



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

**REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 9 OF THE CONVENTION**

Third periodic reports of States parties due in 2004

Addendum

GEORGIA*

[21 July 2004]

* This document contains the second and third periodic reports of Georgia due on 2 July 2002 and 2004, respectively, submitted in one document.

The annexes to the report submitted by the Government can be consulted in the files of the Secretariat.

For the initial periodic report and the summary records of the meetings at which the Committee considered the report, see documents CERD/C/369/Add.1 and CERD/C/SR.1453-1454.

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Introduction

1. Pursuant to article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, the present document contains the second and third periodic reports of Georgia on its implementation of the Convention. In accordance with the concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/304/Add.120) adopted following its consideration of Georgia's initial report (CERD/C/369/Add.1), this report contains issues raised during the discussion of the initial report.
2. This report was prepared by the Political Security Department and the staff of the Georgian National Security Council. Material submitted by the Ministry of Internal Affairs, the Ministry of Foreign Affairs, the Ministry of Education, the Ministry of Labour, Health and Social Welfare, the Ministry for Refugees and Resettlement, the Ministry of Justice, the Central Electoral Commission and the State Department of Statistics has been used in the preparation of the report. The report covers the period from 2000 to 2003.
3. The period following the submission and discussion of Georgia's initial report has been marked by a radical change in Georgian political life. In November 2003, an event that has been called the "rose revolution" took place in Georgia. As a result of a mass protest by the population provoked by the authorities' blatant falsification of the outcome of the parliamentary elections, the President of Georgia, Mr. Eduard Shevardnadze, went into early retirement. Coalitions of youthful reformers - the National Movement and the United Democrats - came to power; the reformers' main objectives are:

In the area of foreign policy:

- Georgia's more active integration into the European structures of which it is a member or wishes to become a member;
- Maximum use of Georgia's geopolitical situation and potential as a transit country;
- Development of close friendly ties with the United States of America, the countries members of the North Atlantic Treaty Organization (NATO), and the European Union;
- Establishment of good-neighbourly and constructive relations with the Russian Federation;
- Strengthening of cooperation in the field of foreign policy with the countries of the South Caucasus.

In the area of domestic policy:

- Restoration of Georgia's territorial integrity and its jurisdiction over its entire territory;
- Poverty reduction, economic growth and measures to fight corruption;

- Creation of a system of balanced administration and collective responsibility of the executive;
- Establishment of the primacy of human rights and of the principle of the supremacy of the law.

4. As a result of the early elections held in January 2004, the force behind the “rose revolution” and the leader of the National Movement, Mikhail Saakashvili, was elected President of Georgia by a very large majority. In March 2004, new parliamentary elections were held under the proportional system;¹ the elections were won by a coalition of National Movement and the United Democrats, which received 135 deputy mandates. In addition, the Rightist Opposition, a coalition between the Industrialists and the New Rights, received 15 mandates.

5. In February 2004, the Georgian Parliament² adopted the Constitution Act, in which it introduced a number of very important changes and additions to the Georgian Constitution. Information about some of the major innovations in the Basic Law (Constitution) is provided below.

6. First of all, the structure of the legislature and the executive and mutual relations between them were reformed. Pursuant to the amendments to the Constitution, the post of Prime Minister, who is appointed by the President of Georgia,³ was created. The Prime Minister has the power to appoint ministers. The Government (Cabinet of Ministers) is composed of the Prime Minister, ministers and State ministers.

7. Although the Prime Minister does not have deputies, he is entitled to entrust one of his ministers with the duties of vice-prime minister. The Government of Georgia carries out the country’s domestic and foreign policy and is accountable to the President and the Parliament.

8. In certain cases covered by law, the Prime Minister assumes the powers of ministers and other members of the Government who have been relieved of their posts.

9. Only the Government of Georgia has the authority to submit the draft State budget to Parliament. If Parliament does not approve the Government’s report on the execution of the budget, the President of Georgia must, within a period of one month, consider the question of government responsibility and report to Parliament concerning his decision. In such cases, Parliament has the power to give a vote of no confidence in the Government.

10. If Parliament receives the required number of votes and expresses its lack of confidence in the Government, the President of Georgia has the right either to dismiss the Government or to disagree with Parliament’s decision. In the latter case, Parliament may, after a period of three months, again declare its lack of confidence in the Government.

11. In this case, the President has the right either to dismiss the Cabinet or to dissolve Parliament and schedule new parliamentary elections.

12. Pursuant to the amendments to the Constitution, Parliament has the right through its decision to initiate a process of absolute lack of political confidence in the Government. If, 15 days following the adoption of its decision, Parliament by a three-fifths vote expresses its lack of confidence in the Cabinet of Ministers, the President must dismiss the Government.
13. Seven days following the dismissal of the Government, the President, after consulting with parliamentary factions, must put forward a candidate for Prime Minister and, the Prime Minister must, within 10 days, appoint the Cabinet of Ministers and reach agreement with the President on this matter.
14. In this case, the Parliament must, within seven days, consider the composition of the Cabinet of Ministers and government programme submitted to it by the President. If the proposed composition and programme do not receive Parliament's "mandate of confidence", the President of Georgia submits, within seven days, a new or the same proposal on the composition of the Government.
15. If the composition of the Government is rejected by Parliament three times, the President submits the candidature of the former or a new contender for the post of Prime Minister to Georgia's supreme legislative body, or appoints that person Prime Minister without Parliament's consent. In the latter case, the President must adopt a decision on the dissolution of Parliament and the holding of new parliamentary elections. After that, the Prime Minister, with the President's consent, appoints the ministers.
16. Parliament cannot be dissolved by the President in the following cases: within a period of six months following its election; if martial law or a state of emergency is declared; six months before the expiry of the President's term of office; and when the Parliament assumes presidential authority in accordance with article 63 of the Constitution (i.e., when the President has been dismissed in accordance with the impeachment procedure).
17. With regard to the authority of the head of State, it should also be noted that, pursuant to the amendments to the Constitution, the President has the right of legislative initiative; the Government has that right only in exceptional cases. At the request of the President or the Government, Parliament may give priority to bills put forward by them.
18. The President has the right to dismiss the entire Government and relieve the Minister of Internal Affairs, the Minister of State Security and the Minister of Defence of their posts. As has already been mentioned, in cases established by law, the President has the right to dissolve the Parliament.
19. As soon as the decree on the dissolution of Parliament enters into force and until the first meeting of the new Parliament, the President has the right, in special cases, to issue an act having the force of law (decree) on tax and budgetary questions. This instrument ceases to have effect if the new Parliament does not approve it within a period of one month.
20. The President has the right to halt or annul international agreements, treaties, Georgian laws and presidential enactments.

21. The constitutional reforms also affected local self-government bodies. In accordance with the Basic Law, such bodies and local government leaders are elected. It should be pointed out, however, that this amendment will enter into force only after the relevant organic law is in force.

22. Another major amendment to the Constitution, concerning the granting of dual citizenship, will be discussed in the relevant section of this report.

I. GENERAL INFORMATION

23. The information in Georgia's initial report (CERD/C/369/Add.1) concerning the anti-discrimination provisions of the Constitution and legislation (paras. 9-18) is still current. At the same time, it is necessary to consider some important innovations that took place during the reporting period.

24. On 4 March 2003, the President of Georgia signed a decree approving a plan of action to strengthen protection of the rights and freedoms of various population groups of Georgia for the period 2003-2005. The Plan was discussed and approved at a meeting of the Government of Georgia. The preamble of this law contains a direct reference to Georgia's obligations under the International Convention on the Elimination of All Forms of Racial Discrimination and states that "an uncompromising struggle against all forms of discrimination, [and] the protection of the rights and freedoms of various population groups is one of the most important prerequisites for the advancement" of the Georgian State.

25. The Plan consists of several sections. The first provides for the amendment of existing legislation with a view to ensuring Georgia's fulfilment of its international human rights obligations and its implementation of the recommendations of United Nations treaty bodies. This section sets out such important tasks as the drafting and adoption of legislation condemning all forms of racial discrimination, segregation and apartheid; the drafting of guidelines for the integration of national minorities in Georgia; the amendment of criminal legislation with a view to criminalizing the promotion of racial hatred; and ratification of instruments of the Council of Europe concerning the rights of national and linguistic minorities. Parliament and a number of interested ministries are responsible for implementing this section.

