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Georgia

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

I. Methodology and consultation process

1. The Ministry of Foreign Affairs (MFA) coordinated the preparation of this report on the basis of the guidelines issued by the Human Rights Council. Post of the Ambassador-at-Large dealing with the Reporting on the Human Rights was created at the MFA in the beginning of 2010. Relevant stakeholders including governmental institutions, Office of the Public Defender (PDO), civil society representatives, have contributed to the content of the report. Several coordination meetings were called by MFA in 2010 with the participation of the relevant government institutions with an aim of drafting this Report.

2. MFA hosts the web site¹, based on the principle of one-stop, which contains the information on the UPR, as well as the treaty body reporting process, including the recommendations issued by the committees. All stakeholders were invited to contribute to the process via this web page, which also serves as an information gateway. Received recommendations were carefully assessed and discussed before compiling the final version of the report.

II. Legal and institutional framework

A. International obligations and legislation

3. In the field of human rights Georgia actively cooperates with the UN human rights agencies, Council of Europe (CoE), and the Organization for the Security Co-Operation in Europe (OSCE). Georgia is a State party to most of the main UN human rights instruments. Georgia is a member of the CoE and has thereby acceded to a series of CoE conventions, *inter alia*, European Convention for the Protection of Human Rights and Fundamental Freedoms and its protocols 2, 4, 6, 7, 11, 12 and 13, European Convention for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment, European Convention on Human Rights and Biomedicine, Framework Convention for the Protection of National Minorities and the European Social Charter.

4. Georgia is a State party to all thirteen international antiterrorism conventions (acceded to the final thirteenth – Convention for the Suppression of Acts of Nuclear Terrorism on 23 April 2010). Georgia ratified CoE Convention on the Suppression of Terrorism and its Amending Protocol. Most of the provisions of these conventions have already been incorporated in the Georgian legislation.

5. Pursuant to the voluntary pledges made in April 2006, Georgia ratified Additional Protocol to the Convention on Biomedicine, concerning Biomedical Research (April 2010). Referred Protocol took effect in respect of Georgia in August 2010. Georgia also pledged to ratify the European Convention on Action against Trafficking in Human Beings. The referred Convention entered into force for Georgia in February 2008.

6. The Constitution of Georgia, adopted in 1995, represents the cornerstone of the Georgian legislation. Chapter II of the Constitution covers basic principles of the universally recognized human rights and freedoms, such as freedom of speech, thought, conscience, belief and expression, inviolability of human honor and dignity, protection of property rights and prohibition of punishment without law and prohibition of torture, capital punishment (abolished in 1997), etc.

7. On 15 October, 2010 Parliament of Georgia approved changes to the Constitution, which were prepared by the State Constitutional Commission established in 2009, through the inclusive process involving a wide spectrum of stakeholders, domestic and international experts, civil society representatives, academics, political parties and the general public.

The amendments were debated during three parliamentary hearings, as well as three hearings in the committees, during which the agreement was reached with the parties representing opposition. The recommendations of the European Commission for Democracy through Law (the Venice Commission) were taken into account. These amendments significantly transformed the structure of the Government of Georgia (GoG) and the balance of powers among the various branches of government. As a result, the Constitution enhanced the protection of private property, strengthened the independence of the judiciary and local governments and increased the role of political parties in the decision-making process. The amendments introduced the so-called “mixed system” of governance, which provides for a clearly defined system of checks and balances, where the different branches balance each other to avoid the concentration of power in any single branch. The amendments were drafted.

8. The system of Common Courts is comprised of Regional (City) Court, Appellate Court and Supreme Court of Georgia. Apart from the system of common courts, the Constitutional Court is also entitled to exercise judiciary power. The Constitutional Court considers constitutionality of international treaties and agreements, and normative acts, and individual complaints regarding the same issue. The judgment of the Constitutional Court is final.

9. The Georgian authorities and courts ensure compliance of domestic legislation and practice with international and regional human rights standards. As a state party to the European Convention on Human Rights, Georgia is subject to the jurisdiction of the European Court of Human Rights.

10. Georgia is actively engaged in cooperation with international procedures and mechanisms for the promotion and protection of human rights. A standing invitation was issued to the UN Special Procedures in March 2010. Special Rapporteur on Freedom of Religion or Belief, and Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment have also visited the country. The Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons, Dr. Walter Kalin visited Georgia and its occupied regions in 2009 and 2010. The visit of the Special Rapporteur on Independence of Judges and Lawyers’ is scheduled for late 2010.

11. Georgia has always welcomed the human rights missions of various international organizations. Thus, the Commissioner for Human Rights of the CoE visited Georgia 4 times during 2009–2010 (the last visit was carried out in April 2010). European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) carried out five periodic visits to Georgia. Last such visit took place in February 2010. In May 2009 CPT visited Abkhazia, Georgia, though it is unable to exercise its mandate in the occupied Tskhinvali region/South Ossetia, Georgia. European Commission for the Prevention of Racism and Intolerance (ECRI) carried out 3 contact visits to Georgia (the last visit took place in October 2009). The OSCE High Commissioner on National Minorities visits Georgia at least once a year (the last visit was carried out in March 2010) and usually also goes to the occupied regions. The OSCE representative on Freedom of Media visited Georgia in April 2010.

12. All visit reports have been made public at the request of the Georgian authorities. The recommendations by the aforesaid missions have also inspired a number of recent reforms in various areas.

13. The GoG is committed to establish a mechanism to ensure prompt reporting process and eliminate late submissions of the national reports. In May 2010 a pending report under the CERD was submitted. In 2010 Georgia has accepted new procedure for CAT reporting, based on the replies to the list of questions submitted before.

B. Institutional framework

14. One of the key institutions entrusted with the protection of human rights is the Parliamentary Committee on Human Rights and Civil Integration (Committee). As one of the standing Committees within the Parliament, it elaborates legislative initiatives and proposes amendments to existing laws with regard to the promotion and protection of human rights in Georgia. The Committee also supervises implementation of human rights by governmental institutions. The Committee's work covers a broad spectrum of issues: freedom of press, places of detention, rights of child, matters concerning religious organizations, rights of national and ethnic minorities, trafficking in human beings, instruments and measures to combat ill-treatment, etc.

15. The Inter-agency Coordination Councils (Councils) are tasked, *inter alia*, with facilitating and coordinating the activities of the government institutions, elaborating the strategies and action plans in the relevant spheres, monitoring the implementation of the action plans and submitting relevant recommendations to the President. The Councils include the representatives of the international organizations and civil society associations alongside the representatives of various state institutions, the judiciary, the Parliament and the PDO. Participatory character of the Councils makes the process transparent and credible. These Councils are in charge of coordinating such as issues as the criminal justice reform and civil integration, fight against trafficking in human beings, fight against domestic violence, fight against corruption and fight against torture and other cruel, inhuman and degrading treatment. The role of each Council is described in greater detail below under the relevant thematic sections.

