



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the fifth periodic report of Georgia*

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Please report on the progress made in raising awareness among judges, prosecutors, lawyers, law enforcement officers and the public of the rights enshrined in the Covenant, of their applicability under domestic law and of the procedure available under the Optional Protocol. In particular, please include information on the efforts made to raise awareness about the domestic mechanisms for implementing the Views adopted by the Committee under the 2016 amendments to the Codes of Civil, Criminal and Administrative Procedure.
2. Please provide information on measures taken to monitor respect for human rights, including in prisons, access to identity documents and restrictions on freedom of movement in autonomous areas of the State party over which the Government does not exercise effective control.

Anti-corruption measures (arts. 2 and 25)

3. Please provide information on the measures taken to prevent and combat corruption effectively, including those relating to prosecution for corruption at the highest level. Please also provide statistical information on the number of investigations and prosecutions in corruption cases during the period under review. Please comment on reports of a lack of transparency regarding income declarations of public officials and of corruption in the context of land privatization and recognition of land rights.

Non-discrimination (arts. 2, 19–20 and 26)

4. With reference to the Committee's previous concluding observations (CCPR/C/GEO/CO/4, para. 6),¹ please provide further information on the measures taken to enable the Office of the Public Defender to effectively monitor the implementation of the Law on Elimination of All Forms of Discrimination. Please respond to concerns relating to: (a) limited compliance with the recommendations made by the Office of the Public Defender; and (b) the insufficient resources provided to the Office of the Public Defender, which limits its awareness-raising activities, especially in rural areas. In light of the information provided in the State party's report (CCPR/C/GEO/5, para. 13), please provide examples of cases in which the Office of the Public Defender has applied to a court for the consideration or enforcement of its recommendations. Please also discuss the efficacy in combating hate crimes of the Human Rights Protection and Quality Monitoring Department, which was established under the Ministry of Internal Affairs.

* Adopted by the Committee at its 130th session (12 October–6 November 2020).

¹ Unless otherwise indicated, paragraph numbers in parentheses refer to the Committee's previous concluding observations.



5. Bearing in mind the Committee's previous concluding observations (para. 8), please report on the measures taken to address the social stigmatization and harassment of, and violence and discrimination against lesbian, gay, bisexual, transgender and intersex persons and defenders advocating for their rights. Please indicate the measures taken to ensure, in practice, their right to peaceful assembly and freedom of expression, including by providing adequate protection to lesbian, gay, bisexual, transgender and intersex persons from violent attacks by members of extremist groups. Please respond to reports of: (a) the authorities' failure to promptly and effectively investigate cases of violence based on sexual orientation and gender identity, to identify hate crimes and to prosecute and punish perpetrators; (b) the underreporting of hate crimes, including for reasons of social stigmatization and lack of trust in the authorities; and (c) the prevalence of homophobic and transphobic rhetoric by politicians, public officials and religious figures. Please also describe the current legislation and procedures concerning change of civil status in line with gender identity.

Gender equality and violence against women and domestic violence (arts. 2–3, 6–7 and 26)

6. In relation to the Committee's previous concluding observations (para. 7) and the information provided in the State party's report (CCPR/C/GEO/5, paras. 18 and 25), please provide further information on the measures taken, and their impact, to achieve equitable representation of women in political and public life, particularly in legislative and executive bodies at the national, regional and local levels. In light of the legislative measures taken to combat sexual harassment, as indicated in the State party's report (CCPR/C/GEO/5, paras. 27–29), please include statistical information on the number of complaints of sexual harassment in the workplace received during the reporting period, and their outcomes.