26. The second section of the Plan deals with the enhancement of the role of ethnic minorities and their participation in decision-making by increasing their representation in government bodies. In order to achieve this goal, the Plan provides for the establishment of a databank on representatives of ethnic minorities who have the requisite qualifications, which will increase opportunities for their optimum use in the civil service; the drafting of proposals on increasing the participation of representatives of ethnic minorities in legislative and local government bodies; and the organization of training courses for representatives of ethnic minorities in order to develop leadership skills and prepare them for political activities. Although government bodies are primarily responsible for implementing the goals contained in this section of the Plan, political parties and non-governmental organizations (NGOs) must also play an important role in ensuring the full implementation of the goals.

27. The aim of the third section of the Plan is to promote more effective legal protection of the rights and freedoms of various population groups. To this end, the section provides for the holding of training courses and seminars for law enforcement officers, judicial personnel and representatives of NGOs, and also for the coordination of activities among the relevant government bodies, the Public Advocate (Ombudsman) and NGOs.

28. The fourth section of the Plan addresses measures to eliminate religious extremism and intolerance, which have emerged in Georgia in recent years. Along with measures to suppress any forms of religious discrimination and to prosecute the guilty parties, this section provides for the conduct of educational and awareness-raising campaigns to promote a culture of tolerance and peaceful coexistence among Georgia's various religious groups, and to establish a social context that minimizes the occurrence of acts of religious extremism. The solution of these complex tasks calls for the participation of government bodies, the media and NGOs.

29. The fifth section of the Plan is devoted to the activation of the process of civil integration and the achievement of national accord. In accordance with the Plan, an important role is played in this area by both the legislative and executive branches, and civil society organizations. This section provides for measures to strengthen the institution of citizenship; promote the development of civil society, including minorities' voluntary organizations; and establish a dialogue among cultures.

30. The final, sixth, section of the Plan includes a series of measures to protect the rights and freedoms of minorities on which the preservation of their national identity most depends. This concerns, in particular, cultural rights; the right to education; questions relating to the use of one's mother tongue; freedom of expression and information; and questions of transboundary cooperation. The implementation of this section is entrusted to a whole series of government bodies.

31. Since the President's adoption of the decree, certain steps have been taken to implement the Plan. In particular, action has been taken to comply with the recommendation of the Committee on the Elimination of Racial Discrimination concerning the criminalization of acts of racial discrimination. In July 2003, an act amending the Georgian Criminal Code entered into force. Article 142 (Racial discrimination) has been included in the Criminal Code; it reads as follows:

“1. Racial discrimination, that is, an act committed with the intention of inciting ethnic or racial hatred or conflict, injuring national dignity, or directly or indirectly restricting human rights or granting advantages on the grounds of race, skin colour, social status or national or ethnic affiliation, shall be punishable by deprivation of liberty for up to three years;

“2. The same act, committed with the use of violence that endangers life or health, or with the threat of such violence, or through abuse of one's official position, shall be punishable by deprivation of liberty for up to five years;

“3. The acts referred to in paragraphs 1 and 2 of this article, if committed by an organized group, or if they resulted in the death of the victim or other serious consequences, shall be punishable by deprivation of liberty for a period of between three and eight years.”

32. As can be seen, the provisions of this article of the Criminal Code do not entirely coincide with the internationally accepted definition of racial discrimination. Nevertheless, the article creates the legal basis for the criminal prosecution of persons guilty of committing this type of act and reduces the likelihood that a given offence will go unpunished. It must be admitted that, so far, no one has been prosecuted under this article.

A. Ethnic composition of the population

33. In 2002, the first general census of the population was held since Georgia's independence. According to information from the State Department of Statistics, the population data given below applies only to the population living in areas that are actually controlled by the Georgian State. Since Georgia still does not exercise de facto jurisdiction in Abkhazia and South Ossetia, the State Department of Statistics has no data for these regions, which makes it difficult to talk about their ethnic composition.

34. Under the rules for census-taking, a respondent's nationality and religious affiliation are determined according to self-designation. The nationality of minors is determined by their parents.

Table 1

Ethnic composition of the population of Georgia (based on the 1989 and 2002 censuses)⁴

	Thousands of persons		%	
	1989	2002	1989	2002
Total population	5 400.8	4 371.5	100	100
Georgians	3 787.4	3 661.1	70.1	83.8
Abkhaz	95.9	3.5	1.8	0.1
Ossetes	164.1	38.0	3.0	0.9
Russians	341.2	67.6	6.3	1.5
Ukrainians	52.4	7.0	1.0	0.2
Azerbaijanis	307.6	284.8	5.7	6.5
Armenians	437.2	248.9	8.1	5.7
Jews	24.8	3.8	0.5	0.1
Assyrians	6.2	3.3	0.1	0.1
Greeks	100.3	15.1	1.9	0.3
Kurds	33.3	20.8	0.6	0.5

35. A comparison of the data of the 1989 and 2002 censuses shows that the ethnic structure of Georgia's population has changed significantly (see table 1 above). The total population of the country has decreased by 16 per cent, and the number of Georgians has fallen by 3.3 per cent,

which has led to the growth of their proportion of the overall population by 13.7 percentage points (from 70.1 per cent to 83.8 per cent). As the State Department of Statistics notes, Georgia's difficult social and economic situation in the first half of the 1990s gave rise to intensive migration processes. Tens of thousands of citizens left Georgia, including members of ethnic minorities. In addition, a significant number of the Soviet - and later Russian - troops were withdrawn from Georgian territory. Together with the servicemen, members of their families also left Georgia. As a result of this process (and overall emigration), the number of ethnic Russians in Georgia has drastically declined. As the table shows, in the territory under the de facto jurisdiction of the Georgian State, the number of Abkhaz and Ossetes has sharply declined.

B. Georgia's international obligations

36. In its concluding observations on the outcome of the discussion of Georgia's initial report, the Committee recommended that Georgia should consider the possibility of making the declaration provided for in article 14 of the Convention. On 31 July 2002, the Georgian Government made an official declaration of its recognition of the competence of the Committee to receive and consider communications from individuals claiming to be victims of violations of the International Convention on the Elimination of All Forms of Racial Discrimination, in accordance with article 14, paragraph 1, of the Convention.

37. During the reporting period, Georgia became a State party to a number of multilateral international and regional instruments concerning various human rights issues. The full list of those instruments, which has been provided by the Ministry of Foreign Affairs, is given below.

(a) United Nations documents:

- General Assembly resolution 50/155 approving the amendment to article 43, paragraph 2, of the Convention on the Rights of the Child (ratified by the Georgian Parliament on 23 February 2000);
- Optional Protocol to the International Convention on the Elimination of All Forms of Discrimination against Women (entered into force for Georgia on 1 November 2002).

According to information from the Ministry of Labour, Health and Social Welfare, preparations are currently under way for the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

(b) Council of Europe instruments:

- European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (entered into force for Georgia on 1 October 2000);
- Convention on Human Rights and Biomedicine (entered into force for Georgia on 1 March 2001);

- European Agreement relating to Persons Participating in Proceedings of the European Court of Human Rights (entered into force for Georgia on 1 July 2001);
- Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocol No. 11 (entered into force for Georgia on 31 July 2002);
- European Convention on the Legal Status of Children Born out of Wedlock (entered into force for Georgia on 31 July 2002);
- Protocol No. 13 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty in all circumstances (entered into force for Georgia on 1 September 2003).

In addition, in July 2003, the Georgian Parliament ratified the Rome Statute of the International Criminal Court. The Statute entered into force for Georgia on 1 December 2003.

38. It should be noted that, in spite of the recommendations of the Parliamentary Assembly of the Council of Europe, Georgia is still not a State party to such Parliamentary Assembly instruments as the European Framework Convention for the Protection of National Minorities (signed on 21 January 2000, awaiting ratification by Parliament), the European Charter for Regional or Minority Languages; and the European Social Charter (revised).