16. Human rights protection and monitoring units have been created at the law enforcement agencies, namely at the Ministry of Internal Affairs (MIA), Office of the Chief Prosecutor of Georgia (OCPG), and the Ministry of Corrections and Legal Assistance (MCLA). One of the main duties of these units is to implement the internal monitoring of human rights protection system and to supervise compliance with national and international human rights standards. These units represent an effective tool for speedy and adequate redress to both individual and systemic challenges.

17. The Office of the Public Defender of Georgia (PDO) was created in line with Paris Principles by Organic Law N230 dated 16 May 1996. The PDO is an independent constitutional human rights institution. It is mandated to monitor and assess the observance of human rights and freedoms and examine cases concerning alleged human rights violations, either based on the applications and complaints received, or on its own motion. The Public Defender receives applications and complaints from citizens of Georgia, foreign nationals and stateless persons residing in Georgia. Non-governmental organizations are also entitled to submit application to the PDO. Applications, complaints and letters sent to the PDO by persons held in police custody, pre-trial detention or in other places of deprivation of liberty are confidential and mailed without opening or censorship. Any such correspondence is delivered to the PDO without delay. The Public Defender is independent in exercising his/her functions and is bound only by the Constitution and the law. The law prohibits any undue pressure or interference in the Public Defender's activities.

18. Tolerance Center supported by United Nation's Development Programme (UNDP) operates under the PDO since 2005. Tolerance Center coordinates two Councils – the Council of National Minorities (CNM) and the Council of Religions (CR). CNM includes eight minority organizations and its main function is to act as a platform for on-going dialogue and consultation between national minorities and government institutions.

19. Since October 2008, Centre for Disability Rights has been established within the PDO. The Center of Children's Rights operates from 2001.

III. Promotion and protection of human rights

A. Access to justice

20. Judicial power in Georgia is exercised by the courts of common jurisdiction and the Constitutional Court. Independence of the judiciary is guaranteed by the Constitution. A court decision is binding and enforceable in Georgia. Access to the court is guaranteed by Article 42 of the Constitution. Right to appeal is guaranteed by law and implemented through the Courts of Appeals and the Supreme Court of Georgia. A decision of a Supreme Court is non-appealable.

21. The High Council of Justice (HCJ) is a supervisory body for the judiciary. After the reforms in 2007, the HCJ is chaired by the Chairman of the Supreme Court of Georgia and has full and exclusive authority to appoint and dismiss judges. The decision-making power of the HCJ rests on the judges. The Secretary of the HCJ is elected for a three-year period by the Conference of Judges.

22. Another important institution, established in 2006, is the High School of Justice (School). It is in charge of training and retraining of judicial professionals. According to the Law on High School of Justice, completion of a full 14-month course at the School is mandatory to become a judge.

23. Under the Law of Georgia on Disciplinary Administration of Justice and Disciplinary Responsibilities of Judges of Common Courts of Georgia (2006), only the Disciplinary Panel at the HCJ is authorised to review the allegations regarding the misconduct of judges (except those related to criminal offences). The decision of the Disciplinary Panel can be appealed to the Disciplinary Chamber of the Supreme Court.

24. In 2007, the Law on the Rules of Communication with Judges of Common Courts of Georgia was adopted by the Parliament. The Law regulates the *ex parte communication* of a judge and thus aims to guarantee his/her independence. Violation of the Law entails criminal sanction.

25. The principle of lifetime appointment of judge became guaranteed in the new Constitution, adopted in October 2010. Another core element of the reform of the judiciary is its financial independence. Hence, in the course of the reform, the judges' salaries have been gradually increased. In addition, the reforms within the judiciary apart from developing institutional capacity of judges, aim to improve working conditions, create unified computer network and electronic data management system, as well as deploy new technologies assisting judges in performing their duties efficiently.

26. In 2007, the Law on Legal Aid was adopted by the Parliament. The Law established Free Legal Aid Service that includes free legal consultation in all fields of law, lawyers' representation in criminal cases for socially vulnerable population as well as representation in the cases sentencing a person to a compulsory psychiatric treatment.

27. Criminal Justice Reforms are led by the Criminal Justice Reform Inter Agency Coordination Council (the CJR Council). The CJR Council represents a key policy-making body that is chaired by the Minister of Justice. It has developed biannual consultation forums with the donor community and civil society representatives; while its working groups create inclusive process, with participation being offered to any organization or interested individual expert. In 2009, the CJR Council adopted strategies and action plans – on Criminal Procedure Legislation, Juvenile Justice, Penitentiary, Probation and Legal Aid, Prosecution, Police, Judiciary and the PDO. The progress reports of the CJR Council are publicly available at www.justice.gov.ge.

28. In October 2009, the Parliament of Georgia adopted a new Criminal Procedure Code. The CPC entered into force in October 2010. The Code is based on a number of fundamental principles, such as the independence of judiciary, adversarial proceedings and the jury trials. Particular attention is paid to the protection of human rights, i.e. access to fair, rapid and effective justice. The new CPC includes, *inter alia*, improved defendants rights from the moment of initiation of the investigation till the pronouncement of the final judgment, transfer of operational activities to the domain of pre-trial investigation and its placement under the strict control of a judge, setting of strict time limit – i.e. 60 days for investigation, reduction of pre-trial detention term while emphasizing non-custodial measures, restriction of the role of the prosecutor in course of criminal prosecution and the reinforcement of principle of discretion, introduction of the new evidentiary standards, making testimony of witnesses voluntary in the pre-trial stage of investigation and construction of judicial investigation on the principle of direct examination of the evidence and principle of orality.

29. The Government developed a CPC Implementation Action Plan that streamlines all major activities and targets for the Government. It has served as a tool for coordination of the Government, as well as donor efforts and encompasses all parties of the judicial process: the judiciary, prosecution and defense lawyers. The Action Plan prioritizes continued improvement of legislative basis, professional training of all parties, raising awareness among public and increasing accessibility to justice. It has been in action since 2009 and is carefully monitored by the CPC Working Group comprising of state representatives, international organizations and of civil society. Notably, before the entrance into force of the CPC, all relevant stakeholders of the criminal justice system have been trained and prepared for the new Code.

30. Georgia has adopted its Juvenile Justice Strategy in 2009, in close collaboration with UNICEF and other national and international experts. It includes a wide range of measures, all to be conducted in the best interest of a child. Recently, the minimum age of criminal responsibility has been raised and set as 14 years (Article 33 of the Criminal Code of Georgia). The new amendments to the criminal legislation allow diversion of juveniles from the criminal responsibility; currently, the diversion schemes are piloted in 4 cities. Police, prosecutors and judges are trained in juvenile justice on continued basis. A particular attention is paid to the development of individual approaches, rehabilitative and educational measures for juveniles deprived of liberty. Currently a separate parole board for juveniles is under preparation.

31. In March 2010, a new Code on Imprisonment (CI) was adopted by the Parliament. The Law entered into force on 1 October 2010. The CI represents a step forward for overall reform of the penitentiary system. Apart from setting prison standards and rights of detainees, it also regulates complaint procedure and disciplinary proceedings within the penitentiary institutions.

32. The MCLA along with the Ministry of Labor, Health and Social Affairs of Georgia (MoLHSA) is drafting a comprehensive healthcare strategy for the penitentiary system. The Government directs its efforts to ensure adequate healthcare for the detainees.

