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**Presentation of the addendum to the National Report of Georgia.
Human Rights Council**

Thank you Mr President. Distinguished delegates, representatives of the civil society, it is a great honor to return today to the Human Rights Council in order to conclude the review of Georgia's first report under the Universal Periodic Review process, which Georgia underwent on January 28 this year.

First of all I would like to thank the distinguished delegations that constructively took part in the review process with providing productive, practical as well as critical suggestions and recommendations to Georgia. I would also like to express my appreciation to the Secretariat, and hard work undertaken by Troika members (Mexico, Ukraine and Cameroon). Finally, I would like to underscore the great role played by the civil society in the whole process, from drawing the report till the follow up to the implementation of recommendations by the Government.

Georgia welcomes the Universal Periodical Review mechanism and views it as a unique and highly valuable process. UPR allows Georgia to review its human rights situation, in the spirit of cooperation share with other states what actions it has taken to improve the human rights situation in the country, identify existing challenges and embark upon overcoming them and ensure full and fruitful realization of rights and freedoms in practice.

Georgia proclaimed protection and promotion of human rights as one of the founding principles of its foreign and domestic policy and from this point of view the recommendations we accepted during the UPR process will be a reference point for elaboration and implementation of human rights polices in the country.

During the review process in January, Georgia received 163 recommendations, 96 of which found our full support and were accepted immediately, five were rejected and remaining 62 were of such kind that needed time for further consideration. Out of these 62 Georgia accepted, or partially accepted 43. In its Addendum submitted pursuant to the rules and procedure of the UPR, Georgia provided its responses to the remaining recommendations.



This morning, allow me to provide you with the additional information regarding the remaining recommendations as well as situation with regard to the implementation of the recommendations accepted by Georgia during its first UPR process.

The recommendations of the member states generally covered several areas. I will provide updates based on the 5 thematic areas.

- Civil and political rights;
- Protection of Human Rights of vulnerable groups;
- Criminal justice;
- Situation of the internally displaced persons;
- International legal framework of the protection and promotion of human rights.

- **As to the recommendations dealing with civil and political rights**

Georgian government strives for justice and equality to everyone. These principles are proclaimed in the Constitution of Georgia. In this light, Georgia welcomed recommendations on taking further measures for the promotion of a general environment that ensures the protection of the fundamental freedoms of all citizens.

As to the reform of electoral system, there has been a clear consensus amongst majority of Georgian political parties on the need of electoral reform. For this purpose inter-party Electoral Working Group was established. The group included representatives of the ruling party, of parliamentary and non-parliamentary opposition parties, and of relevant international organizations and NGOs. Within the group landmark amendments were agreed.

The political parties have agreed to continue dialogue within Election Working Group format to further strengthen the electoral code in advance of the Parliamentary elections in 2012.

In this light Georgia accepts recommendations to work 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. The reform process, as already noted is a multi-party and



multi-sectoral effort. For this reason, final consensus will require an intensive consultation process, in which OSCE/ODIHR recommendations will serve as important guide posts. However, the extent of the implementation of Venice Commission and OSCE/ODIHR recommendations will have to be subject to broad political consensus.

Number of recommendations called upon Georgia to take further steps with regard to amending its legislation on assemblies and manifestations. We would like to bring to your attention that in recently delivered judgment, the Plenum of the Constitutional Court of Georgia reviewed the Law of Georgia on Assemblies and Manifestation and repealed norms restricting enjoyment of these freedoms and found them incompatible with the Georgian Constitution. This judgment is viewed as basis for bringing Georgian legislation in line with international standards.

Number of States recommended Georgia to take further steps to ensure the freedom of media. 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. On the basis of this, 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 media. Georgia, however, intends to continue to ensure this protection through measures that it considers necessary.

As to the parts of the recommendations calling for the government to take a lead in addressing public trust, reduce self-censorship and unbalanced reporting, we would like to note that 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-broadcasting Georgian Public Broadcaster. Private media outlets have also made strides in the quality of reporting, which Georgia believes will incrementally contribute to higher levels of public trust in the media.

Several recommendations called Georgia to efficiently deal with the issue of confiscation of the places of worship. Georgia recognizes the importance of addressing this problem, it should be noted however, that confiscations that 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.

- **Protection of Human Rights of vulnerable groups**

Georgia is devoted to meet Millennium Development Goals to ensure the universal primary education to everyone. Moreover, Government 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 the recommendations.

Georgia is firmly committed to enhancing the protection and reintegration of so-called 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, and the establishment of a Special Working Group on situation of street children. Georgia will continue its efforts in this area.

At the same time, we would like to emphasize a comprehensive reform that is underway in the area of child care institutions. The reform is aimed at substituting large residential institutions for children without parental care with a network of family group homes. Measures are taken to foster reintegration of a child into biological families, promotion of adoption and foster care services. Moreover, small-to-medium size group homes and long term palliative care services will be developed for children with disability.