II. INFORMATION RELATING TO THE ARTICLES OF THE CONVENTION

Article 2

Paragraph 1

39. The information on constitutional and legislative guarantees to prohibit racial discrimination and activities of a racist nature and to promote the elimination of racial barriers (CERD/C/369/Add.1, paras. 34-42) is still current. In connection with the concern expressed by the Committee on the Elimination of Racial Discrimination in its concluding observations concerning the shortcomings of article 5, paragraph 2, of the Political Associations of Citizens Act, it should be noted that article 142, paragraph 1 (Racial discrimination), has been introduced in the Criminal Code. This article unambiguously criminalizes this type of activity regardless of who commits it.

Paragraph 2

40. The constitutional guarantees for the adequate development and protection of minorities with a view to ensuring their full and equal enjoyment of human rights and fundamental freedoms (CERD/C/369/Add.1, paras. 43 and 44) are still in force.

41. In its concluding observations, the Committee on the Elimination of Racial Discrimination called upon Georgia to adopt legislation on minorities. This recommendation of the Committee has yet to be implemented. At the same time, a Georgian NGO that includes some 50 voluntary associations of national minorities living in Georgia is drafting a new version of a bill on the protection of the rights of national minorities. The bill is based on the provisions of the European Framework Convention for the Protection of National Minorities. One of the most important objectives of the bill is to provide, once the Framework Convention has been ratified, the legal basis for its implementation at the national level. The Committee on Civil Integration of the previous Georgian Parliament and voluntary organizations of national minorities have studied the bill. Moreover, the bill was sent for consideration to a number of international organizations, including international NGOs. At the time this report was being prepared, the bill was being amended to include the comments and recommendations that had been received. Once this work is completed, the drafters of the bill plan to lobby for its consideration and adoption by Georgia's supreme legislative body.

42. The re-elected Parliament does not have an independent committee on civil integration. The committee's functions have been incorporated into those of a standing body, the Committee on Human Rights and Civil Integration. At the time this report was being prepared, the process of establishing working groups (subcommittees) within the committees was still under way; it is expected that one working group of the Committee on Human Rights and Civil Integration will deal with the rights of national minorities and integration, including the Guidelines for the Integration of National Minorities in Georgia (see paragraph 25 above).

43. In the context of the reformation of government structures in accordance with amendments to the Constitution, the Office of the President of Georgia was established. The task of the Office is to assist the head of State in exercising his authority. In this connection, the post of assistant to the President for inter-ethnic issues has been abolished. Instead, provision has been made for the establishment of a department of inter-ethnic relations in the coordination service for regional policy and local administration of the Office of the President of Georgia. The specific functions of this subdivision will be determined in the near future.

44. As is clear from the foregoing, new State institutions dealing with the issue of national minorities are being established; however, it is still too early to assess the results of their work. At the same time, the need to reform these institutions is obvious, since the structures that existed until November 2003 (see CERD/C/369/Add.1, paragraphs 47-49) did not, by and large, carry out their statutory functions. With regard to the Public Advocate (Ombudsman) of Georgia, it should be noted that a special subdivision on the rights of national minorities has not been established within that institution. Such issues are dealt with by one of the Ombudsman's representatives. In general, the observance of Georgia's international obligations under human rights treaties is monitored by the relevant unit of the secretariat of Georgia's National Security Council. The reason for this is that, in 2000, the National Security Council was given the responsibility of drafting State reports on the implementation of six United Nations human rights covenants and conventions to which Georgia is a party.

Article 3

45. As was noted in Georgia's initial report, apartheid and racial segregation, referred to in article 3 of the Convention on the Elimination of Racial Discrimination, are completely unknown in Georgia, which has never had any laws or practices of this kind. Given the historical traditions and culture of the Georgian people, it can be asserted that apartheid, racial segregation or other similar phenomena are fundamentally impossible in Georgia. By acceding to the International Convention on the Elimination of All Forms of Racial Discrimination, Georgia clearly demonstrated that it condemns racial segregation in all its forms and manifestations.⁵ Georgian legislation clearly postulates the principles of equal rights and equality of citizens before the law in all aspects of life, irrespective of ethnic or racial roots or affiliation. As mentioned above, in July 2003 article 142, paragraph 1 (Racial discrimination), of the Criminal Code entered into force; the article provides rather severe punishment for this offence.

46. According to information from the Ministry of Foreign Affairs, during the reporting period Georgia continued to maintain diplomatic and trade and economic relations with South Africa. In particular, Georgia supported the candidatures of South African representatives for election to such international bodies as the International Law Commission, the Commission on the Status of Women, the Commission on Sustainable Development, the pool of ad litem judges of the International Tribunal for the Former Yugoslavia (May 2001) and the United Nations Committee for Programme and Coordination (May 2002). Bilateral relations between Georgia and South Africa are governed by a substantial number of laws and treaties. The Georgian Government is currently considering a draft treaty on commercial shipping, which has been proposed by South Africa. With regard to foreign trade relations between the two States, information on export and import transactions between Georgia and South Africa for the period 2001-2004 is provided in table 2.

Table 2

**Georgia's foreign trade with South Africa, 2001-2004
(thousands of United States dollars)**

Year	Total volume	Export	Import	Balance
2001	87.0	62.3	24.7	37.6
2002	253.3	9.4	243.9	-234.5
2003	326.9	-	326.9	-326.9
January-February 2004	42.1	1.8	40.3	-38.5

Article 4

47. As mentioned above, an act committed with the intention of inciting ethnic or racial hatred or conflict, injuring national dignity, or directly or indirectly restricting human rights or granting advantages on the grounds of race, skin colour, social status or national or ethnic affiliation, is a punishable offence under article 142, paragraph 1, of the Criminal Code.

The provisions of article 142 of the Criminal Code punishing violations of people's equality on the grounds of racial discrimination are still in force. The provisions of the Criminal Code referred to in paragraphs 57 to 60 of Georgia's initial report have not been amended.

48. As noted above, during the reporting period there were no cases in which the articles of the Criminal Code that provide for punishment of offences of a racist nature were applied. The Ministry of Internal Affairs has no information on the institution of criminal proceedings relating to the commission of offences on the grounds of race, as defined in the Convention. In our opinion, this can be explained both by the centuries-old tradition of tolerance in Georgian society and by the culture of peaceful coexistence among the various ethnic and religious groups, without which the existence of a multi-ethnic State, such as Georgia, would be impossible.

Article 5

(a) The right to equal treatment before the tribunals and all other organs administering justice

49. There have been no amendments or additions to the constitutional and legislative provisions guaranteeing equal treatment before the tribunals, which were described in Georgia's initial report (paras. 64-70). With regard to the actual state of affairs, it should be noted that Georgia's reformed judicial system functions rather effectively, which makes it possible to consider it as the basic mechanism for protecting human rights and restoring human rights when they are violated. At the same time, limited access to the courts by persons who are unable to pay court fees or hire a lawyer (particularly in the area of civil law) remains a problem. In this context, it is useful to note that, in May 2004, a joint project involving the Ministry of Justice and the NGO Young Georgian Lawyers' Association, entitled "Creation of a system of easily accessible, free legal assistance in Georgia". The project provides for the drafting of a bill that will ensure that socially vulnerable groups of the population have access to free legal assistance, including in their relations with judicial authorities. The bill is expected to be submitted to Parliament in the autumn of 2004.

50. During the reporting period, several Georgian NGOs continued to carry out programmes involving the free provision of legal assistance to socially vulnerable persons, including representatives of ethnic minorities. Such assistance included both legal consultations and the assistance of lawyers (principally in criminal cases).

(b) The right to security of person and protection by the State against violence or bodily harm

51. In its initial report, Georgia provided information about guarantees of the right to security of person and protection by the State against violence or bodily harm, contained in the Constitution and Georgian legislation (paras. 71-80). All the information contained in the report is still valid.

52. With regard to the use of firearms by the police during the reporting period, in 2000 there were 15 incidents involving the use of firearms; in 14 cases, such use was recognized as lawful. There were five victims. In 2001, the police used firearms in 20 cases; in 16 cases, such use was considered lawful. There were five victims. In 2002, there were 25 incidents involving the use

of firearms; in 20 cases, such use was recognized as lawful. There were 15 victims. In 2003, the police used firearms 21 times; only once was such use deemed unlawful. As a result of the use of firearms in 2003, 11 people were killed, 2 of whom were not Georgian. This information was supplied by the Ministry of Internal Affairs.