33. Since the Rose Revolution Georgia has declared “zero tolerance” policy towards the crime. The Government also acknowledges the challenge it faces in relation to prison overcrowding. After the years of successful anti-criminal policy of the Government, focus has been shifted to prevention.

34. Probation system was introduced in 2000 and its successful reform represents one of the priorities within the CJR Council. New initiatives in the probation system include amended legislative framework, strengthened administrative capacity, increased skilled workforce and improved system of supervision.

35. As a result of the constitutional amendments in 2008, the OCPG became subordinated to the Ministry of Justice (MoJ). However, functionally, the OCPG retained its independence: neither legislative nor executive power has authority to give instructions to the prosecution on concrete cases. This new institutional development carefully balances the prosecutorial independence vis-à-vis accountability and transparency of the prosecution.

36. Within its mandate, the OCPG supervises pretrial investigation and carries out criminal prosecution. Particular attention is paid to the continued legal education of the prosecutors at the MoJ Training Center. The OCPG has recently established the Prosecution Council that aims to increase transparency and public participation in the activities of the prosecution. Since 2006, the OCPG has been successfully implementing Community Prosecution Project (in 15 regions) that aims at increasing accountability and transparency of the service, adequately responding to the local/community needs and raising awareness on crime prevention among public.

B. Policy of fight against ill-treatment

37. In recent years Georgia has attained significant progress in fight against torture, cruel and inhuman treatment. The Public Defender of Georgia has consecutively affirmed that there is no systemic problem of torture in detention facilities. In addition, the well-respected CoE Committee on the Prevention of Torture has also noted 80 per cent decrease in number of ill-treatment cases from the police in course of last five years.

38. This progress is a result of considerable efforts and reforms undertaken by the Government on legislative and institutional level (particularly in law enforcement agencies). In addition, Georgia considered it important to develop an advisory body that would facilitate and coordinate the activities of governmental institutions alongside the civil society.

39. In 2007, the Inter-agency Coordinating Council against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Council) was established in order to enhance the fight against all forms of ill-treatment. In the summer of 2008, the Council has elaborated first Action Plan and monitored its 2nd year of implementation. The Council's report is public and available at the MoJ website – http://www.justice.gov.ge/index.php?lang_id=ENG&sec_id=526.

40. In September 2010, the Council adopted a new Strategy on Fight against Ill-treatment. The new Strategy prioritizes the following areas: development of effective complaint procedure for persons deprived of liberty; development of prompt, impartial and effective investigation of all allegations of ill-treatment; protection, compensation and rehabilitation of victims of ill-treatment; improvement of internal and external monitoring systems for early detection and prevention of ill-treatment in detention facilities, capacity building of relevant state and other institutions. The Action Plan for 2011–2013 is currently under elaboration and will be finalized by the end of 2010.

41. In 2008, the PDO has been designated as the National Preventive Mechanism (NPM) under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). The Parliament of Georgia adopted relevant legislative amendments in order to secure the Public Defender with respective authority and functions. Special preventive group – Department of Prevention and Monitoring, was set up at the PDO to examine the conditions of persons deprived of liberty in order to prevent occurrence of torture, inhuman and degrading treatment or punishment. In June 2010, the NPM published its first report and made it publicly available at the PDO website.

42. Torture and other cruel, inhuman or degrading treatment or punishment is prohibited under the Constitution of Georgia as an absolute right (Article 17 (2)). In 2003, Georgia amended definition of torture, inhuman and degrading treatment in line with the international standards and passed several legislative initiatives in criminal proceeding safeguarding persons from torture and ill-treatment. Definition of torture under the Criminal Code of Georgia is consistent with Article 1 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Current Georgian legislation criminalizes the crimes of torture, threat of torture and inhuman or degrading treatment.

43. Investigations into the crimes of torture, inhuman or degrading treatment committed by law enforcement officials are conducted only by the Investigation Department of Chief Prosecutor's Office. All other incidents of the crimes of torture, inhuman and degrading treatment are supervised by Prosecutor's Office.

44. Under the Georgian legislation, victims of ill-treatment have enforceable right to compensation for the inflicted damage; namely, Article 413 of the Civil Code of Georgia provides basis for compensation for non-pecuniary damages. In addition, Article 92 of the Criminal Procedure Code (CPC) foresees opportunity to initiate civil/administrative procedure to request a compensation for damages suffered during the criminal proceedings or as a result of an unlawful court decision.

C. Freedom of expression, religion, association and peaceful assembly and political rights

45. Freedom of expression and freedom of press are safeguarded by the Constitution and other relevant legislation. Fostering media freedom and pluralism in the country remains one of the priorities for the Government. Important steps have been undertaken in this respect.

46. The Law on Freedom of Speech and Expression guarantees a long list of journalistic freedoms was passed in June 2004. Highlights include the effective decriminalization of defamation; a specific distinction between public and private citizens in libel proceedings; and the protection of publications from libel suits, so long as the publisher can prove that he or she took reasonable measures to ensure accuracy. Thus, the burden of proof has been reversed and rests on the plaintiff. Furthermore, only owners of media outlets can be held liable in court, not individual journalists. The Law on Freedom of Speech and Expression protects journalists not only from the state but also from private persons or entities. Journalists can take editors or owners to court in cases of intimidation or unlawful pressure.

47. Courts, as well as investigators and prosecutors, can no longer require journalists to disclose their sources, and the media can no longer be held liable for disclosing lawfully obtained state secrets in the press. Moreover, tax benefits now are available to media entities. Finally, the Government of Georgia abolished state-controlled television and created a vibrant Public Broadcasting entity managed by a board of Georgian citizens, the first of its kind in the former Soviet Union.

48. In 2004, the Government of Georgia discontinued its financial support for several newspapers and adopted a new Law on Broadcasting. This law transformed the State Television and Radio Company into a Georgian Public Broadcaster (GPB). The Law on Broadcasting contains firm guarantees of editorial, managerial, and financial independence for public broadcasting.

49. The Law on Broadcasting was amended by the Parliament on 25 December 2009. According to these amendments the GPB budget was set to a sum "not less" than equivalent

to 0.12 percent of the country's GDP. The amendment gives the GPB a consistent financial guarantee and means it will not need to depend on the goodwill of the government for funding. The amendment has been welcomed by the OSCE Representative on Freedom of the Media, commending Georgia for "making public television both more independent and more in service of the public" (http://www.osce.org/fom/item_1_42400.html).

50. The positive trends in the diversification of the media environment have been highlighted in the Regular Report of the OSCE Representative on Freedom of the Media (4 March 2010), where it was stated that the "diversity in the television media is advancing in Georgia". The special political television channel, so called Second Channel, was launched in February 2010 and is modeled after the US C-SPAN and British BBC Parliament. The second channel provides unedited coverage of the political activities of the parties, and provides equal opportunities to all political parties and groups in delivering their political views to the public. In addition, the channel provides the full live coverage of the parliamentary debates.

