



**Economic and Social
Council**

Distr.
GENERAL
E/C.12/2002/SR.36
21 November 2002
Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twenty-ninth session

SUMMARY RECORD OF THE 36th MEETING

Held at the Palais Wilson, Geneva,

on Friday, 15 November 2002, at 10 a.m.

Chairperson: Ms. BONOAN-DANDAN

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS (agenda item 6) (continued)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Second periodic report of Georgia (continued) (E/1990/61/Add.31; E/C.12/Q/GEO/2; written replies to the list of issues, prepared by the Government of Georgia (document without a symbol); HRI/CORE/1/Add.90/Rev.1)

At the invitation of the Chairperson, the members of the Georgian delegation resumed their places at the Committee table.

Mr. MALINVERNI asked what impact the increased role of the private sector had had on the provision of health care. The State party had indicated in its written replies that medicines from the world market were now readily available to all members of the population. He wondered whether, in fact, health privatization had created a two-tier system with higher costs for the lower tier.

Apparently, although basic health services were free, doctors were underpaid and therefore took payments from their patients, with the result that many persons did not consult doctors. In addition, since abortion was legal, but insufficiently controlled by the State, it was excessively expensive and irregular abortions caused serious problems for women's health. Since only 4 per cent of the health budget was devoted to mental health, outdated, obsolete psychiatric medicines were regularly used. The Georgian Government should comment on those matters.

Mr. ATANGANA inquired why few statistics had been provided on the health of children, in particular young girls.

Mr. THAPALIA asked what percentage of persons were living below the poverty line and whether that situation was improving or deteriorating; whether the Government had any anti-poverty programmes and what their impact had been; and what programmes had been established for the poor.

Mr. RIEDEL asked what measures were being taken to reduce homelessness; what measures were being taken to inform the public about reproductive and sexual health and what the result of such measures had been; and what measures were being taken to deal with the increase in malaria, hepatitis and tuberculosis. In view of the large number of intravenous drug users, he would also like to know what steps the Government was taking to stem the spread of HIV/AIDS, despite financial constraints.

Mr. GRISSA inquired what steps the Government was taking to inform the Georgian population about the dangers of HIV/AIDS infection.

Mr. HUNT asked whether and to what extent civil society had contributed to the preparation of the Poverty Reduction Strategy Paper and whether the Government had considered using human rights to strengthen its poverty reduction strategy.

Ms. BERIDZE (Georgia) said that the level of tax collection was low in Georgia, in part since 40 per cent of earnings occurred in the informal sector. The Ministry for Tax Revenue had been established in 2000, and had included a tax collection department and a customs department. That approach had proven unsatisfactory and the Ministry had been dismantled in 2002; those two departments had been placed under the auspices of the Ministry of Finance.

In 2001, the President had established an anti-corruption commission, headed by the Chairman of the Supreme Court, whose mandate had been to draw up an action plan to combat corruption. Under that plan, the Anti-Corruption Council had been established with a membership of 12, which included members of Parliament, scientists, journalists and representatives of NGOs, to submit recommendations to the President. On its recommendation, three high-ranking members of the Government had been dismissed. The Council also made recommendations on administrative improvements and had proposed that the number of Ministries should be reduced from 20 to 12, a process that was currently under way. In addition, anti-corruption committees had been set up in all Government agencies and at all levels of the Government. The mass media and NGOs also played an active role in uncovering corruption. The level of corruption nevertheless remained high; the process of eliminating it had only recently begun.

The Government was not in a position to have information on the situation of human rights in Abkhazia or on economic, social and cultural rights. In 2000, the United Nations had found serious violations of human rights there. As a member of the Georgia and Abkhazia Coordinating Council, she had visited Abkhazia in 2000 and had been struck by the high level of economic stagnation and the low level of social services. Her delegation had met in recent days with the High Commissioner for Human Rights, who had expressed his concern about the conflict in Abkhazia and had promised to promote a political settlement. In the event of a settlement, the Government of Georgia had prepared a plan for the reconstruction of Abkhazia and international organizations had promised to provide assistance.