53. Under this article of the Convention, it must be reiterated that, owing to the continuing political crisis in Abkhazia and South Ossetia, during the reporting period Georgia was not in a position to protect citizens of these regions from criminal acts. In this connection, it should be stressed that Georgia does not absolve itself of responsibility for the situation in this part of its territory, which includes its responsibility to safeguard human rights and freedoms.

(c) The right to participate in elections and to take part in government

54. Georgia's initial report contains rather detailed information concerning constitutional and legal guarantees of universal and equal suffrage (paras. 83-88, 90-92 and 94-96). During the reporting period, Georgia adopted the new Electoral Code, which provides for certain innovations in the organization of voting procedure and the procedure for establishing the Central Electoral Commission; however, the key provisions referred to in the initial report have remained unchanged. During the reporting period, elections were held in Georgia at all levels: local, presidential and parliamentary.

55. In its concluding observations, the Committee on the Elimination of Racial Discrimination expressed its concern at the underrepresentation of ethnic minorities in Parliament. The Committee recommended that Georgia should take all necessary steps in order to increase the representation of national minorities in Parliament and in local bodies.

56. In this connection, it should be noted that, in the newly elected Parliament, the representation of national minorities has improved only slightly. As noted in the information provided by Georgia's Central Electoral Commission, the Commission does not have any data on the ethnic origin of deputies to Parliament and local government bodies. Nevertheless, there is unofficial data on this subject. Of the 235 deputies to the new Parliament, 12 are not Georgian (approximately 5 per cent of officially listed candidates). Three of the non-Georgian parliamentarians are women. Seven deputies were elected under the proportional system, five of whom were on the National Movement-United Democrats party list. Five deputies (including one woman) were elected to Parliament under the majority system, having won in single-seat electoral districts. Of the 85 majority deputies, only 5 are representatives of ethnic minorities; 4 of them (1 Azerbaijani and 3 Armenians) were elected in regions densely populated by those minorities. In this connection, it should be recalled that in the 1995-1999 Parliament there were 17 representatives of ethnic minorities; in the preceding Parliament there were 10 representatives of national minorities.

The right to equal access to government service

57. In its concluding observations, the Committee noted the barriers to participation of minorities in political institutions owing to their insufficient knowledge of the Georgian language. The insufficient knowledge of the State language by representatives of minorities living in Georgia is still a serious problem and continues to be the principal reason for their limited access to public (government) service.

58. During the reporting period, several Georgian NGOs, with financing from foreign donors, conducted programmes to teach Georgian to adults belonging to ethnic minorities. For example, the organization “Social Movement - Multi-ethnic Georgia” set up a resource centre that has been operating for about three years to educate citizens, mainly representatives of ethnic minorities. The six-month programme of instruction includes the study of the Georgian language. Since the centre was established, over 300 students have learned basic Georgian. The Georgian language courses for leaders of local voluntary associations in regions densely populated by ethnic minorities may be cited as another example; the courses were begun in 2003 under the auspices of the NGO Union of Azerbaijani Women of Georgia. The organization of these courses was made possible by a project funded by the Democracy Commission of the Embassy of the United States of America in Georgia.

(d) Other civil rights

The right to freedom of movement and residence within the border of the State

59. The constitutional and legislative guarantees of this right are described in Georgia’s initial report (paras. 105-112); they are all still valid. The information below deals with the practical exercise of this right.

60. According to information from the Ministry of Justice, 537 adult foreigners acquired immigrant status in 2000-2003. Data from the Ministry of Internal Affairs indicate that, over the same period, 1,322 foreigners and stateless persons permanently residing in Georgia obtained residence permits.

61. As noted in the initial report, during the period September-December 1999, owing to military activity in the southern part of the Russian Federation, a large group of persons from Chechnya entered Georgia in search of asylum. These asylum-seekers included Chechens and representatives of other ethnic groups, such as Kists, Georgians, Azerbaijanis, Russians and Armenians. The Georgian authorities accepted these citizens and granted them group refugee status. According to information from the Ministry for Refugees and Resettlement, 7,868 persons were registered as refugees in 2000. In 2001, the number of registered refugees from Chechnya declined slightly, to 7,765. In 2002 and 2003, this category of refugee continued to decrease, to 4,191 and 3,867, respectively.

62. Since 1995, individual refugee status was granted to 17 persons, including 8 Armenians, 4 Afghanis, 2 Tajiks, 2 Georgians and 1 Russian. These persons arrived in Georgia from Azerbaijan, Afghanistan, Tajikistan and Chechnya. During the reporting period, six persons (five citizens of the Islamic Republic of Iran and one stateless person) were refused individual refugee status because their situations were not covered by the Refugee Act.

The right to leave any country, including one’s own, and to return to one’s country

63. Georgia’s initial report describes the basic constitutional and legislative guarantees of this right (see paragraphs 116-127). They are all still in force. Moreover, during the reporting period, legislation was amended to expand the category of persons who enjoy privileges

when they receive their citizen identity card and their ordinary citizen's passport. Since 1 January 2003, persons up to the age of 16 benefit from a 50-per-cent reduction in the State charges for these documents (Customs Duty Act, art. 5, para. 4).

64. In its concluding observations on Georgia's initial report, the Committee recommended that Georgia should take the necessary measures to facilitate the return of Meskhetians and the acquisition of citizenship by them. In this connection, it should be noted that the Georgian Government is aware of the importance of solving this problem. Although the repatriation of the population deported from southern Georgia in 1944 is still on the agenda, during the reporting period there was no tangible progress in this regard. Pursuant to the Presidential Decree of 20 August 1999, work was begun on the drafting of a bill on the repatriation and integration of this group; the bill is still in the drafting stage.

65. According to information received from the State Statistical Committee, the last Georgian census (2002) indicates that 53 persons who identified themselves as Meskhetian Turks were living in Georgia.

The right to nationality

66. During the reporting period, an important amendment was made to the Georgian Constitution; the amendment substantially restricts the provision on the inadmissibility of dual citizenship. According to the amendment, which was adopted in February 2004, the President of Georgia has the right to grant Georgian citizenship to citizens of other States if they have performed special services for Georgia, or if the granting of citizenship to such persons is in the interests of the State. This is, then, a means of granting dual citizenship, whereby a citizen of a foreign State can at the same time become a citizen of Georgia.

67. It should be noted that the President has already exercised this constitutional right and has granted Georgian citizenship to citizens of France and the Russian Federation (ethnic Georgians), who were later appointed as heads of two Georgian ministries. In May 2004, at a ceremony marking Georgian Independence Day, the President officially declared that he was prepared to grant Georgian citizenship to any Georgian living abroad who wished to acquire Georgian citizenship.

68. With regard to data on the acquisition of Georgian citizenship through naturalization, according to information from the Ministry of Justice, 254 persons were naturalized as Georgian citizens in 2000-2003. The Ministry of Justice has no information concerning the ethnic origin of such persons.

The right to marriage and choice of spouse

69. The constitutional and legislative provisions governing the right to marriage and choice of spouse have not changed during the reporting period (see paragraphs 138-143 of Georgia's initial report).

70. As noted in paragraph 144 of Georgia's initial report, no marriage or divorce statistics disaggregated by ethnic origin are available. General statistics are provided in table 3 below.⁶

Table 3

Number of marriages and divorces in the period 2000-2002

Year	Number of marriages	Number of divorces
2000	12 870	1 854
2001	13 336	1 987
2002	12 535	1 836

The right to own property alone as well as in association with others

71. The constitutional and legislative provisions guaranteeing this right have not changed (see paragraphs 145-151 of Georgia's initial report).

The right to inherit

72. The constitutional and legislative provisions guaranteeing this right have not changed (see paragraphs 152-158 of Georgia's initial report).

The right to freedom of thought, conscience and religion

73. During the reporting period, the constitutional and legislative basis guaranteeing and regulating the exercise of this right was substantially reformed.