Georgia agrees that no one should face discrimination based on gender, ethnic origin or a disability. Georgia will continue to ensure that its legislation and policies are in line with adopted international standards in these areas.

As to the recommendations calling for strengthening the protection of women against discrimination and domestic violence, Georgia fully adheres to the spirit of these recommendations. Georgia works diligently to ensure inadmissibility of gender based discrimination or discrimination based on marital status and has a comprehensive legal framework in full compliance with international standards for this end.



Georgia accepts recommendations calling for the increased participation of women in public life and has directed significant efforts in this regard. However Government is not intending to introduce legislative quotas, insofar as political parties across the spectrum expressed opposition to this system in the process of the recent drafting of the Gender Equality Law.

- **Criminal Justice;**

Institutional building represents a priority for the Government. The central philosophy of the criminal justice reform is to set up a democratic system of criminal justice based on the tenets of independence of judiciary, adversariality, equality of arms and strong emphasis on human rights.

Judicial reform remains a cornerstone of the legal reforms in Georgia. The primary aim of the reforms is to strengthen judiciary system through relevant legislative initiatives, increase number of professional judges, modernization of the judicial system and ensuring improved accessibility of the judicial system for the public.

Recently adopted Constitutional amendments further strengthened the independence of judiciary by introducing the principle of lifetime appointment of judges, which provides the constitutional guarantee of immutability and stability.

Georgia agrees with recommendations calling for continued reforms to improve the judiciary. However, the recommendations urging to "restore" the confidence of the population in the judicial system cannot be accepted. 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.

Fight against ill-treatment is in the top of the agenda of the government. As indicated by numerous national and international human rights institutions, torture as a systemic problem had disappeared in Georgia.

In this regard, Georgia agrees with recommendation calling for investigating each and every case of ill-treatment and full accountability of law enforcement agencies. 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. However, the Government



cannot agree with any implication embedded in recommendations that undermine the significant progress that Georgia has made in the fight against torture, cruel and inhuman treatment by police and prison officials. As noted by the CPT there is an 80 percent decrease in the number of ill-treatment cases in police detention facilities.

- **Internally Displaced Persons**

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. To safeguard the rights of the IDPs, Georgia elaborated the State Strategy on the IDPs and its Action Plan with the participation of civil society, IDPs and international organizations.

In this regard, Georgia supports recommendations urging strengthening of IDP rights and the improvement of their socio-economic situation.

These areas are the focal points of the Action Plan for the implementation of 2009-2011 State Strategy on Internally Displaced Persons. In this regard it should be noted that in 2010, up to 17,000 IDP families living in the collective centers received rehabilitated apartments under the private ownership. About 8,000 IDP families displaced as a result of 2008 Georgia-Russia war received individual house, apartment or a one-time financial assistance and more than 2,000 IDP families received agricultural land plots.

As to the issue of resettlement of IDPs, Georgia directs significant efforts in order to ensure maximum protection of IDPs in this process, for this purpose Standard Operational Procedures for Eviction of IDPs and Provision of Durable Housing have been developed in collaboration with international actors.

At the same time, Georgia underlines that under international law it has a positive obligation to protect and promote human rights throughout its whole territory, including Abkhazia, Georgia and Tskhinvali region/South Ossetia Georgia, however, Georgia emphasizes that as these territories remain under Russia's occupation, Georgia is unable to do so.



Human rights situation in these regions of Georgia remains a concern since no effective mechanisms exist to monitor human rights situation there. In a recent report, Freedom House named Tskhinvali Region/South Ossetia as a territory with one of the lowest ratings for political rights and civil liberties

International legal framework

During the review process, Georgia was recommended to become a party to several international instruments. Government carefully examined each and every of these recommendations and though in number of cases Government shares the aspirational goals and principles of the instruments there is a need to conduct the required analysis of its domestic legislation and policies in considering possibility of becoming a party to them. At the same time, pursuant to the Georgian legislation, the ratification of international agreements is subject to the decision of the Parliament of Georgia. Georgia, therefore will adhere to the requirements of its national legislation.

In line with the legislative framework, Government at the moment is undertaking the review of national legal framework for the reason of subsequent submission to the ratification of 1954 Convention relating to the Status of Stateless Persons to the Parliament.

Dear Colleagues,

At the end of my intervention, I would like to stress once again that Georgia views the UPR as an important universal forum for the protection and promotion of human rights and is committed to constructive cooperation with the Human Rights Council and in this regard undertakes a voluntary pledge to submit a midterm report on the follow-up to accepted UPR recommendations, in accordance with the Human Rights Council resolution A/HRC/16/L.39.

Thank you for your attention.