The number of homeless children had dropped since 1989. There were currently between 1,000 and 1,500, depending on the season: more children lived in the street in summer than in winter. Most of those children lived by begging; some were prostitutes or vendors; some were addicted to drugs. An institute for street children had been established and NGOs were providing programmes for children. In the view of the Government, however, those measures had been largely unsuccessful. It was formulating a national plan for children, which included a special programme for street children. She hoped to be able to report on the success of that plan in the next report.

Many Georgian citizens had emigrated abroad, resulting in a population decrease of about 1 million people since 1989. The Ministry of Labour, Health and Social Welfare had drafted a law on labour migration; international experts had found it unsatisfactory and a new draft was being formulated. In addition, the Government was working on developing a population policy.

Mr. NALBANDOV (Georgia) said that much of the land previously owned by the State had been distributed. According to the Department of Land Management, by April 2002, around 970,000 rural households had received approximately 90,000 hectares, or about .90 hectares per family; around 330,000 urban households had received about 73,000 hectares, or about .20 hectares per family. About 20,000 hectares were occupied by industrial installations and premises. After the enactment of the Agricultural Land (Ownership) Act, about 903,000 hectares of arable land, about 30 per cent of Georgia's agricultural land, had been leased by legal entities and individuals. Individuals had received an average of around 11 hectares each. About 55 per cent of agricultural lands had been leased or distributed; 45 per cent had not yet been distributed. Unfortunately, owing to natural and other causes, the fertility of those lands had decreased and yields were often not sufficient to cover the payment of land taxes. As a result, many new landowners had returned their lands to the State.

Ms. KHACHIDZE (Georgia) said that the unemployment rate was determined on the basis of statistical information. All Georgians over the age of 15 who had worked at least one day were registered in the system. In Georgia, there was a higher level of unemployment among men than women and persons aged 15 to 24 were more frequently unemployed than any other age group. In 2001, the Parliament had defined an unemployed person as one who was of working age and capable of working, who had no work, was looking for work and was prepared at any time to take a job. The National Statistical Office used a different definition; a uniform definition would be necessary in order to devise an accurate rating system. Also in 2001, the Ministry of Labour, Health and Social Welfare had set up the National Employment Service, which kept a database on unemployed persons and provided vocational guidance. National employment legislation was in the process of being formulated and a national employment programme had been initiated, which allocated temporary jobs and provided vocational training and retraining. Similar programmes were also being developed at the regional level, with the assistance of NGOs and private individuals. A pilot entrepreneurship programme had also been set up and more than 1,000 jobs had been created.

In 2001, the Government had established a programme for the creation of jobs for disabled persons, with the participation of NGOs.

Ms. BERIDZE (Georgia), replying to a question by Mr. Malinverni about the reform of the health-care system and the accessibility of medicine following privatization, said that most health-care facilities in Georgia continued to be State-run. The reform effort had encountered a number of difficulties, the most serious being insufficient funding for State programmes. The result had been a disorganization of the work of the country's medical facilities. In 2000, 87 per cent of State medical programmes and 68 per cent of public health care had been funded. Unfortunately, high-quality medical care was often too costly for most of the population. Risks to public health had increased because of unhealthy lifestyles, environmental pollution, depression, stress and poverty. The situation had improved compared to 2000, but much still remained to be done to ensure the full implementation of article 12 of the Covenant.

Treatment for mental illness was free of charge. The budget had allocated 3,575,000 lari (US\$ 1 = 2.5 lari) for psychiatric care. Georgia's national strategy on mental health focused on

treatment, rehabilitation and suicide prevention. The protection of the human rights of people with mental illnesses was taken into account. A council of the Ministry of Labour, Health and Social Welfare monitored expenditure for medical programmes. The Ministry collaborated with non-governmental organizations (NGOs) active in the area of mental health. The situation had improved in recent years, but many problems remained. Treatment for mental health was not accessible to all, especially for the rural population. There was a shortage of resources, staff and financing and there were no rehabilitation programmes. There were no special programmes to heighten awareness of mental illnesses, but Georgians had always shown understanding for persons with such problems.