74. Pursuant to the Constitutional Act of 30 March 2001, article 9 of the Georgian Constitution was supplemented by the following provisions:

“Relations between the Georgian State and the autocephalous Georgian Orthodox Church shall be determined by the Constitutional Agreement. The Constitutional Agreement shall be fully consistent with universally recognized norms and principles of international law, in particular in the field of human rights and fundamental freedoms” (para. 2).

75. The Constitutional Agreement between the Georgian State and the autocephalous Georgian Orthodox Church was signed by the President of Georgia and the Catholicos Patriarch of All Georgia Iliya II on 14 October 2002. Under the provisions of the Agreement:

- The Church is a historically based subject of public law - a legal entity of public law with full rights that is recognized by the State - that carries out its activities in accordance with the norms of church (canon) law, the Constitution and Georgian legislation;
- The State supports the secrecy of confession and church secrets. Priests are bound not to divulge information confided to them in their capacity as spiritual pastors, as well as information that became known to them as members of the clergy;
- The State recognizes church marriages that are performed in accordance with the procedure established by law;

- The State, with the agreement of the Church, provides for the creation of the institution of chaplain in the armed forces, prisons and places of deprivation of liberty;
- In educational institutions, instruction in the Orthodox religion is voluntary. Curricula are approved and modified, and teachers appointed and dismissed, at the recommendation of the Church;
- The State recognizes as property of the Church all the Orthodox churches and monasteries (active and inactive), and their ruins, in the territory of Georgia, as well as the land on which they are situated. The State recognizes as property of the Church all church treasures under State protection (in museums, depositories), except for those which are owned by private individuals;
- The State confirms the material and moral damage inflicted on the Church during the period of loss of State independence in the nineteenth and twentieth centuries, particularly in the years 1921-1990. As the de facto owner of part of the confiscated property, the State assumes the obligation of providing partial compensation for the material damage (caused to the Church).

76. The initial report referred to a bill on freedom of conscience and religious organizations. During the reporting period, the bill was debated but was not referred to Parliament for consideration.

77. During the 2002 census, the denominational structure of the Georgian population was established for the first time (see table 4 below).

Table 4

Denominational structure of the Georgian population (2002)

	Persons	%
Total population	4 371 535	100
Including:		
Orthodox	3 666 233	83.9
Muslims	433 784	9.9
Members of the Armenian Apostolic Church	171 139	3.9
Catholics	34 727	0.8
Jews	3 541	0.1
Members of other faiths	33 468	0.8
Non-believers	28 631	0.6

78. The initial report referred to manifestations of religious extremism and violence that have taken place in Georgia in recent years. Legal actions have been instituted in the European Court of Human Rights in connection with a number of incidents involving a group of representatives of Jehovah's Witnesses, a non-traditional religious association. The Court is considering the merits of these cases.

79. The State, particularly in recent years, has taken measures to suppress this kind of unlawful behaviour and to prosecute the guilty parties. Thus, according to information from the Ministry of Internal Affairs, during the period 1999-2003, 21 criminal cases were brought in connection with the persecution of and violence against religious minorities. In three instances, investigations resulted in the referral of the cases to the courts; in one instance, the court has already handed down a guilty verdict. Proceedings in 11 criminal cases were suspended until the persons bearing criminal liability can be identified. In two instances, in spite of the measures undertaken, it was not possible to solve the crime. Investigations into the remaining cases are continuing.

The right to freedom of opinion and expression

80. The constitutional and legislative provisions guaranteeing the right to freedom of opinion and expression are described in Georgia's initial report (see paragraphs 164-173); they have not been amended. The information concerning the operation of editorial boards broadcasting in a number of languages of ethnic minorities within the structure of the State television and radio broadcasting corporation is also still current (see paragraph 176).

81. In order to give a fuller picture of the exercise of the right to free access to information, including information in minorities' mother tongues, table 5 below provides statistical data on the publication in Georgia of books, magazines and newspapers in 2000-2002.

Table 5

**Publication of books, newspapers and magazines in 2000
(based on data from the State Department of Statistics)**

	Number of publications			Number of issues a year			Annual circulation (in thousands)		
	2000	2001	2002	2000	2001	2002	2000	2001	2002
Books and brochures,	607	445	585	...	...	...	410.5	499	347.1
including in languages other than Georgian	50	37	68	...	...	...	53.8	53.2	49.9
Newspapers,	184	200	175	7 533	4 117	3 590	39 384	18 623	28 962
including in languages other than Georgian	...	...	...	503	220	419	1 065	1 159	5 748
Magazines and other periodicals,	67	42	56	662	464	610	728	468	1 126
including in languages other than Georgian	3	4	6	48	54	48	48	54	564

82. With financial support from the State, four newspapers, two in Russian (one of which is published in the capital, Tbilisi) and one each in Azerbaijani and Armenian, are published in Georgia. Newspapers in minority languages, founded by ethnic voluntary organizations,

continue to be published. Representatives of minorities do not encounter any obstacles to the founding of media and publication of information. In Georgia, periodicals and books from foreign countries (particularly from the Russian Federation) are circulated without hindrance.

The right to freedom of peaceful assembly and association

Freedom of assembly

83. The constitutional and legislative guarantees of freedom of assembly, described in Georgia's initial report (paras. 178-181), are still in force.

Freedom of association

84. During the reporting period, there have been no constitutional or legislative changes concerning the right to freedom of association. The constitutional and legal norms in this area are described in paragraphs 182 to 185 and 188 of Georgia's initial report. As noted in the initial report, the ethnic minorities living in Georgia have their own NGOs, cultural and cultural and charitable societies, both in the capital and in the various regions of Georgia. A positive development in efforts to develop a civil society in Georgia is that, if in the past almost all such NGOs were based in the capital, during the reporting period they increasingly began to focus their activities on the various regions of the country.

(e) Economic, social and cultural rights

The right to work and free choice of employment

85. The constitutional and legislative norms guaranteeing the right to work and free choice of employment have not changed (see paragraphs 190-193 and 195-198 of Georgia's initial report). At the same time, it is expected that labour law will soon be subjected to far-reaching reforms. During the reporting period, the Ministry of Labour, Health and Social Welfare drafted a new code of labour laws. According to information from the Ministry, the bill will be referred to Parliament for consideration later this year.

86. The new code will regulate both individual and collective labour relations. In the regulation of individual labour relations, a system was chosen that is more consistent than current legislation on the subject; the new system covers the whole range of individual labour relations. Individual labour rights will be regulated by an employment contract between the employer and the worker; the contract will reflect the rights and duties of both sides. This is an innovation that is not covered in the current Labour Code. It is noteworthy that, as a rule, individual employment contracts must be concluded for an indefinite period. The legal aspects of terminating an individual employment contract are also subject to new regulations. In particular, it is no longer necessary to obtain the compulsory agreement of the trade union. In the area of collective labour relations, the new code devotes special chapters to collective contracts and collective labour disputes.

87. During the reporting period, the draft labour code was examined by the Georgian-European Policy and Legal Advice Centre (GEPLAC). According to information from the Ministry of Labour, Health and Social Welfare, the bill meets the requirements of

the International Labour Organization (ILO), takes account of the provisions of continental European labour law, and adequately reflects the reality of the social and economic situation in Georgia.

88. During the reporting period, Georgia became a party to a number of ILO conventions, namely:

- ILO Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize, 1948 (entered into force for Georgia on 3 August 2000);
- ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (entered into force for Georgia on 24 July 2003);
- ILO Convention No. 181 concerning Private Employment Agencies, 1997 (entered into force for Georgia on 27 August 2003);
- ILO Convention No. 88 concerning the Organization of the Employment Service, 1948 (entered into force for Georgia on 11 September 2003);
- ILO Convention No. 151 concerning Protection of the Right to Organize and Procedures for Determining Conditions of Employment in the Public Service (entered into force for Georgia on 10 October 2004).

According to information from the Ministry of Labour, Health and Social Welfare, preparations are currently under way for the ratification of the following ILO instruments:

- ILO Convention No. 97 concerning Migration for Employment (revised 1949);
- ILO Convention No. 118 concerning Equality of Treatment of Nationals and Non-Nationals in Social Security, 1962;
- ILO Convention No. 143 concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers.

The right to just and favourable conditions of work

89. The information contained in Georgia's initial report concerning guarantees of just and favourable conditions of work (paras. 198-201) is still valid.