51. Local Elections held in May 2010 demonstrated the maturity of the Georgian Media landscape to provide pluralistic coverage of the electoral campaign. According to OSCE-ODIHR Election Observation Mission Final Report "the media broadcast a variety of election-related programs during the campaign, including debates, which allowed voters to make a more informed choice. The Georgian Public Broadcaster provided an overall balanced picture of the campaign in its news. [...] Contestants made extensive use of free airtime provided by public and private broadcasters."

52. In March 2009, the Georgian National Communications Commission (NCC) has adopted Code of Conduct for Broadcasters (CCB). The CCB emphasizes the requirement for all broadcasters to provide accurate, balanced, pluralistic and ethical reporting. In order to ensure the compliance with these standards, 1/3 of the licensed broadcasters have already created their own self-regulation mechanisms, which foster the professional and ethical reporting as well as the independence of the broadcasters. As a result, GPB has developed its own regulation and monitoring mechanism, with the advice of BBC experts and has significantly reshaped its editorial policy in compliance with the CCB and the guidelines developed by the BBC experts.

53. NCC, which is an independent regulatory body, administers the licensing of broadcasting operations. There are more than 45 independent radio and television operators holding broadcasting licenses in Georgia. According to the research carried out on communications sector of 29 countries (CIS and EU) by the EBRD in 2008, regulatory independence of Georgia was highly assessed.

54. The Constitution (Articles 14 and 19) recognizes the freedom of expression, opinion, conscience, confession and faith. It is also enshrined in the Criminal Code and the Civil Procedure Law. The abovementioned constitutional principle is safeguarded by Article 142 of Criminal Code. On 6 June 2003, the new Article 142¹ came into effect, criminalizing any action or omission committed for the purpose of instigating animosity or conflict based on ethnic or racial grounds, as well as direct or indirect limitation of human rights based on race, skin color, social origin, national or ethnic identity, or favoritism of any individual on the above mentioned grounds.

55. Georgian legislation criminalizes illegal interference into performance of religious rights including interference in the performance of worship or other religious rights or customs by violence or threat of violence or by insulting religious feelings of a believer.

56. Houses of worship in Georgia include 286 mosques and Muslim prayer rooms, 10 synagogues, 32 Armenian Apostolic churches, 14 Catholic churches, and 3 Evangelical Lutheran churches, as well as those of other faiths.

57. Public Schools offer students the opportunity to take an elective course on religion in the framework of social sciences. The school texts books are based on principles of antidiscrimination, neutrality, diversity and multi-perspectivity. It is a part of non-mandatory course. It should also be noted that the state bans schools from administering any religious ritual or ceremony. They are also guarded against using any religious symbols except for education purposes (Law of Georgia on General Education).

58. The CCB explicitly stipulates that broadcasters should seek to avoid making inaccurate or misleading claims promoting stereotypes; identifying people unnecessarily by their ethnic or religious background or making unsupported allegations that may further encourage discrimination or violence. The GPB is obliged to reflect ethnic, cultural, linguistic and religious diversity in its programs.

59. Freedom of association is guaranteed by the Constitution and other relevant legislation as well as by different initiatives aimed at fostering the development of civil society.

60. Recent amendments to the Civil Code and the related legislation (2009) significantly simplified the registration of non-profit (non-governmental) organizations by introducing one stop shop customer oriented procedures enabling the registration of a new NGO just in 1 working day. Various coordination and participation mechanisms are created within the governmental institutions to allow civil society to take part in the decision-making process.

61. In 2009, the Civil Institutionalism Development Fund (Fund) was established, created by presidential initiative in June. The Fund issued 91 grants in 2009 to a wide variety of NGOs and initiative groups throughout Georgia.

62. Freedom of Assembly is guaranteed by Article 25 of the Constitution. The Law on Assembly and Manifestation (1998) defines the legislative framework of this fundamental freedom.

63. Georgian authorities cooperated with the Venice Commission in order to further ensure the compliance of the Georgian legislation with the best international standards with regard to the freedom of assembly. According to the Interim Opinion adopted on its 82nd session in June 2010: “The Venice Commission welcomes the draft amendments Georgian authorities have prepared in response to previous comments by the Commission’s Rapporteurs on the Law on Assembly and Manifestations and the amendments thereto adopted in July 2009. New draft amendments represent a significant improvement of the possibility of exercising the freedom of assembly in Georgia”. The Parliament of Georgia is now considering further recommendations of the Venice Commission in order to prepare a final version of amendments to be adopted during its autumn session.

64. The MIA Police Academy in cooperation with international experts has developed a special curriculum dedicated to the crowd-management for the law enforcement bodies in order to ensure the full respect of the human rights.

65. The Universal Electoral Code (UEC) was substantially amended in December 2009, addressing some previous recommendations made by the OSCE/ODIHR, the Venice Commission and the Congress of Local and Regional Authorities of the CoE. Provisions included the direct election of the Tbilisi mayor, the split of the Central Election Commission (CEC) seats between the opposition and the ruling party, and the funding of political parties.

66. The local elections held on May 30, 2010 marked an important step in Georgia’s democratic development. The elections were assessed as the significant development of the democracy in Georgia by practically all international and domestic observers. For the first time, the GPB hosted a televised debate between the candidates for Tbilisi Mayor. Also for the first time, defeated candidates in Tbilisi’s mayoral race accepted the results of the

elections and offered concession speeches that pledged cooperation with the elected mayor. The campaign was characterized by issue-based debates and issue-based campaigns. This has marked a major shift in the political culture of Georgia, previously resorting to street demonstrations in lieu of contested elections.

67. Immediately after the elections, all mainstream political parties, including the ruling party, pledged to work together in order to continue electoral reform and further improve the electoral environment and discuss possible new amendments to the UEC, taking into consideration the recommendations provided by OSCE/ODHIR, the Venice Commission and other observer organizations.

68. Georgian legislation on political parties envisages state funding for political parties. Recent Amendments to the party financing legislation (2009) resulted in increasing of the funding for all opposition parties and decreasing for the ruling party. In addition, a new form of financing has been introduced aimed at supporting the activities of civil society and political parties. Moreover, according to the Electoral Code free television airtime is provided to the qualified political parties (those that have received the minimum level of political support).

D. Economic and social rights

69. In the area of fight against corruption Georgia has made significant progress in recent years. The fundamental anticorruption reforms have been undertaken in educational, judicial and penitentiary systems, police and entire public sector. Reforms promoted transparency of public institutions and their accountability to the society. The progress made has been reflected in respective reports and assessments of international governmental or non-governmental organizations, including GRECO and OECD. According to the Corruption Perception Index of Transparency International Georgia has moved from 124th to 66th place in the period of 2003–2009. Such a leap in the rating is unprecedented.

70. The successful implementation of the anti-corruption efforts is coordinated and monitored by the Anti-Corruption Interagency Coordination Council. The Council has recently renewed Georgia's Anti-corruption Strategy and adopted a new implementation action plan. Current priorities are setting corruption free public and private sector, improvement of justice administration and anti-corruption legislation, prevention of the corruption and improvement of mechanisms regulating financing of the political parties. Georgia is also party of Anti-Corruption Network for Eastern Europe and Central Asia.