Replying to a question by Mr. Grissa about AIDS, she said that tourism was not very developed in Georgia owing to domestic conflicts and the tense situation caused by Chechen refugees and the presence of armed persons from Chechnya in Georgian territory. Drug addiction was a very serious problem, however, and a national programme to combat drugs was being prepared. Considerable funding was needed if the situation was to be improved, but it was given high priority because drug addiction was a threat to Georgia's young people. The numbers of persons with HIV/AIDS were not alarming. The laboratory that performed tests for HIV was working well, thanks in part to assistance from international organizations. Testing was free. Three years earlier, all prisoners had been examined for HIV/AIDS; a total of five had tested positive. Henceforth, all new prisoners were automatically tested. Of course, many people were unaware that they had been infected because they had not been tested. She estimated that the official figures represented half of the real total.

Mr. Malinverni had asked about abortions. Georgia's demographic situation was not good and the Government encouraged families to have more children, but the difficult economic situation was not conducive to reversing the current trend. The Government regarded abortions as harmful to women's health and, since 2001, a television campaign had promoted the use of contraceptives, which were distributed free of charge at counselling centres. That had helped reduce the number of abortions.

Mr. NALBANDOV (Georgia), replying to a question by Mr. Riedel on campaigns targeting reproductive health, said that, three years previously, a number of reproductive health units had been set up in parental counselling centres as part of a pilot project launched by a Georgian NGO active in women's issues in cooperation with the Ministry of Labour, Health and Social Welfare and with financial assistance from a foreign donor. The project had been a success and there were now reproductive health units throughout the country. Both men and women could receive counselling and contraceptives were distributed free of charge.

Ms. BERIDZE (Georgia), replying to a question by Mr. Atangana, said that the country report provided information on girls involved in prostitution. The situation of girls in families was quite satisfactory. Domestic sexual abuse was a criminal offence; moreover, persons guilty of committing such an offence were ostracized by society.

Ms. KHACHIDZE (Georgia), replying to a question by Mr. Ceausu and Mr. Martynov on the minimum wage, said that, clearly, it was not possible to live on a wage of 20 lari.

Average wages had increased by 23 per cent since the past year. A bill was under consideration to raise the minimum wage to between 30 and 50 lari, depending on certain economic variables. The Ministry of Labour, Health and Social Welfare was currently working to standardize wage legislation. Two bills had been submitted to Parliament, one on increasing the minimum subsistence wage and the other on correlating the minimum wage and the subsistence wage and establishing parameters for a gradual increase in the minimum wage and wages as a whole.

With regard to equal wages for men and women, she said that differences in wages were not due to discrimination, but to the fact that women usually had low-paying jobs.

The minimum wage was monitored by both the tax authorities and labour inspectors. In the past year, there had been inspections of working conditions in more than 300 firms employing more than 35,000 persons. A bill had recently been introduced to improve working conditions and facilitate such inspections.

In reply to a question by Mr. Martynov about declining resources for social affairs, she said that the financial situation had in fact improved over the past year and, in 2002, all pension benefits had been paid and the pension fund debt had been serviced.

Under the 2003 budget, it was planned to increase allocations for the disabled and invalids from 2 million to 6 million lari. A reform was planned to centralize the administration of the social security system.

Mr. CEAUSU asked what percentage of the population actually received the minimum wage. With regard to equal wages for men and women, while it was true that women often had low-paying jobs, the Committee was concerned that, when they performed the same work as men, they should receive the same wages.

Ms. BERIDZE (Georgia) said that, since Soviet times, men and women in Georgia had received equal pay for equal work. Women worked at low-paying jobs because they were more flexible and willing than men to accept employment for which they were overqualified. For the same reason, unemployment among women was lower than among men.

Mr. NALBANDOV (Georgia), replying to questions by Mr. Thapalia and Mr. Hunt about poverty alleviation programmes, said that the Government was preparing a policy paper containing a programme for economic growth and the reduction of poverty, but only an intermediate version was ready at the present time. The paper had been widely publicized in the mass media and had come out in a brochure and many of the issues had been discussed on television. NGOs had been involved in the initial preparation of the document and had made a number of proposals, the most relevant of which had been taken into account. But the intermediate version was incomplete and left much to be desired. The final version would be ready in two months. The delegation would do its utmost to ensure that, in its final form, the document reflected the Committee's recommendations for the incorporation of a reference to the full range of human rights, including economic, social and cultural rights.