The right to protection against unemployment

90. Georgia's initial report referred to constitutional and legislative guarantees of the right to protection against unemployment and also the draft State job-placement programme prepared by the Ministry of Health and Social Welfare (paras. 202 and 203). Information about the steps taken during the reporting period to guarantee employment is provided below.

91. In accordance with information from the Ministry of Labour, Health and Social Welfare - the principal body responsible for formulating and implementing State policy in the field of employment - since the second half of 2001, the system of State regulation of employment has been undergoing reforms. Regulations have been largely updated, and the consolidated State employment fund has been discontinued and replaced by the State Employment Service.

In addition to traditional areas of State employment policy (intermediary activity in finding jobs for the unemployed; vocational training and retraining of unemployed persons; organization of public works in order to provide temporary employment; social protection of the unemployed), in 2002 work began on such problems as: (a) granting of preferential loans to unemployed persons wishing to become entrepreneurs; (b) advantageous credit services for active entrepreneurs in order to stimulate their interest in the creation of new jobs; and (c) subsidizing of jobs for persons with limited capacities (persons with disabilities), unemployed members of families with many children, and persons who have been out of work for a long time. As a result, in 2002, in the context of the aforementioned programmes, jobs were found for up to 1,000 unemployed persons. Only limited funding prevented the achievement of a higher indicator. In 2003, there were plans to double the number of persons placed in jobs; however, owing to a lack of funding, it was not possible to complete these programmes.

92. With regard to the social protection of unemployed persons, during the reporting period the Ministry of Labour, Health and Social Welfare prepared more specific criteria for receiving unemployment benefits. According to the provisions of the Employment Act and an order of the Minister of Labour, Health and Social Welfare signed in January 2002, a person who is unemployed receives benefits if he or she: (a) registers with the State Employment Service within six months of losing his or her job; (b) is prepared to perform appropriate work; and (c), before losing his or her job, had worked continuously for not less than a year. The amount of the unemployment benefit is 14 lari a month (approximately US\$ 7), and the maximum period during which the benefit may be received is six months.

The right to just remuneration

93. The constitutional and legislative norms guaranteeing the right to just remuneration are described in Georgia's initial report (para. 205) and are still in force. Work is continuing on the establishment of a uniform wage scale for all categories of public-sector workers (see initial report, paragraph 206).

Statistics

Employment and unemployment

94. In order to evaluate the situation and trends in employment and unemployment during the reporting period, table 6 provides a number of basic indicators in this area⁷ that demonstrate that during the reporting period the number of persons employed in the public sector tended to decline while the number of persons employed in the non-State sector increased. According to data from the State Department of Statistics, during the reporting period the unemployment rate in Georgia was: in 2000 - 16.1 per cent; in 2001 - 16.6 per cent; in 2002 - 15.9 per cent; and in 2003 - 14.1 per cent.

Table 6
**Distribution of persons employed by economic sector,
and the employment rate, 2000-2002**

	2000		2001		2002		2003	
	Total	Women	Total	Women	Total	Women	Total	Women
Employed persons (thousands)	1 839.3	892.0	1 877.7	911.0	1 839.2	885.1	1 813.7	856.4
Including:								
In the State sector (thousands)	476.8	256.8	450.0	237.9	421.6	225.4	409.2	218.6
In the non-State sector (thousands)	1 362.5	635.2	1 427.7	673.1	1 417.6	659.6	1 404.5	637.8
Employment rate (% of the total population over the age of 15)	58.4		58.8		56.8		58.4	

Source: Ministry of Labour, Health and Social Welfare and the State Department of Statistics.

Table 7
**Registered unemployed persons, and unemployment
benefits, 2000-2003**

Year	Persons looking for work who registered with the State Employment Service	Of such persons, persons who are unemployed	Job placement of persons looking for work	Unemployed persons receiving benefits	Total expenditure on unemployment benefits
2000	121 702	116 889	10 353	4 783	298 609.9
2001	114 512	109 512	7 350	5 294	398 170.3
2002	39 295	37 030	6 005	3 469	274 374.8
2003 ⁸	48 645	45 933	6 252	2 732	241 901.4

Source: State Employment Service.

Earnings and average income

95. The statistical indicators concerning salaries and the minimum wage established in Georgia during the reporting period are provided in tables 8 and 9.

Table 8
Average monthly income by economic sector
(lari a month)

	2000	2001	2002	2003
State sector, including:	...	...	...	...
State enterprises	74.3	99.5	130.1	119.3
Budget-financed organizations or institutions	62.2	59.7	69.1	77.9
Non-State sector, including:	...	...	...	...
Non-State enterprises	108.4	113.4	128.9	138.9
Foreign or joint enterprises or organizations	271.7	399.6	319.0	241.7
Other	107.3	109.6	74.9	60.7
Total	86.1	93.0	103.4	108.0

Source: Ministry of Labour, Health and Social Welfare.

Table 9
Minimum wage (lari a month), 2000-2003

	2000	2001	2002	2003
Minimum wage of an able-bodied man	115.3	117.9	125.3	130.7
Minimum wage of the average consumer	101.6	103.4	109.9	114.7
Minimum wage of the average family	200.6	205.1	218.0	227.4

Source: State Department of Statistics.

The right to form and join trade unions

96. The information contained in Georgia's initial report (paras. 216-218) concerning constitutional and legislative guarantees of the operation of trade unions is still valid. Georgian legislation does not place any restrictions on participation in trade union activities on racial grounds, and no incidents of this type occurred during the reporting period.

The right to housing

97. Georgia's initial report provided a survey of the provisions of the Constitution and legislation that guarantee the proper exercise of the right to housing (paras. 221-230). From the point of view of race, the existing laws and regulations in this area are neutral and do not contain any restrictions on the right to housing on the discriminatory grounds referred to in the Convention.

98. As noted in Georgia's initial report, municipal residential construction in Georgia being practically non-existent, there are two ways of exercising the right to housing - purchasing or leasing. There is no discrimination on racial or other grounds in the sale or leasing of housing. Such matters are resolved by the capacity to pay of the party interested in acquiring or leasing property, regardless of origin, religion or other racial considerations.

The right to public health, medical care, social security and social services

99. The constitutional provisions guaranteeing the right to health protection were not amended during the reporting period (initial report, paragraph 233). As noted in the initial report, the Constitution does not contain any special norms relating to the right to social security and social services.

The right to public health and medical care

100. During the reporting period, the Georgian Parliament adopted another law in the area of public health, the Patient's Rights Act of May 2000. The Act guarantees every citizen of Georgia the right to receive medical services in accordance with the professional standards and norms of service that have been adopted and introduced in Georgia (art. 5). According to the Act, discrimination against a patient on the grounds of his or her race, skin colour, language, sex, genetic origin, religion or faith, national, ethnic or social affiliation or sexual orientation is prohibited (art. 6, para. 1). Pursuant to article 9 of the Patient's Rights Act, citizens of foreign States and stateless persons in Georgia have the right to health protection, which is guaranteed by international treaties and agreements and, where such treaties and agreements do not exist, by Georgia's domestic legislation.

101. As indicated in Georgia's initial report, the transition to management by objectives in Georgia's health-care system has made it possible to highlight priorities and identify minimum public health-care requirements (core services) that the State finances through central and municipal programmes. For example, the list of State health-care programmes for 2003, which was approved by a presidential decree, includes the following: popularization of the elements of a healthy lifestyle; planned immunization and vaccination; prevention of drug addiction; determination of the morbidity rate and mass medical preventive examinations of the population; safe blood, prevention of AIDS and sexually transmitted diseases; primary detection of oncological diseases; prevention of circulatory diseases; accident prevention; additional medical care for the rural population; additional medical care for the population of high-mountain regions; psychiatric care; medical care for children; additional medical care for socially

vulnerable population groups; treatment of infectious diseases; diagnosis and treatment of oncological diseases; treatment of ischemic heart disease; provision of medicines to specific patients; and additional medical services for the population of the Tskhinvali region.

102. As mentioned in Georgia's initial report, no statistics have been compiled on the nationality of patients. The main problem regarding the exercise of the right to medical care is the population's inability to pay, and hence the inaccessibility of treatment not covered under State programmes.

