2008-2011 Governmental Action Plan on Child Welfare.

**106.48**

While Georgia recognizes the importance of addressing the problem regarding the confiscation of places of worship, it notes that confiscations took place during Soviet rule,

remain highly contested among the various religious confessions and that restitution can only result from careful study and investigation. This process is currently underway and has already yielded positive results.

**106.52**

In its recently delivered judgment,<sup>1</sup> the Constitutional Court of Georgia reviewed the Law of Georgia on Assemblies and Manifestation, repealed norms restricting enjoyment of these freedoms and found them incompatible with the Constitution of Georgia guaranteeing individuals the freedom to assemble and peacefully manifest.

**106.59**

Georgia supports the recommendation as it is consistent with Georgia's practice and policy of promoting the rights of minorities, including those of the Armenian minority.

**106.60, 106.61**

Georgia supports these recommendations as the continued strengthening of IDP rights and the improvement of their socio-economic situation are the cornerstones of the Action Plan for the implementation of 2009-2011 State Strategy on Internally Displaced Persons.

**Georgia partially accepts the following recommendations:**

**106.5, 106.6, 106.7, 106.8**

Georgia has signed the Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol in 2009 and is at the moment conducting the required analysis of its domestic legislation and policies in considering the possible ratification of the instruments. However, the ratification is subject to the decision of the Parliament. Therefore, no definite statement can be made at this moment.

**106.11, 106.12**

Government is undertaking the review of national legal framework for the reason of subsequent ratification of 1954 Convention relating to the Status of Stateless Persons. However, Georgia is not intending to become a part of the 1961 Convention on the Reduction of Statelessness.

**106.16**

Georgia supports the premise of this recommendation and works closely with both the Venice Commission and OSCE/ODIHR to ensure that their recommendations are taken into account in the final package of electoral amendments to the maximum extent possible. The reform process is a multi-party and multi-sectoral effort, with 15 political parties and civil society experts being directly engaged in the work of the Election Code Working Group. Final consensus will require an intensive consultation process, in which OSCE/ODIHR recommendations will serve as important guide posts. However, the extent

<sup>1</sup> Political Union of Citizens "Movement for United Georgia", Political Union of Citizens "Georgian Conservative Party", Georgian Young Lawyers' Association, the Public Defender of Georgia and citizens of Georgia - Zviad Dzidziguri, Kakha Kukava, Dachi Tsaguria and Jaba Jishkariani v. Parliament of Georgia (Judgment of the Constitutional Court of Georgia N2/482, 483, 487, 502).

of the implementation of Venice Commission and OSCE/ODIHR recommendations will be subject to broad political consensus.

**106.19**

Georgia accepts the essence of the recommendation. However, Georgia cannot accept the portion of the recommendation asking specifically to “amend legislation”, as it considers that existing national law, policy and programs comply with its international obligations under the named conventions. Georgia cooperates closely with the United Nations Treaty Monitoring Bodies, will continue to do so in the future and will take measures as necessary to ensure continued compatibility with its international commitments.

**106.20**

The first part of the recommendation enjoys Georgia’s support insofar as it calls for the promotion “of a general environment that ensures the protection of the fundamental freedoms of all citizens”. Georgia cannot support the second part of the recommendation to the extent that it asks specifically for the adoption of a national strategy on press freedom. Georgia believes that the existing legislative and policy framework, including its Law on Broadcasting, Law on Freedom of Speech and Expression and the Code of Conduct for Broadcasters, guarantees freedom of the press. Georgia intends to continue to ensure this protection through measures that it considers necessary.

**106.28**

Georgia is devoted to combating discrimination based on gender or marital status, however, no further amendment of legislation is envisaged, since current legislative acts are in full compliance with international standards in the field of discrimination against women.

**106.29**

Georgia works diligently to ensure inadmissibility of gender based discrimination and has a comprehensive legal framework for this end. Nevertheless, Georgia cannot support the part of this recommendation asking specifically for the development of “gender-sensitive poverty eradication programmers and strategies”, since poverty-reduction efforts are needs-based and non-discriminatory on any ground, including gender.

**106.31**

Georgia agrees that no one should face discrimination based on gender, ethnic origin or a disability and has taken significant steps to prevent such discrimination. Georgia will continue to ensure that its legislation and policies are in line with adopted international standards in these areas. Georgia, however, cannot accept the part of the recommendation asking to “promulgate” legislation to this end, because such decisions will be made based on continued legislative analysis and in the event of a gap between adopted international standards and national laws.

**106.32, 106.34**

Georgia accepts the spirit of these recommendations insofar as they call for increased participation of women in public life and has directed significant efforts to promote the rights of women as described in its responses to recommendations 106.27 and 106.30. Georgia cannot, however, support the recommendations to the extent that they may entail the introduction of legislative quotas because political parties across the spectrum

expressed opposition to this system throughout the recent drafting of the Gender Equality Law.

**106.39**

Georgia accepts the premise of the recommendation and will give a due consideration to the recommendations of the Venice Commission. However, the extent of the implementation of Venice Commission recommendations will be subject to broad consensus among the relevant stakeholders.

**106.40**

Georgia agrees with the call of the present recommendation for continued reforms to improve the judiciary. However, Georgia cannot accept the part of the recommendation urging to “restore” the confidence of the population in the judicial system. Georgia had inherited a Soviet judiciary characterized by general lack of public trust. International and national indices clearly show that public trust in the judicial system is growing steadily as a result of undertaken reforms. Georgia is committed to continuing its efforts towards guaranteeing full independence of judiciary that in itself contributes to the increase of public trust.