Mr. HUNT said that according to the UNDP National Human Development Report 2001/2002 for Georgia, there were four poverty lines: an official poverty line of 114 lari; a revised poverty line of 74 lari; a recommended poverty line of 55 lari; and an alternative minimum poverty line of 52 lari. What puzzled him was that the minimum wage, even when raised to 50 lari, as reported, would be below any of those poverty levels and he requested clarifications.

Mr. MARTYNOV asked whether the information provided about legislative proposals to enhance the status of inspectors meant that they would have access to private undertakings.

Ms. KHACHIDZE (Georgia) said that the planned arrangements would authorize inspectors to have access.

Mr. KOLOSOV asked whether the planned increases in social security benefits would be met out of rearrangements in the State budget and not involve further taxation.

Ms. BERIDZE (Georgia) said it was expected that the costs could largely be met from sources such as certain large reserves not included in the regular State budget and by diverting funds from lower priority areas. It was also hoped that associated measures planned by the Government, such as improved management techniques and more efficient tax collection, would raise the level of receipts.

Mr. NALBANDOV (Georgia) said that the minimum salary was a notional figure for taxation purposes and one which, according to all the available information, no one was actually paid. There were, in fact, plans to increase that figure, which currently stood at 32 lari. The average subsistence minimum income was roughly 110 lari, which seemed very low, but was based on figures supplied by the Ministry of Labour, Health and Social Welfare; the delegation would endeavour to obtain clarifications if required.

Ms. KHACHIDZE (Georgia) said it was recognized that, in the early stages of transition to a market economy, little account had been taken of citizens' social rights, but action had subsequently been taken, by means of projects administered by the Ministry of Labour, Health and Social Welfare for social restructuring, including measures to provide compensation for loss of employment and to monitor expenditure, particularly on contracted-out services.

Ms. BERIDZE (Georgia) said that the incidence of tuberculosis in Georgia, which had been serious up to 1996, had since fallen drastically, especially among young people. Hepatitis was a serious problem because of its connection with drug abuse, but good treatment facilities were available. Malaria, which had been one of the region's major problems a century ago, was no longer so, only 20 cases having been reported in 2000.

Mr. RIEDEL said that the low figures cited with regard to HIV/AIDS were reassuring. In some other countries, however, a low incidence had suddenly increased exponentially. Adequate public awareness was therefore essential and he would like to know what was being done in Georgia for that purpose.

Mr. NALBANDOV (Georgia) said that national measures to deal with HIV/AIDS and other sexually transmitted diseases covered prevention as well as treatment. The measures were financed by the State budget, the next annual allocation being 1,760,000 lari. Action was based on information received not only from official sources, but from non-governmental and other organizations.

Mr. GRISSA said that the report gave no information about the school dropout situation, concerning which he would like to have some details. With regard to the numbers of students and pupils, he was puzzled by an apparent discrepancy between the figures in the table in paragraph 230 of the report and those in paragraphs 235 and 236, which would suggest that there were more students in higher education than at the secondary level, something he doubted.

Mr. MARCHAN ROMERO, noting that the State provided assistance for publications in various national languages, asked whether such support involved any censorship or other form of influence on publication.

Mr. WIMER ZAMBRANO asked for clarification about primary education in Georgia, which, according to UNDP sources, was no longer free, whereas, pursuant to article 13 of the Covenant, the State party had an absolute obligation to provide universally accessible primary education.

Ms. BARAHONA RIERA said that she shared Mr. Wimer Zambrano's concern about primary education in Georgia and about allegations of corruption, such as the awarding of diplomas against payment. She requested details of measures to promote sex and reproductive education. She also asked whether the national plan for women was being implemented and wished to have further information about legislation to combat domestic violence.

Mr. KOLOSOV, referring to the cultural rights governed by article 15 of the Covenant, said that the information on theatre visits provided in the report did not indicate how widespread theatregoing was among the various population groups. In particular, he wondered whether ticket prices represented a barrier to some, since it was noticeable that, in some countries having undergone economic transition, many costs had risen to international levels while incomes had not.