The right to social security and social services

103. In its initial report, Georgia provided information on legislation governing various aspects of social security and social services (paras. 243 and 245-247), and also the departments responsible for disbursing benefits to individual categories of citizens (para. 239). The comprehensive programme to reduce poverty and stimulate economic growth, mentioned in Georgia's initial report, was not adopted during the reporting period.

104. It was noted in Georgia's initial report that retirement age is 60 for women and 65 for men. During the reporting period, this regulation was amended for civil servants. In particular, the Public Service Act was amended in July 2003; under the amendment, the retirement age for women was made the same as the retirement age for men, namely 65. According to information from the Ministry of Labour, Health and Social Welfare, during the reporting period the average monthly pension for all categories of retired persons amounted to: in 2000 - 15.9 lari; in 2001 - 16.1 lari; and in 2002 - 16.2 lari. In 2004, the process of gradually increasing pensions began. As of June 2004, the average monthly pension amounted to: in the capital of Georgia - 21 lari, and in all other regions of the country - 18 lari.⁹

105. According to data from the Ministry of Labour, Health and Social Welfare, in 2000 the total number of pensioners of all categories was 923,654; there were 20,035 first-time pension receivers. In 2001, these indicators were 896,005 and 39,475, respectively. In 2002, the number of pensioners increased slightly, to 903,571 persons; there were 47,296 first-time pension receivers. In 2003, the number of pensioners declined to 899,836; at the same time, the number of persons receiving pensions for the first time rose to 52,581.

106. In June 2003, the Georgian Parliament adopted a package of social security laws. Of those laws, the Personification Act has already entered into force; the Act applies to all categories of persons covered by the social insurance system. In January 2005, the Compulsory Insurance Pension Act and the Compulsory Social Insurance Act will enter into force.

107. In Georgia's initial report it was noted that, in 1997, a new form of special social assistance for families comprising pensioners and unemployed persons who are no longer fit for work. Information concerning the categories and number of persons receiving such assistance, and on the financial resources made available for this purpose by the Ministry of Labour, Health and Social Welfare, is provided below. In 2000, 7,655,855 lari were allocated to this programme. Benefits were received by 44,874 families comprising 55,495 persons, including:

- Single pensioners unfit for work - 38,020;
- Families of two or more persons, consisting of single non-working pensioners - 6,160 families (14,462 persons);
- Full orphans, regardless of whether their guardians were fit for work - 694 families (1,013 children).

In 2001, 7,797,154 lari were allocated to the programme. Benefits were received by 49,326 families comprising 58,937 persons, including:

- Single pensioners unfit for work - 41,460;
- Families of two or more persons, consisting of single non-working pensioners - 7,014 families (16,225 persons);
- Full orphans, regardless of whether their guardians were fit for work - 852 families (1,252 children).

In 2002, 12,211,616 lari were allocated to the programme. Benefits were received by 69,644 families comprising 83,516 persons, including:

- Single pensioners unfit for work - 49,073;
- Families of two or more persons, consisting of single non-working pensioners - 8,801 families (21,411 persons);
- Full orphans, regardless of whether their guardians were fit for work - 1,073 families (1,534 children);
- Blind category - one non-working disabled persons - 3,961 families (4,003 persons);
- Disabled persons from childhood to the age of 18 - 6,638 families (6,731 persons);
- Families with seven or more children under the age of 18 - 98 families (764 children).

In 2003, 14.4 million lari were allocated to the programme. Benefits were received by 80,386 families comprising 96,101 persons, including:

- Single pensioners unfit for work - 52,130;
- Families of two or more persons, consisting of single non-working pensioners - 9,990 families (24,119 persons);
- Full orphans, regardless of whether their guardians were fit for work - 1,250 families (1,704 children);

- Blind category - one non-working disabled persons - 7,191 families (7,254 persons);
- Disabled persons from childhood to the age of 18 - 9,684 families (9,852 persons);
- Families with seven or more children under the age of 18 - 138 families (1,038 children).

108. The monthly benefit under the social assistance programme for needy families is:

- Single non-working pensioners - 22 lari;
- Families of two or more persons, consisting of single non-working pensioners - 35 lari;
- Full orphans - 22 lari;
- Blind category - one non-working disabled persons - 22 lari;
- Disabled persons from childhood up to the age of 18 - 22 lari;
- Families with seven or more children under the age of 18 - 35 lari.

109. Under this programme, additional social assistance is also provided to needy families of displaced persons from Abkhazia. The amount of the benefits ranges from 7 to 13 lari.

110. Georgia's initial report provided statistics on persons with disabilities. Available updated information indicates that, during the reporting period, the number of disabled persons in Georgia continued to rise among both men and women (see table 10).

Table 10

Persons with disabilities, 2000-2003

	Total number of disabled persons	Men	Women
2000	175 810	91 772	84 038
2001	181 865	94 934	86 931
2002	183 603	96 942	86 661
2003	192 265	97 348	94 917

111. Georgia is continuing to take measures and to implement social welfare programmes for the disabled, which are described in paragraph 244 of its initial report (see table 11).

Table 11
Financing of social welfare programmes for disabled persons in 2001-2002
(thousands of lari)

No.		2001	2002
	All State welfare programmes for disabled persons	3 300	3 445
1.	Programme to ensure the operation of the system for registering and certifying disabled persons	283	200
2.	Programme for the medical and social rehabilitation of disabled persons	1 543	1 515
3.	Social security programme for the neediest disabled persons	943	1 000
4.	Programme of additional social and medical assistance for the blind and visually impaired	103	70
5.	Programme for the social rehabilitation of displaced persons with disabilities	129	360
6.	Programme of medical resort treatment for persons in particularly difficult circumstances	300	200

Source: Ministry of Labour, Health and Social Welfare.

The right to education and training

112. In its initial report, Georgia provided basic information on constitutional and legislative guarantees of the right to education and training (paras. 253-265). All of that information is still valid.

113. The statistics below contain information on the actual situation with regard to ethnic minorities' exercise of their right to be educated in their mother tongue. The information was provided by the State Department of Statistics.

Table 12
State general education schools providing instruction
in languages other than Georgian, 2000-2003

Schools	2000		2001		2002		2003	
	Number of schools	Number of students						
Azerbaijani	168	38 175	164	36 829	165	35 449	164	34 295
Armenian	154	25 814	154	23 850	151	22 282	150	21 193
Ossetian	14	202	13	193	13	188	11	172
Russian	186	38 102	175	35 896	171	33 981	167	32 136
Ukrainian	1	44	1	46	1	61	1	76

Table 13**Higher educational establishments providing instruction
in languages other than Georgian (by academic year)**

	State higher educational establishments			Non-State higher educational establishments		
	2001/02	2002/03	2003/04	2001/02	2002/03	2003/04
Total	16	17	17	-	1	1
Instruction provided in: ¹⁰						
Russian	16	17	17	-	-	-
German	1	1	2	-	-	-
French	1	1	2	-	-	-
English	1	2	4	-	1	1
Armenian	-	1	1	-	-	-
Azerbaijani	3	3	2	-	-	-

114. During the reporting period, there was a steady trend towards the reduction of the number of general education schools providing instruction in languages other than Georgian, with a simultaneous decrease in the number of students (see tables 12 and 13). At the same time, it should be noted that, during the reporting period, the first school offering instruction in Ukrainian opened in Georgia. During the same period, the number of higher educational establishments providing instruction in languages other than Georgian increased slightly. Russian is a language of instruction in all Georgian higher educational establishments. As noted in Georgia's initial report, there are Russian departments in many non-State higher educational establishments.

115. According to information from the Ministry of Education, owing to cutbacks in State financing, in recent years there has been a general decline in the number of students in the initial vocational training system. In educational establishments situated in areas densely populated by minorities, instruction is provided in a number of minority languages (Azerbaijani, Armenian, Russian).

The right to equal participation in cultural activities

116. The constitutional and legislative guarantees of the aforementioned right are described in Georgia's initial report (paras. 272-275). During the reporting period, the laws and regulations in this area were not amended.

117. The initial report also provides a description of the actual state of affairs in this area (paras. 276-278). On the whole, this information is still current. During the reporting period, Georgia's economic difficulties continued to have a negative impact on the operation of its cultural infrastructure.