7. With reference to the Committee's previous concluding observations (para. 9) and the information provided in the State party's report (CCPR/C/GEO/5, paras. 22 and 53–59), please provide further information on the efforts made to eradicate gender-based violence, including domestic violence, spousal rape, sexual violence and femicide, including when directed against women with disabilities. In this respect, please describe the work of the human rights department under the Ministry of Internal Affairs in overseeing investigations into domestic violence, and its efficacy. Please report on the steps taken, and their impact, to: (a) address the high level of tolerance and acceptance of intimate partner violence; (b) strengthen due diligence and gender-sensitivity by law enforcement officers when registering and investigating cases of violence against women; and (c) provide appropriate and sufficient psychological, social, legal and rehabilitative services for victims and their families.

Voluntary termination of pregnancy and sexual and reproductive rights (arts. 2–3, 6 and 17)

8. With reference to the Committee's previous concluding observations (para. 7) and the information provided in the State party's report (CCPR/C/GEO/5, para. 35), please provide additional information on the steps taken to prevent and eradicate, in practice, sex-selective abortion. Please also report on the measures taken to: (a) improve access to safe and affordable abortion services, contraceptives and other reproductive health care, particularly for women in rural areas, women with disabilities and women of ethnic minorities; (b) develop and implement programmes on sexual and reproductive health education throughout the country; and (c) reduce the high maternal mortality rate.

Past human rights violations, right to life and prohibition of torture and other cruel, inhuman or degrading treatment or punishment (arts. 6–7 and 14)

9. With reference to the Committee's previous concluding observations (paras. 10–11), please update the Committee on the progress made in investigating all allegations of human rights violations committed during or in the immediate aftermath of the 2008 armed conflict; and unfair trials, torture and ill-treatment and illegal expropriation committed before the 2012 elections. With reference to the previous concluding observations (para. 12), please also report on the status and outcomes of criminal investigations conducted into: (a) the excessive use of force by police and/or prison officers during the March 2006 disturbance at Tbilisi Prison No. 5; (b) the ill-treatment of prisoners at Gldani Prison in Tbilisi, Ksani Prison No.

15, Kutaisi Prison No. 2, Rustavi Prison No. 6 and Zugdidi Prison No. 4; and (c) the violent dispersal of peaceful assemblies on 7 November 2007, 15 June 2009 and 3 January 2011 and the incidents in Mereti on 26 June 2012 and Karaleti on 12 July 2012. Please also include information on any form of redress provided to the victims.

10. Bearing in mind the Committee's previous concluding observations (para. 12) and the information provided in the State party's report (CCPR/C/GEO/5, paras. 116–117), please report on the measures taken to ensure the application of article 144 of the Criminal Code, instead of article 333, to torture cases. Please explain how the State party ensures the full independence of the State Inspector's Office, and provide information on the relationship between the State Inspector's Office and the Prosecutor's Office. Please include statistical data for the reporting period on the number of cases of torture, ill-treatment and excessive use of force by police and security officials, including those received by the State Inspector's Office, and the outcomes of any related investigations. Please include information on the investigation into the case of Temirlan Machalikashvili who was killed by State Security Service officers in December 2017.

Coronavirus disease (COVID-19) pandemic (arts. 4, 6 and 12)

11. Please describe the main restrictions on the exercise of rights protected under the Covenant that have been imposed in connection with the COVID-19 pandemic, the legal basis for the restrictions and their compatibility with the Covenant. Please respond to concerns that lockdown measures did not consistently correlate with relevant data on infection numbers.

Liberty and security of person (arts. 9–10)

12. With reference to the Committee's previous concluding observations (para. 13) and the information provided in the State party's report (CCPR/C/GEO/5, para. 118), please elaborate on the improved procedural safeguards for individuals in administrative detention, including their right to legal representation and the time frame for bringing them before a judge, and indicate whether there are any plans to abolish administrative detention altogether. In this respect, please respond to reports of an increase in the number of injuries sustained by detainees in temporary detention facilities and during or after administrative arrests, and of frequent denial of access to a lawyer upon arrest. Please provide further information on the progress made in: (a) keeping pretrial detainees separate from convicted persons; (b) improving material conditions of detention facilities, particularly at Prisons No. 2, No. 8 and No. 15, and at psychiatric hospitals; (c) reducing inter-prisoner violence; and (d) providing adequate access to health care, including mental health care, in all places of detention.