71. The Government spending on social welfare represents a growing share of the state budget. Government spending on social welfare increased 10 times in 2008 (20 per cent of total expenditure). The budget for 2009 was the most socially oriented of all, with planned expenditure on social welfare of 25 per cent.

72. The Medical assistance program for the population below the poverty line (i.e. families that are registered in the united database of socially unprotected families and internally displaced persons) has been operating since July 2006. In 2009, Georgia launched State programs on free emergency health care and medical insurance. The insured are entitled to the services of a family doctor (a general practitioner) once every two months. Maternity care, emergency surgery and planned stationary treatment are also covered under the plan.

73. According to the Georgia Health System Performance Assessment conducted by the World Health organization (WHO) in 2009, there is a good distribution of facilities in the country with respect to geographical access. Overall, 80 per cent of the population could access a facility where they would normally see a doctor within 30 minutes. Even in rural

areas, over 72 per cent have access within 30 minutes. Although some access problems occur in the isolated geographical areas, the 30-minute target for most of the population is achieved throughout Georgia.

74. On 10 July 2009 Georgia signed the UN Convention on the Rights of Persons with Disabilities. In September 2008 the Center for Disability Rights was established at the PDO. In 2008, Concept on Social Integration of Persons with Disabilities was adopted by the Parliament of Georgia. The Concept envisages involvement of persons with disabilities in social and economical development, in political and cultural life. In December 2009 the Government of Georgia established Coordination Council for monitoring, coordination and implementation of 2010–2012 State Action Plan on Social Integration of People with Disabilities adopted by the Government. The Plan is in line with the World Programme of Action concerning Disabled Persons and other international documents.

75. The accessibility of education for children with disabilities has been prioritized by the Ministry of Education and Science (MoES) within the framework of the current reform. The MoES aims to ensure step-by step accessibility of inclusive education in all schools throughout Georgia. Schools are being encouraged to create positive background for inclusive education development. MoES closely collaborates with the Norwegian Ministry of Education and Research.

76. The Government of Georgia pays vital attention to the process of strengthening of the Social Dialogue formats. In December 2008, a memorandum was signed among the MoLHSA, Georgian Trade Union Confederation (GTUC) and the Georgian Employers Association (GEA) that established provisions to start institutionalization of a social dialogue in Georgia. In October 2009 a roundtable was held among the ILO delegation, representatives of the Government, the GTUC and the GEA. The parties agreed on the following issues: to continue the enhancement of cooperation between ILO and the GoG; to strengthen social dialogue in Georgia on labor legislation issues to exchange viewpoints between Government, employers and employees. On 12 November 2009, Prime Ministers' Decree N335 on institutionalization of a Tripartite Social Partnership Commission was issued. An ILO consultant worked with representatives of each social partner on elaboration of statute of a Tripartite Social Partnership Commission for enhancing institutionalization of social dialogue in Georgia. In May 2010, secretariat of the Tripartite Commission was established to support the effective and productive cooperation between social partners. Statute of the Commission was drafted and adopted in March 2010. The formalized Social Dialogue format is prepared to address all the concerns raised by the social partners and find commonly acceptable solutions.

E. Rights of the child

77. Georgia is a party to the Convention on the Rights of the Child (CRC) as well as the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. Since January 2009, child-care is under the responsibility of the MoLHSA.

78. The concept of the child entails a broader concept than that adopted by the Convention on the Rights of the Child and includes those below the age of eighteen.

79. In accordance with the Constitution of Georgia and the Law on General Education, the State has to provide the openness of General Education and equal accessibility for every citizen lifelong. According to Article 22 of the Law, the State provides complete secondary education. The education of pupils in the establishments of general education is financed for 12 years.

80. The GoG approved an Action Plan on Child Welfare by Decree N 869 on 10 December, 2008. In line with the Child Action Plan 2008–2011 MoLHSA, MoES and

MIA, by the joint Orders N152/N-N496-N45 introduced “Child Referral Mechanism” in May 2010. This mechanism provides effective tool for protection of children from all forms of violence and referring them to relevant community and state services. Aforementioned mechanism integrates the work of multiple stakeholders in coordinated manner: police officers, social service agency, schools, child institutions, day-care centers, small group homes and medical facilities.

81. In 2009 MoLHSA adopted the “Child Care Programs”, which envisages the creation of a database and relevant analysis of comprehensive information referring victims of violence or children under risk. This database ensures full-range cooperation among all the relevant community and state agencies; it further assists stakeholders in elaborating effective measures for combating child violence in Georgia.

82. The Government has approved the policy of child deinstitutionalization. The initiate is being supported throughout multiple measures. Total number of institutionalized children – which was around 5,000 in 2000 – has been reduced to 1,102 by 2010. Reintegration in biological families has appeared as one of the effective means of returning children to the society. Increase in numbers of the deinstitutionalized children can be tracked through the yearly dynamics.

83. For children remaining in childcare institutions the Government has implemented significant reforms through creating new state entity Service Agency for Persons with Disabilities, Elderly and Children Deprived of Parental Care (by Order of the Minister of Labor, Health and Social Affairs N428/N of 25 December, 2009). The Agency has enacted coordinated measures to ensure quality care and improved living conditions for children at state institutions.

84. The number of social workers has also increased in the last 4-year period (from 51 to 200). Social workers have managed to prevent the placement of 2666 children into the orphanages.

85. In February-March 2010, the MLHSA initiated the process of up scaling of the remaining 24 child institutions. For assessing the capacity, the competences and the qualification of all staff (around 600 professionals) have been assessed by the MLHSA. Experts from such non-governmental organizations, as Save the Children, Children of Georgia, The First Step, EveryChild, World Vision took part in the assessment. The same organizations have proposed and conducted capacity building training program for caregivers/teachers.

86. With the assistance of the EU Support to Child Welfare Reform Project - Georgia pilot (full-range) community services were established in the towns of Kutaisi and Telavi. Subsequently, the following targets were reached in pilot sites during 2006–2009: 60.3 per cent reduction in entries into institutions. 95.5 per cent of children at risk of separation, referred to social service, were diverted from state institutional care system. In addition, UNICEF has also supported the introduction of Child Care Standards (in operation from August 26, 2009).

87. In cooperation with international organizations the first phase of testing standards for childcare services (in 21 state and 16 NGO sector) was completed in February 2008. One hundred and eighty seven (187) childcare workers were trained in the childcare standards. Apart from this, user-friendly guidelines were developed and approved (the revised standards were drafted by the standards working group). The second phase of testing was launched at a seminar in February 2008.

88. The MoLHSA plans to tackle existing challenges for improving Child Welfare in Georgia, namely: the coverage and quality of community services (particularly for children with disabilities); the registry and the service provision for street children; child

participation in planning and implementation in child welfare activities; coordination and monitoring of the child welfare reform whether of governmental and non-governmental agencies involved in the reforms.

F. Rights of women

89. The Parliament of Georgia adopted a Gender Equality Law on 27 March, 2010. The legislation provides the establishment of a national women's machinery, the enhancement of women's security, and the strengthening of women's political participation. It also introduces gender-responsive planning and budgeting by the Government. The Law builds on the 2006 State Concept for Gender Equality.