118. In February 2004, as part of the process of forming a new government structure, the Ministry of Culture became the Ministry of Culture, Preservation of Monuments, and Sport.

The right of access to any place or service intended for use by the general public

119. The information contained in Georgia's initial report (paras. 280-282) is still current. With regard to the protection of the interests of persons with disabilities, it should be noted that, during the reporting period, article 142, paragraph 2 (Restriction of the rights of disabled persons), was included in the Criminal Code. According to this article, refusal to ensure the exercise of the rights of disabled persons as provided in Georgian legislation or international treaties, solely on the basis of such persons' disability, is punishable by up to three years' deprivation of liberty and, if there are aggravating circumstances, five years' deprivation of liberty.

Article 6

120. Georgia's initial report contains information on the constitutional principles of Georgia's judicial system (paras. 283 and 284), the system of ordinary courts and the legal foundations for their operation, and the procedure for administering justice in the various instances (paras. 285-289), and legislative guarantees of equality before the law and non-discrimination in the administration of justice (para. 290). During the reporting period, Georgia's judicial system did not change and continued to operate in accordance with the legal foundations described in the initial report.

121. Since the submission of Georgia's initial report, there have been no changes in the procedural bases for administrative, civil or criminal proceedings (see paragraphs 293-302). It has already been mentioned in this report that an act amending the Criminal Code entered into force in July 2003; pursuant to that act, article 142, paragraph 1 (Racial discrimination), was included in the Criminal Code. The drafting of a new Code of Criminal Procedure is currently nearing completion.

122. Under the People's Advocate Act, everyone has the right to apply through administrative proceedings to other bodies and to the Ombudsman (see initial report, paragraphs 305 and 306).

123. During the reporting period, the judicial procedure in respect of constitutional supervision underwent major reforms. In March 2002, the act on amendments and additions to the Constitutional Court of Georgia Act and on amendments and additions to the Constitutional Proceedings Act entered into force. The aim of the amendments and additions was to eliminate existing shortcomings in Georgian legislation governing the operation of the Constitutional Court. These legislative reforms deal with both procedural and jurisdictional issues.

124. The aforementioned amendments and additions introduced the following important innovations:

(a) The principle of "continuity", according to which a member of the Constitutional Court participating in the consideration of one case did not have the right to participate in the consideration of another case until the completion of a suspended or deferred case, has been abolished. This procedure had a negative impact on the time limits for hearing cases. Pursuant to the amendment, a member of the Constitutional Court participating in the consideration of a case has the right to take part in the consideration of another case before the completion of a suspended or deferred case;

(b) Common and differentiated time limits for the consideration of cases have been adopted. In accordance with this addition, a claimant who applies to the Constitutional Court will be informed within 10 days whether or not the Court will accept the case for consideration on the merits. In addition, the Constitutional Court now has six months to take a decision on a constitutional action (application);

(c) The competence of the Constitutional Court has been broadened; this is reflected in the establishment of the formal institution of constitutional supervision. As a result of this addition, the Constitutional Court now has the right not only to examine the constitutionality of a legislative act from the point of view of its content but also to establish whether or not the constitutional procedure for adopting the act was observed;

(d) The range of persons having the right to apply to the Constitutional Court has been broadened. In matters involving chapter two of the Georgian Constitution (“Fundamental human rights and freedoms”), legal entities have also acquired the right to appeal to the Constitutional Court.

The amendments and additions described above have considerably expanded the authority of the Constitutional Court and enhanced the effectiveness of its work; they have facilitated access to the Court and strengthened guarantees of greater protection of human rights.

Article 7

Teaching and education

125. During the reporting period, Georgia’s general education schools continued to use the system for teaching human rights to students and providing training for teachers, as described in Georgia’s initial report (paras. 307 and 308). The information concerning the teaching of human rights in higher educational institutions is still current (para. 310).

126. During the reporting period, the Ministry of Education prepared a programme for teaching human rights in educational institutions for the period up to 2005. Under this programme, schools hold conferences, debates, seminars, and competitive exhibitions on the subject of human rights and freedoms two or three times a year. As the Ministry of Education has noted, during such events one of the priorities is to emphasize that racial or any other form of discrimination is unacceptable. In 2002-2003, the State Pedagogical Institute and the Tbilisi and national institutes for the further training of teachers prepared an educational programme and recommendations for the study of the Universal Declaration of Human Rights in the fourth, ninth and eleventh grades. Georgian authors have prepared textbooks entitled “Universal Declaration of Human Rights” for the ninth and eleventh grades of general education schools; the textbooks include information about basic United Nations human rights instruments.

Culture

127. Georgia’s initial report provided rather comprehensive information on the activities of voluntary organizations and, in particular, cultural and educational societies and centres of ethnic minorities (paras. 313-317). The information provided is to a large extent still current. It should be pointed out that, during the reporting period, the transformation of existing and the

establishment of new voluntary associations, including NGOs of ethnic minorities, proceeded apace. Ethnic minorities have never encountered obstacles to the establishment of their own voluntary associations or the preservation of their traditions, language and culture, provided that the provisions of the Constitution and current legislation are observed. The associations referred to in the initial report and those established during the reporting period regularly conducted and conduct many cultural and educational events: exhibitions, concerts and so forth.

Information

128. Georgia's initial report cited provisions of legislation that guarantee the exercise of the right to freedom of information (paras. 320 and 321). On the whole, the freedom of expression and information in Georgia is considered to be one of the most important achievements of the young State, which is engaged in a process of democratic development and European integration.

129. This report contains statistical information on the publication in Georgia of books, magazines and newspapers in languages other than Georgian in 2000-2002 (see table 5). In addition, a number of voluntary organizations of ethnic minorities issue their own publications. As mentioned earlier in this report, foreign periodicals and books continue to circulate freely in Georgia. On the whole, it should be noted that, during the reporting period, no materials of a discriminatory or racist nature were published in the press. The same may be said about broadcasts by State and non-State television and radio broadcasting companies.

130. Parliamentary and government officials involved in human rights issues, and NGO representatives also working in this area, including representatives of NGOs of ethnic minorities, continue to make regular statements in the press and on radio and television. They normally focus on the practical aspects of exercising human rights and freedoms in Georgia.

Notes

¹ The outcome of the November 2003 elections under the majority system was not challenged and remained in force.

² Following the events of November 2003, in order to avoid a vacuum in the legislature pending the holding of new elections to Georgia's highest legislative body, the mandate of the previous Parliament was extended.

³ The post of Prime Minister in independent Georgia already existed but was abolished following the adoption of the Constitution on 24 August 1995. The post of State Minister, second in rank after the President in executive authority, existed since that time. However, the powers of the State Minister were restricted, and it was the head of State who took decisions on current social and economic issues.

⁴ According to data from the 2002 census, representatives of approximately 50 ethnic groups live in Georgia. In absolute figures, the number of each ethnic group varies from several hundred (Chechens, Poles, Moldovans, Germans, Belarusians, etc.) to several dozen persons (Latvians, Uzbeks, Spaniards, Turkmens, etc.).

⁵ In any discussion of this issue, it should be borne in mind that, in Georgia's legal system, an international treaty to which Georgia is a party is considered as law. Georgia's International Treaties Act states that, following signature (ratification), international treaties concluded by Georgia become part of its domestic legislation and, as such, are self-executing unless special measures are required for their enforcement. Detailed information on this subject is contained in Georgia's initial report (CERD/C/369/Add.1, paras. 27-30).

⁶ The State Statistical Committee has indicated that the data for 2003 are still being processed.

⁷ As noted in Georgia's initial report, there are no statistics on the national or ethnic origin of workers or unemployed persons.

⁸ According to the Ministry of Labour, Health and Social Welfare, the decline in 2002 in the number of registered persons looking for work can be explained by the reorganization of the State Employment Service and the introduction of new rules for the registration of persons in this category.

⁹ The difference in the amount of pensions in the capital and the rest of Georgia can be explained by the fact that the municipal authorities decided to increase the pensions of inhabitants of Tbilisi by 3 lari a month.

¹⁰ In a number of State higher educational establishments, instruction is provided simultaneously in several languages (see initial report, para. 271).