Mr. MARTYNOV asked about the current situation in Abkhazia and how many Abkhazians were currently living in Georgia.

Mr. CEAUSU said that Georgia's current economic crisis was bound to have an adverse effect on society. He asked what remedial measures were being taken, including details of budget allocations for education, health and social welfare, bearing in mind that, in accordance with article 2 of the Covenant, the maximum resources were to be made available. He also wondered to what extent the reported emigration of some 1 million people during the past 12 years reflected a "brain drain" and whether the State party was taking any steps to encourage persons having qualified abroad to return to Georgia.

Mr. WIMER ZAMBRANO asked whether there was any type of monopoly over the media and whether the media was controlled primarily by private enterprises or by the State. Did the Government broadcast any educational television or radio programmes?

Ms. BERIDZE (Georgia) said that cinema tickets were relatively cheap, costing approximately 5 lari. Nevertheless, young people did not go to the cinema regularly, usually preferring to go to music concerts. In recent years, there had been a growing trend among young people to go to the theatre and the opera, and that was very positive. In her view, efforts should be made to publicize shows on the television and radio to encourage more people to attend performances.

In reply to a question by Mr. Martynov, she said that a large percentage of the Abkhaz population had moved to Moscow. Most Abkhaz children living in Georgia attended Georgian schools, although the Government intended to investigate whether or not there was a need for schools providing instruction in the Abkhaz language. Ossetian children received instruction in special Ossetian schools.

Mr. GRISSA said that, if the average monthly wage was 80 lari, it was understandable that people could not afford to pay 5 lari for a cinema ticket.

Ms. BERIDZE (Georgia) said she agreed that, when considered as a percentage of the monthly wage, the price of a cinema ticket was somewhat prohibitive. However, prices in Georgia were low in comparison to those in Russia and special discounts were available to students, children and disadvantaged people.

Mr. NALBANDOV (Georgia) said there were several Russian, Armenian and Azeri theatres and cultural centres in Georgia. He pointed out that 5 lari was generally the price of the most expensive cinema ticket and it was possible to purchase cheaper tickets. However, tickets for pop concerts could cost up to \$50, which was unaffordable for the majority of the population. Taking into account the economic situation of the population, the managers of cultural centres regularly arranged charity performances for the most disadvantaged people.

The CHAIRPERSON, speaking as a member of the Committee, said that she would like to know to what extent the ethnic minorities residing in Georgia were allowed to participate in the cultural life of Georgia and to what extent they were able to practice their own culture and speak their own language. The question had been raised by several other United Nations treaty bodies.

Mr. NALBANDOV (Georgia) said that he was in a good position to answer that question, as he was a Government representative on national minorities. There were no obstacles preventing national minorities in Georgia from participating in the country's cultural life. National minorities were free to establish non-governmental organizations (NGOs) and could receive education in their mother tongue. Some minorities had State-financed newspapers and others published their own newspapers independently. However, some problems did exist. One was the civil integration of all minorities living in the country. Georgia had signed the Framework Convention of the Council of Europe for the Protection of National Minorities and

its ratification was one of the Government's top priorities. Under the Convention, Georgia would have to adopt specific legislation on the protection of national minorities. One positive step had been the preparation by the Parliamentary Committee on Civil Integration of a blueprint calling for the amendment of existing legislation, which would, prior to adoption, be discussed in Parliament and among the representatives of civil society.

Most of the information available about education and related issues had been provided in the report. He added that the total number of pupils enrolled in secondary schools and in non-Georgian schools was decreasing due to large-scale migration out of the country. Georgian and non-Georgian schools received equal protection from the State and there was no discrimination against pupils from non-Georgian schools.

Ms. BERIDZE (Georgia) said that Georgia had always been a very tolerant country and different religions had co-existed for centuries. There had never been any anti-Semitic attitudes in Georgia. In 1999, the country had celebrated 26 centuries of peaceful co-existence between Jewish and Georgian people. However, after independence, some new non-traditional groups such as the Jehovah's Witnesses had emerged in Georgia, causing adverse reactions from some sectors of Georgian society who felt that the Orthodox religion was being threatened. Unfortunately, many violent attacks had been carried out against the non-traditional groups and especially against Jehovah's Witnesses. Although the perpetrators had not yet been punished, a trial had begun the month before. The President had decreed that special attention should be paid to the issue, stating that measures should be taken to ensure the implementation of the right to freedom of thought, conscience, religion and belief and to investigate and submit to the court every act of violence committed against religious minorities in order to have the perpetrators punished. He had also decreed that legal professionals should be trained in the field of human rights.