**106.41**

Georgia agrees with the objectives of the recommendation, but cannot agree with any implication embedded in it that undermines the significant progress that Georgia has made in the fight against torture, cruel and inhuman treatment by police and prison officials. In 2007, the CoE/CPT emphasized considerable progress and noted an 80 percent decrease in the number of ill-treatment cases in police detention facilities.

**106.42**

Georgia agrees with the premise of the recommendation that aims at full accountability of law enforcement agencies. Georgia cannot, however, agree with the part that calls for altering the existing complaints procedures, since Georgia has already established a comprehensive complaints system in line with international standards.

**106.43**

As noted in its response to recommendation 106.42 Georgia accepts the call for full accountability of law enforcement officials. At the same time, Georgia believes that the inquiry policies currently in place provide for effective and transparent investigation of allegations of excessive use of force by law enforcement officials and cannot accede to this recommendation’s call for the revision of inquiry policies at place.

**106.45, 106.50, 106.53**

Georgia agrees with the essence of the recommendations and is determined to further media transparency and duly investigate any threat against journalists. However, it cannot agree with the parts of the recommendations calling for the government to take a lead in addressing public trust, reduce self-censorship and unbalanced reporting since these measures fall within the competence of media outlets and are self-regulatory. On its part, the Government of Georgia has taken steps, including through cooperation with international broadcasting agencies, to strengthen the professional standards and reporting quality within the nationally-broadcast Georgian Public Broadcaster (GPB). Private media outlets have also made strides in the quality of reporting, which Georgia believes in sum will incrementally contribute to higher levels of public trust in the media.

**106.56, 106.57, 106.58**

Georgia accepts the premise of the recommendation and in cooperation with international organizations and civil society has achieved significant progress towards these ends. Georgia takes all appropriate measures to guarantee the forcefully displaced persons (FDPs) deported from Georgia by the Soviet regime in 1940s the full enjoyment of their rights in the process of repatriation. However, Georgia finds it unacceptable to label all of them with a certain ethnic origin and thus, cannot accept the term “Meskhetian Turks” as *a priori* hindering their inherent right to self-identification.

**106.62**

Georgia accepts the part of the recommendation regarding the need to provide adequate housing to IDPs, however, it must also note that evictions in certain cases may take place without the consent of the individual. Georgia directs significant efforts to ensure consent in all possible cases of evictions and is guided by Standard Operational Procedures for Eviction of IDPs and Provision of Durable Housing, developed in collaboration with international actors. Georgia will continue to work diligently to uphold these standards.

**Georgia does not accept the following recommendations:**

**106.1-106.10**

Georgia rejects these recommendations apart from the recommendations regarding the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict which is already implemented. The Optional Protocol is in force for Georgia since 3 September 2010.

- Georgia shares the aspirational goals of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, however, is not intending to sign and ratify the instrument at this time.
- Georgia is not intending to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance (CED). This decision can be reviewed at the later date.
- At present, Georgia is not considering becoming a party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW). Convention enshrines rights and principles that already exist in international human rights instruments to which Georgia is a party.

**106.13**

Georgia complies and will continue to comply with all United Nations Security Council resolutions, including Resolution 1866 (2009). However, Georgia cannot accept the one-sided nature of the present recommendation, as Resolution 1866 equally binds not only Georgia, but also the other party to the conflict - a state occupying two Georgian regions and directly limiting Georgia’s ability to fully implement the said resolution. By aligning with the policy of the occupying state, the state issuing the present recommendation also directly hinders Georgia’s efforts to implement Resolution 1866.

**106.15**

Georgia recognizes the importance of collaboration with the Venice Commission in constitutional reform and maintained a close relationship with the Commission throughout its recent constitutional reform process. However, Georgia cannot accept the part of the recommendation suggesting to reconsider *all* the recommendations of the Venice

Commission on the constitutional reform, particularly in light of the adoption of constitutional amendments in October 2011 following a ten-month nationwide consultation process with civil society, political parties and the public.

**106.17, 106.18**

Georgia cannot accept the recommendations because since 2003 Rose Revolution police reform has topped the Georgian Government's agenda and its existing legislation on police is already in line with international standards. While Georgia intends to continue to align its legislative framework with evolving international standards in the future, it does not intend to amend its Law on Police at this time.

**106.24, 106.26, 106.38, 106.44, 106.54, 106.55**

Georgia will not consider these recommendations as they are made by a state that directly hinders Georgia's ability to protect even the basic human rights of the population residing in its regions of Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia.

**106.36**

Georgia shares the aim of the recommendation to prohibit all forms of corporal punishment of children. Georgia however, believes that the existing Georgian legislation provides for a blanket prohibition on all forms of corporal punishment, including directed against children. Its existing national legal framework is in compliance with international standards and adequately protects children from any form of corporal punishment. Thus, Georgia does not intend to amend the applicable legislation.

**106.47**

Georgia cannot accept this recommendation and no further steps will be taken inasmuch as the existing Georgian legislation already provides all organizations, be it of religious or other character, with the ability to register legally as a for profit or a non-profit entity. Should a religious organization choose to register as a non-profit entity (as is the practice in numerous democracies) it can take advantage of various tax benefits.

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