13. Please provide information on the measures taken to implement the Committee's previous recommendations (para. 15) regarding the State party's plea-bargaining system and zero-tolerance drug policy. In particular, please explain how the State party has addressed the lack of transparency in the negotiation of plea agreements and the limited role of the judge and the defence in this process. Please comment on continued reports of coercion being exerted on arrested persons, particularly those held on drug charges, to pressure them to enter into plea-bargaining agreements, including in exchange for access to legal aid.

Internally displaced persons (arts. 2–3, 12 and 24)

14. With reference to the Committee's previous concluding observations (para. 17) and the information provided in the State party's report (CCPR/C/GEO/5, paras. 135–138), please comment on reports of the continued need for durable housing solutions, improved living conditions and adequate employment opportunities for internally displaced persons. Please describe the impact that the government programmes and initiatives, including those implemented by the Livelihood Agency, have had on the situation of internally displaced persons. Please also report on the steps taken to mitigate the negative effect of the fencing measures around the administrative boundary lines on the situation of internally displaced persons, particularly in terms of their access to essential services. Please provide information on the impact of the COVID-19 pandemic on conditions for internally displaced persons.

Treatment of aliens, including migrants, refugees and asylum seekers (arts. 7, 9, 12–13 and 24)

15. Please provide information on the measures taken to: (a) ensure effective access to the territory and the asylum procedure for all who intend to seek asylum in the State party, including those whose entry is irregular; and (b) protect children born in the State party against the risk of becoming stateless. Please respond to reports that, in recent years, a significant number of asylum applications submitted by nationals of the Syrian Arab Republic, Eritrea and Yemen have been rejected on undisclosed grounds of national security, without any procedural guarantees.

Access to justice, independence of the judiciary and fair trial (art. 14)

16. With reference to the Committee's previous concluding observations (para. 14), please clarify whether it is possible to appeal against a jury's guilty verdict on the merits. Please also describe the financial criteria for determining eligibility for free legal aid and respond to concerns that many low-income defendants who are unable to afford lawyers are ineligible for free legal aid. Please also respond to concerns about case backlogs and delays in court hearings.

17. In light of the information provided in the State party's report (CCPR/C/GEO/5, paras. 248–250), please describe the impact of the ongoing judicial reform on guaranteeing, both in law and in practice, the full independence, impartiality, competence and tenure of judges. Please describe the current procedures and criteria for the selection, appointment, suspension and removal of judges. Please also respond to concerns that the current nomination and selection process for Supreme Court judges requires significant improvements, including the adoption of clear and objective criteria, increased transparency and independence from political influence.

18. With reference to the Committee's previous concluding observations (para. 16), please provide additional information on the impact of rehabilitation programmes for children in conflict with the law on their reintegration into society, and on the training of judges and other professionals involved in the juvenile justice system. Please respond to reports that: (a) children may be interrogated without the presence of their defence lawyers; and (b) the level of participation of social workers and psychologists in juvenile court proceedings remains insufficient.

Right to privacy (art. 17)

19. With reference to the State party's report (CCPR/C/GEO/5, para. 261) concerning the secret investigative actions permitted under the Criminal Procedure Code, please describe the safeguards applied to the surveillance regime and its compliance with article 17 of the Covenant. Please update the Committee on the status of the draft amendments to the Law on Information Security, which reportedly grant the State Security Service sweeping powers to access information. Please comment on concerns about the lack of independence and weak oversight functions of the State Security Service. Please also report on the role and capacity of the Operative Technical Agency established under the State Security Service, and the measures in place to ensure its independence, particularly regarding its surveillance functions.