The CHAIRPERSON, speaking as a member of the Committee, said that there was an emerging debate about the value of integrating minorities into the mainstream society of any country because a fully integrated group would lose its own cultural identity. The State party should indicate in its third periodic report whether it was taking any measures to ensure that national minorities were able to participate in the mainstream cultural life in Georgia without losing their own cultural identity. Granted, it was very difficult to strike a balance. The Committee had taken the first step towards adopting a general comment on the right to cultural diversity and would welcome any comments on the issue from States parties.

Ms. BERIDZE (Georgia) said that Georgia had a wealth of cultural diversity and, on the whole, the country's cultural situation was very positive. The Constitution stated that all individuals had the right to develop their own culture without any kind of discrimination or interference and had the right to use their own language in private and public life.

Mr. NALBANDOV (Georgia) said that he agreed with the member of the Committee who had said that education was very expensive. The financial situation of the education system over the last decade left much to be desired. However, although the budget allocations to education over the last decade had been decreasing, allocations had increased since 2000 and it was hoped that the situation would improve further in future.

The high school dropout rate was a great concern. It was due partly to the fact that many children entered the labour market at the

age of 15 in order to provide financial support for their families.

Mr. GRISSA said that, although the report provided disaggregated data on the number of students in educational establishments, it did not indicate how many pupils were enrolled in secondary education.

Mr. NALBANDOV (Georgia) pointed out that efforts had been made to provide disaggregated data on education. For example, the table on page 49 of the report provided a breakdown of pupils in daytime general education schools, by language of instruction. If necessary, further efforts could be made to provide more detailed information in the third periodic report.

Basic education was financed by the State and was therefore fully accessible. Secondary schools were free of charge in the capital and, elsewhere, the State paid the fees for 30 per cent of pupils. It was hoped that secondary education would be free for all pupils by September 2003. The State was trying to address the problem of informal payments made to schools. Such payments were totally illegal, but unfortunately did take place. Efforts were also being made to improve the working conditions of teachers. For example, although teachers' salaries were low, they had increased by 30 per cent since September 2002 and would hopefully increase again in the near future.

One of the main problems faced by children from the minority population was that they found it difficult to learn the Georgian language. Financial incentives were therefore offered to language teachers who went to teach in areas with a high minority population. Such teachers could earn twice the salary of teachers working in the capital.

Although school curricula did not incorporate sex education classes as such, the issue of reproductive health was discussed in other classes. Recent attempts to introduce sex education classes into the curricula had met with resistance from parents, but the Government would endeavour to address the issue.

There were over 200 privately-run higher education establishments in Georgia that were licensed by the Ministry of Education. Most of them were highly prestigious. In his view, it was unusual for a small country such as Georgia to have so many higher education establishments.

In reply to a question about the media, he said that several newspapers were financially supported by the State, including Armenian, Azeri and Russian newspapers. However, most newspapers were privately owned, although the State did make some contributions to their funding and functioning, and were regulated by a special law on the mass media. The same regulations applied to the electronic media. Likewise, while there were several public radio and television channels, most channels were private. The State was responsible for licensing their activities in accordance with its international human rights obligations.

Ms. BERIDZE (Georgia) said she objected to the suggestion that Georgia was going through an economic crisis. It was true that there had been a budgetary crisis in the past, but the situation had improved since 2000.

She thanked the members of the Committee for their genuine interest in Georgia. She hoped that the delegation had been able to assure the Committee that some progress had been achieved since the consideration of Georgia's initial report. The delegation had endeavoured to be frank in speaking about Georgia's problems. Her Government would scrupulously study the Committee's recommendations so that it would be able to guarantee the economic, social and cultural rights of all its citizens.

The meeting rose at 12.35 p.m.