90. The Constitution of Georgia upholds the principle of equal rights for men and women. The free consent of both spouses for marriage is required and the law sets the minimum age for marriage at 18 years for both men and women. In exceptional circumstances, marriage may be authorized from the age 16. The equal rights for men and women regarding parental authority are guaranteed. Women have the same ownership rights as men, and there is no discrimination in relation to access to land. Rights of access to property other than land are also equal and both spouses have equal legal rights of ownership over the couple's joint property. In matters of inheritance, assets are shared between children, with equal shares for sons and daughters.

91. Gender Equality Advisory Council has been established at the Parliament, which is authorized to develop an Action Plan for Gender Equality. The Vice-Speaker of the Parliament chairs the Gender Equity Advisory Council, which included MPs as well as representatives from the executive branch, the PDO and NGOs. It became a permanent body at the end of 2009.

92. GAC has drafted Action Plan on Gender Equality (Plan) for 2007–2009. The Plan focuses on the following directions: Exchanging information between state agencies on implementation of activities considered within the Action Plan; increasing public awareness on gender equality by popularizing information on gender issues; discussing gender issues in TV and radio programs; substituting gender related stereotypes by new gender equality oriented views at various levels of education; incorporating gender issues in educational standards for the MoES and by developing educational programs for boys and girls with due regard for their differences and equality, integrating a gender education component in the teachers' lifelong learning system.

93. In December 2008, Presidential Decree N625 ordered the establishment of an interagency council to address domestic violence (DV) and coordinate the activities of ministries and NGOs to combat the problem. The interagency council prepared and received presidential approval on the 2009–10 National Action Plan to Fight Domestic Violence (the Plan). It was on the basis of the Plan that the anti-domestic violence legislation was revised in 2009.

94. The Law on Elimination of Domestic Violence, Protection of and Support to Its Victims, adopted in 2006 and substantially amended in 2009, represents a commitment to address domestic violence through a wide array of social and legal services. This Law along with Criminal, Civil and Administrative legislation and numerous subordinated legislative acts constitute legal basis to combat domestic violence.

95. The Government of Georgia has recently adopted the National Referral Mechanism (NRM). The NRM represents a detailed guideline for effective cooperation of the state agencies, local NGOs and international organizations in the fight against DV. NRM describes in easily understandable manner all issues related to a victim of DV from the moment a person claims to be a victim of DV to the moment of reintegration and

rehabilitation. Since January 2009, State Fund for Protection and Support of Victims of Trafficking has been empowered with a task to provide shelter to victims of domestic violence.

96. The MIA Police Academy continues providing domestic violence classes under basic training curriculum for the Academy trainees. Apart from the basic course the trainings have been provided as well by the International Organizations, Partner Countries and local NGOs.

G. Rights of minorities and non-discrimination

97. The population residing on the territory of Georgia has always been characterized with the high diversity of ethnic, racial and religious composition, nevertheless, representatives of those diverse groups have managed to live in peace. Long history of cohabitation and friendly relations explains the low rate of crimes motivated by discrimination or intolerance.

98. Legislation of Georgia adequately reflects the diversity of the society, and sets guarantees for equality and non-discrimination. Georgia has implemented anti-discrimination provision in the relevant laws.

99. Article 38 of the Constitution stipulates that all Georgian citizens are equal in social, economic cultural and political life irrespective of their national or ethnic origin, religion and language. This article aims at the protection of the rights of persons belonging to ethnic/national minorities. In accordance with the universally recognized principles and norms, they have the right to develop their own culture without discrimination and interference and to use their language in private and public life. Ethnic/national minorities enjoy full political rights under the Constitution, including the right “to use their mother tongue in private and in public life”.

100. Discrimination as a criminal offence is included in the Criminal Code of Georgia (CCG) as a separate Article 142. The provision prohibits any discrimination based on skin, color or racial, ethnic, national and social belonging. The proscription refers to direct and indirect violation of the non-discrimination clause. Racial, religious, national or ethnic grounds are regarded as aggravating circumstances in connection with most of the crimes according to the CCG.

101. According to the Georgian Law on Police: “The police shall protect human rights and freedoms regardless of nationality, property, race, social and ethnic belonging, gender, age, education, language and religion, political or other opinions”. According to the Georgian Law on the Procedures of Execution of Non-imprisonment Sentences and Probation, the employee of the National Probation Service is obliged to protect human rights and freedoms regardless of nationality, property, race, social and ethnic belonging, gender, age, education, language and religion, political or other opinions.

102. According to the Georgian law on General Education (Article 13), any kind of discrimination is prohibited during the entry into schools. According to the Law of Georgia on Higher Education (Article 3), one of the main goals of higher education in Georgia is to prohibit all kind of discrimination in the educational system.

103. In order to promote access to higher education, special programs have been elaborated aimed to promote enrolment of minority students in institutions of higher education. Preparation Course for Non-Georgian Students in Georgian Language and General Aptitude Tests has been developed in 2008. It assists minority students in their preparation for the admission examination as well as improves their language performance and general aptitude tests. Due to legislative changes adopted, the very same year minority

applicants have been able to take admission examinations in their native languages. All abovementioned efforts positively influenced enrolment rate of minority students in the higher educational institutions. Recent amendments to the Law of Georgia On the Higher Education established positive quota for those educational institutions which accept students on the basis of examination in general aptitudes, conducted in Azeri, Armenian, Ossetian and Abkhazian languages. Namely, institutions are obliged to announce minimum quota for national minorities, that will be 5 per cent for Armenians, 5 per cent for Azerbaijanis, 1 per cent for Ossetians, 1 per cent for Abkhazians from the total number of places offered.

104. On October 12, 2005, Georgia ratified the Framework Convention for the Protection of National Minorities and the Government intensified its work on relevant state policy. In May 2009, the Government adopted National Concept and Action Plan for Tolerance and Civil Integration. During the drafting process, every interested party, including civil society representatives had the opportunity to reflect their observations, submit proposals and have them discussed within the CITC.

105. Office of the State Minister for Reintegration (OSMR) is tasked to promote civil integration of all ethnic minorities residing in Georgia and to coordinate relevant activities of state agencies and supervise implementation of National Concept for Tolerance and Civil Integration as well as its Action Plan. For this purpose, the inter-institutional Commission has been established by the Decree N13 on 3 July 2009.

106. At the end of December 2009, State Minister for Reintegration presented a progress report for 2009. The report was translated into Russian, Azeri, Armenian and English languages. The National Concept and the 5-year Action Plan include provisions for sustaining and developing the native language, culture and integrity of national/ethnic minorities. Minority museums, theatres, cultural houses and newspapers are fully financed from the State Budget.

107. PDO has signed the Memorandum of Understanding with several state institutions aimed at enhancement of the cooperation for protection of the minority rights in line with the Action Plan for Tolerance and Civil Integration.

108. As a result of 2006 local government reforms, the number of seats held by ethnic minorities in municipal councils was commensurate with the ethnic population in each region of the country. Higher-level city managers included ethnic minority leaders among their ranks. Apart from municipal councils minorities hold seats in the central government as well.