Freedom of conscience and religious belief (arts. 2, 18 and 26)

20. With reference to the Committee's previous concluding observations (para. 18) and the information provided in the State party's report (CCPR/C/GEO/5, paras. 144–145), please update the Committee on the current procedures for and status of restitution for places of worship and properties confiscated during the Soviet era. Please comment on allegations concerning: (a) exclusive benefits granted to the Georgian Orthodox Church, including tax exemptions; (b) minimal funding allocated to religious minorities for rehabilitating their places of worship; (c) denial of requests for construction permits submitted by religious minorities; and (d) humiliating and discriminatory treatment of students from religious minorities, especially Muslim students, at schools and pressure on them to convert to the Georgian Orthodox Church. Please describe the efforts made to curb violence and hate speech

on the basis of religion and assess the impact of awareness-raising campaigns aimed at promoting respect for human rights and tolerance for diversity.

Freedom of expression (arts. 19–20)

21. Please report on the measures taken to ensure the safety of journalists and protect them from attacks and intimidation, including arrests, detentions and criminal charges, and on the progress made in effectively investigating cases of violence against journalists during the reporting period, including the alleged abduction of Azerbaijani journalist Afgan Mukhtarli. Please comment on reports of: (a) political influence on media outlets; (b) criminal investigations conducted against journalists covering the State party's response to the COVID-19 pandemic and into the financial records of directors and owners of media outlets; and (c) use by political parties of inauthentic accounts on social media to spread misinformation on political and public health matters. Please clarify whether the State party plans to amend its defamation law and describe the ongoing or planned consultation process in this respect. Please also provide information on the status of amendments to the Law on Electronic Communications and its compatibility with the Covenant.

Right of peaceful assembly (arts. 6–7 and 21)

22. With respect to the protests in June and November 2019 in Tbilisi, please respond to reports of: (a) excessive use of force by the police against protestors and journalists, including the use of rubber bullets, tear gas and water cannons; (b) arbitrary arrests and detention, during which some demonstrators were allegedly ill-treated and were not afforded fundamental legal safeguards; and (c) the failure of the authorities to promptly and effectively investigate these acts, identify all victims and bring perpetrators to justice. In this regard, please provide statistical data on complaints received during the reporting period concerning cases of excessive use of force by law enforcement and security officials, and on the investigations conducted, their outcomes and the redress provided to victims.

Rights of the child (arts. 23–24 and 26)

23. With reference to the Committee's previous concluding observations (paras. 7 and 9), please provide information on the measures taken to prevent and respond to cases of: (a) early marriage, especially of children from ethnic minority groups; (b) corporal punishment in all settings; (c) child sexual abuse and exploitation; and (d) child labour, including forced begging. Please respond to reports that children placed in State residential institutions or with foster families are vulnerable to violence, including sexual violence, and that cases of violence often remain unreported.

Participation in public affairs (arts. 25–26)

24. Please explain how the electoral reforms adopted in June 2020 promote and ensure free, credible and transparent elections. With regard to the State party's past elections, including the presidential election in 2018, please respond to reports of: (a) a lack of uniformity and clarity in campaign finance regulations and ineffective oversight in this respect; (b) abuse of administrative resources; (c) voter intimidation, pressure on public employees and recipients of social benefits, and vote buying; and (d) insufficient access to polling stations for persons with disabilities, especially in rural areas. Please comment on concerns about the blanket denial of voting rights to individuals who allegedly lack legal capacity due to mental disabilities and need for inpatient care.

Rights of minorities (arts. 25–27)

25. With reference to the Committee's previous concluding observations (para. 19), please provide information on the measures taken to promote political participation and representation of members of ethnic minority groups, including by addressing language barriers, raising awareness and effectively collecting relevant data. In this respect, please provide updated information on the use of minority languages in local government and administration. Please also report on the existence and operation of specific programmes aimed at the social and economic integration of Roma persons, in accordance with the

Committee's previous recommendations, and at addressing the needs of the Yazidi and Azerbaijani communities in Georgia.