109. Besides promoting Georgian as a second language, authorities implement policy aimed at strengthening the knowledge of native language among minorities. Particular attention is paid to the translation of textbooks in minority languages and improvement of teachers' skills. Among 2 300 general educational institutions, there are 145 Russian, 218 Azeri, 262 Armenian, 1 Ukrainian and 3 Ossetian schools throughout Georgia.

110. The MoES has been carrying out systematic and cohesive policy of state language teaching for minorities in order to remedy existing challenge - lack of sufficient knowledge of the Georgian language by minority groups. During the last 5 years, numerous state programs have been implemented by the MoES in order to enhance opportunities to learn the Georgian language at all levels of education (pre-school, general education and adult education).

H. The internally displaced persons (IDPs)

111. In order to provide long-term and sustainable solution to the needs of the IDPs, displaced during the 1990s, the Government of Georgia endorsed the State Strategy on the IDPs (the State Strategy) on 2 February 2007. In December 2008, following the Georgian-Russian War of August 2008, the State Strategy was amended, integrating the newly displaced persons. The 2009–2012 Action Plan for the implementation of the State Strategy on the IDPs further builds on the findings and priority needs identified in the United Nations/World Bank – Joint Needs Assessment (JNA) and benefits from a broad consultation process. It covers measures aimed to promote IDPs socio-economic integration and stability in course of resettlement.

112. The main coordination mechanism in implementation of the Action Plan and the State Strategy is the Steering Committee consisting of GoG, main donor organizations and international organizations. Membership of the Steering Committee consists of relevant ministries, Municipal Development Fund, EU, SDC, UNHCR, UNCT Resident Coordinator, USAID, World Bank, and two representatives from the NGO community (1 Georgian and 1 international).

113. Significant progress has been achieved in the implementation of the Action Plan. In 2008–2010, up to 10,000 IDP families from 1992–93 in Tbilisi in 278 Collective Centers (CCs) and about 7,000 IDP families from 1992–93 in the regions in 286 CCs have been receiving rehabilitated apartments under the ownership as durable housing solutions. About 8,000 IDP families from 2008 received individual house, apartment or one time monetary assistance 10,000 USD as part durable housing solution. 2,036 IDP families received under their ownership agricultural land plots in average 0.5 hectare per family and a kitchen garden attached to houses.

114. Currently, the rehabilitation of 150 idle buildings and CCs as well as construction of 42 apartments blocs throughout Georgia with total capacity of about 3,000 families continues.

115. State Strategy prioritizes integration of the Displaced Population and the assurance of sustainable durable solution. In this context, livelihood, income opportunities and adequate access to the social services are the main directions of activities. Government of Georgia together with the donor institutions takes all feasible actions to grant IDPs opportunities for cultivation of land plots and harvesting, to facilitate private sector in establishing new businesses in the regions settled with IDPs, as well as provides small and medium grants to IDP families.

I. Refugees, repatriation and human trafficking

116. On 10 April 2009, issuance of Refugee Travel Documents defined by the Geneva Convention 1951 “On Refugee Status” was launched. In 2008, draft law On Refugee and Humanitarian Status was drawn up in the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees (MRA) and passed the final expertise at the UNHCR Office. The project will be submitted to the Parliament during the 2010 fall session.

117. Due to amendments made to Georgian Law on Refugees in 2007, the refugees registered in Georgia are being issued Temporary Residence Permits.

118. In June 2010, Reception Center for Asylum-seekers of the MRA was opened in Martkopi Village (within 15 km distance from Tbilisi Airport). The Center’s capacity is 60 persons.

119. Since 2009 in collaboration with the Civil Registry Agency of the MoJ and the MRA and financial support of the UNHCR, the NGO “Legal Development and Consultations Group” has been implementing the project within the framework of which Georgian Citizenship has been granted to approximately 130 refugees.

120. Since 2009 the MRA and UNHCR Office have been implementing the project supporting Local Integration of Refugee Population from the Chechen Republic of the Russian Federation. The refugee family receives 2 500–10 000 USD for renovation or purchasing of housing facilities after acquiring Georgian citizenship.

121. In line with the Decree N156 of the GoG of 2006 On Measures Ensuring the Return of Some Families who left Georgia in 1989–1990 and resettled in the republic of Azerbaijan (Saatly District), the MRA purchased 6 accommodation facilities in the village Tsitelubani, district of Gori. 6 families have been accommodated within these facilities.

122. In July 2007, the Parliament adopted Law On Repatriation of Persons forcefully Sent into Exile from the Soviet Socialist Republic of Georgia by the Former USSR in the 40’s of the 20th Century. Under Decree N276 of the Government of December 17, 2007 an application form for Repatriation Status-Seekers was approved.

123. Since 2006 Georgia has refined its national legislative base against Trafficking in Persons (TIP) as well as ratified significant international agreements regarding combating TIP, namely, UN Convention against Transnational Organized Crime (Palermo Convention) as well as its protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children and Protocol against the Smuggling of Migrants by Land, Sea and Air. Apart from this at the end of 2006 the Parliament ratified CoE Convention on Action against Trafficking in Human Being and therefore Georgia became the fifth state party of the European Convention.

124. The CCG prohibits trafficking in persons through Article 143. Article 143¹ criminalizes trafficking in adults (7–20 years of deprivation of liberty). Article 143² criminalizes trafficking in minors (8–20 years or life sentence). Article 143³ criminalizes use of services of a TIP victim (3–15 years). The CCG does not differentiate between trafficking in persons for the purpose of labor exploitation and sexual exploitation. The scope of application of these Articles covers internal (within territory of Georgia) as well as external forms of trafficking (trans-border).

125. The Permanent Interagency Coordination Council for Carrying out Measures Against TIP (TIP Coordination Council), set up by Presidential Decree N534, on September 1, 2006 is chaired by the Minister of Justice of Georgia and composed of Deputy Ministers of Labour, Health, and Social Protection, Internal Affairs, Justice (together with the Prosecution Service), Education and Science and Foreign Affairs. Other members of the TIP Coordination Council include representatives of international organizations, NGOs, embassies to Georgia, the Parliament and the PDO.

126. The Draft of the 2009–2010 Anti-Trafficking Action Plan (NAP) was elaborated at the end of 2008, as a result of the cooperation among the GoG, international organizations and NGOs specializing in Trafficking in Persons. Following the successful implementation of the 2009–2010 NAP the Chairman of the TIP Coordination Council shall refer the 2011–2012 NAP, which is being currently drafted with active participation of the Government, NGOs and international organizations, to the President of Georgia for the final approval at the end of 2010.

127. The Government demonstrated strong efforts to identify and assist victims of trafficking and again increased its victim assistance funding to \$312,000. The Government also demonstrated impressive law enforcement success, identifying and prosecuting trafficking offenders

128. The State Fund for Protection and Assistance to Victims of Trafficking in Persons (State Fund) was founded according to Article 9 of Law of Georgia on Combating Trafficking in Persons in 2006. The State Fund is a legal entity of public law. The MoLHSA exercises state supervision over the activities of the State Fund. There are two state funded shelters since 2006–2007 managed by the State Fund.

129. A robust public information campaign ensures that information about trafficking is widely available through law enforcement agency web sites, public service announcements, anti-trafficking television programming, and brochures at the country's main ports of entry. In addition, local and international NGOs continued their own initiatives to combat trafficking, including conducting seminars and public awareness events.

130. The Georgian authorities provided foreign victims legal alternatives instead of their removal to countries where they would face hardship or retribution. The Law on Legal Status of Foreigners provides a foreign person, suspected of being a victim of trafficking, the right to a residence permit even if authorities could not prove beyond a reasonable doubt that the person was a victim.

J. Human rights education

131. All government institutions directly related to human rights issues have intensified their in-service human rights training programs.

132. The MIA Police Academy devotes special attention to the teaching of legal basis for the use of coercive force and acquisition of relevant practical skills by future policemen. Curriculums contain extensive tactical training course, national legislation as well as the course on human rights law. The course on use of force represents an integral part of the basic preparation course mandatory for all police officers and is taught with a special reader (compilation of documents) on Use of Force elaborated for the students of Police Academy in cooperation with international organizations. It is envisioned in the basic training course and represents one of the important parts in the human rights thematic. Apart from initial training of new recruits, every police officer has to be retrained periodically in the use of force and human rights.

133. Staff members of the temporary detention cells have been trained in the MIA Academy, which included basic course in Human Rights.

134. The Training Centre of the MoJ specializes on advanced training courses for the prosecutors. The training curriculum includes various trainings in human rights issues, national legislation, multidisciplinary subjects and skills based courses. The Training Center develops the yearly curriculum based on need assessment and recommendations of international/local experts (including observations made by the UN treaty bodies).

135. Similarly, the MCLA has developed Penitentiary and Probation Training Center that provides mandatory and continues trainings/seminars for penitentiary staff and probation officers. Special attention is being paid to the UN and CoE standards on the treatment of persons deprived of liberty or persons released on parole.

136. In the same manner, High School of Justice pays particular attention to the professional training of judges. Human Rights guarantees are mainstreamed in all training curriculums and seminars.

K. Human rights situation in the occupied territories of Georgia

137. The Russian Federation has pursued the policy of ethnic discrimination against ethnic Georgians over nearly two decades since 1991. Ethnic Georgians have been persecuted and many of them forcibly expelled from the regions of Abkhazia, Georgia and the Tskhinvali Region/South Ossetia, Georgia.

138. Before August 2008, Georgia already had over 300,000 internally displaced persons from previous conflicts that had taken place in the 1990s in Abkhazia, Georgia and the Tskhinvali Region/South Ossetia, Georgia. The Georgian-Russian war of August 2008 and Russia's subsequent occupation of Georgian territories resulted in a new flow of 31, 245 IDPs. As of today, displaced persons are unable to return to their original place of residence. The ongoing pressure on the Georgian population to leave the region was found by the International Independent Fact Finding Mission on the Conflict in Georgia (IIFFMCG)². The situation is further aggravated by closure of administrative boundaries of Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia and transfer of control of those boundaries to the Russian Federal Security Service (FSB)³.

139. Numerous incidents evidence direct and indirect involvement of the Russian armed forces in ethnic cleansing of Georgians and other serious human rights violations (such as arbitrary arrest, denial of property rights, forced renunciation of Georgian citizenship, forced labor and forced conscription, ill-treatment and torture, denial of the right to education in mother language, denial of the right to practice religious beliefs and gender-based violence).⁴

140. Until now, the Russian Federation continues to use its military forces to control the administrative borders in a manner that prevents ethnic Georgian IDPs from exercising their right of return to those territories.⁵ Russia continues to support, sponsor and defend ethnic discrimination against Georgians residing in the territories, especially by forcing them to abandon their Georgian nationality, language and education.⁶ As an occupying power, the Russian Federation continues to neglect its duty to protect the property of expelled IDPs and refugees.⁷

141. Georgia has always stressed its positive obligation to prevent the human rights violations in the occupied territories as well as to provide an effective remedy in case of breach⁸. The law enforcement authorities of Georgia initiate investigations into the facts of human rights violations; however, due to the lack of control over the occupied territories and lack of cooperation from the Russian authorities, Georgian authorities are unable to ensure effective investigation of the said cases.

142. Georgia has instituted an inter-state application before the International Court of Justice against the Russian Federation for the breach of the CERD on 12 August 2008 as well as an inter-state application before the European Court of Human Rights for the violation of European Convention on Human Rights and Fundamental Freedoms.

143. At the same time, Georgia emphasizes the human rights obligations of the Russian Federation as an authority exercising effective control over the said territories⁹. Georgia particularly stresses the Russian Federation's obligation to respect and ensure respect of rights laid down in relevant human rights and humanitarian law treaties that it is a State party to.¹⁰

Notes

- ¹ Web site is hosted in Georgian language at http://www.mfa.gov.ge/index.php?lang_id=&sec_id=622
- ² Independent International Fact-Finding Mission on the Conflict in Georgia, Report Vol. I, para. 27 and Vol. II (September 2009), pp. 379–381.
- ³ PACE Resolution 1683, para. 5. Assembly debate on 29 September 2009 (29th and 30th Sittings) (see Doc. 12010, report of the Committee on the Honoring of Obligations and Commitments by Member States of the CoE (Monitoring Committee), co-Rapporteurs: Mr Van den Brande and Mr Eörsi; and Doc. 12039, opinion of the Committee on Migration, Refugees and Population, Rapporteur: Mrs Jonker).
- ⁴ Report by ODIHR, Human Rights in the War-affected Areas Following the Conflict in Georgia, Warsaw, 27 November 2008; Human Rights Watch, Russia/Georgia: Investigate Civilian Deaths, High Toll from Attacks on Populated Areas, 12 August 2008; Amnesty International, Civilians in the line of fire: the Georgia-Russia conflict, EUR 04/005/2008, November 2008; Human Rights Watch, “Up in Flames: Humanitarian Law Violations and Civilian Victims in the Conflict Zone over South Ossetia”, 22 January 2009.
- ⁵ U.N. General Assembly, Human Rights Council, Report of the Representative of the Secretary-General on Internally Displaced Persons, Walter Kälin, Addendum to Report on Mission to Georgia (A/HRC/10/13/Add.2), U.N. Doc. A/HRC/13/21/Add.3 (14 January 2010); see also U.N. General Assembly, Resolution 63/307, Status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia, U.N. Doc. A/RES/63/307 (30 September 2009).
- ⁶ Report of Gali Educational Resource Centre (March 2010).
- ⁷ Report of the Representative of the Secretary-General on the Internally Displaced Persons, paras. 27 and 41, *op. cit.*
- ⁸ Please see Georgia’s Written Replies to the Human Rights Committees 91st Sessions, 2007; In addition, Government of Georgia closely cooperates with the CoE High Commissioner for Human Rights and actively participates in incident prevention mechanism as well as in Geneva Talks.
- ⁹ General Comment 31 “Nature of General Legal Obligation Imposed on the State Parties to the Covenant”, CCPR/C/21/Rev.1/Add.13, 26 May 2004, para. 10.
- ¹⁰ For example: the International Covenant on Civil and Political Rights of 1969 and the Four Geneva Conventions of 1949.