



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE
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9 – 27 July 2007

**LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH THE
CONSIDERATION OF THE THIRD REPORT OF GEORGIA**

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

1. Please indicate what specific measures have been taken by the State party to fully implement the Committee's Views regarding Communication No. 975/2001 (*Ratiani v. Georgia*).
2. Please provide information about the legislation on the rehabilitation and restitution of the property of conflict victims and its implementation.
3. Please provide information about how and to what extent the Covenant is implemented in Abkhazia and the Tskhinvali Region/South Ossetia.

Principles of non-discrimination and non-refoulement (arts. 2, 13 and 26)

4. In light of articles 13 and 26 of the Covenant, please provide detailed information on measures taken to guarantee the refugees' rights, in particular those of the Chechen refugees. In several instances, Chechens refugees were allegedly illegally deported from Georgia to Russia, without due process, in violation of article 13 of the Covenant. Please comment.

Gender equality and protection of the family (arts. 3, 23 and 26)

5. Further to the information provided in paragraph 162 of the report, please indicate if domestic violence, including marital rape and incest is considered a crime under the Penal Code. In addition, please provide updated information and

disaggregated data on: (a) the incidence of domestic violence reported to the police during the last three years; (b) criminal proceedings initiated and sanctions imposed; (c) reparation granted to victims; and (d) measures taken to create awareness with regard to the 2006 Law on “the elimination of domestic violence, protection of and assistance to violence victims” among police officers and inspectors.

6. “Bride-kidnapping” has been reported as a practice that is reappearing in rural areas of Georgia. Please comment on this information in light of the 2005 amendment of article 1106 of the Civil Code, (report, para. 337), as well as in light of articles 3, 23 and 26 of the Covenant. What concrete measures have been taken to eliminate this practice?

Right to life and Prohibition of torture and other cruel, inhuman or degrading treatment or punishment (arts. 6 and 7)

7. Please provide detailed information on: (a) the number of cases of death of detainees at any stage of detention; (b) cases of death caused by the use of force by law enforcement agents; (c) the investigations carried out in such cases; (d) the outcome of proceedings; and (e) measures taken to prevent such cases in the future. In this context, please comment on the reported disturbance at Tbilisi Prison No. 5, on 27 March 2006, in which at least seven inmates allegedly died, and please provide precise information on the status of the investigations, and their outcome.

8. Please indicate if, further to the Committee’s previous concluding observations, the State party has established an independent authority for complaints of ill-treatment of persons deprived of their liberty. Please also provide detailed information on the number of allegations of ill-treatment received and on the investigations carried out and the outcome of proceedings. In addition, please elaborate on the implementation of Presidential Decree no. 42 and the President’s initiative to transform Georgia into a “torture-free-zone”, indicating the duration of the Procurator’s office plan as well as details of any evaluation carried out.

9. Please indicate how article 42 (9) of the Constitution is being implemented in regard to violations of fundamental rights, including cases of torture and ill-treatment. In particular, please provide detailed information on reparations granted to victims of torture or ill-treatment and their dependents, including financial compensation, medical care and rehabilitation.

Treatment of prisoners (art. 10)

10. **Please indicate the status of the draft Penitentiary Code submitted to the Parliament of Georgia in September 2006 (para. 211 of the report), and elaborate on its compatibility with the Covenant. Please also comment on the Law of Imprisonment of Georgia, amended on 1 June 2006, which allegedly limits unduly the standard number and length of visits for detainees.**

11. **The majority of Georgia’s prisoners allegedly lives in overcrowded and poorly ventilated cells. Prisoners allegedly receive inadequate nutrition and substandard medical care, and have limited access to information. In 2006, some prisoners allegedly stayed for weeks and months without an opportunity to leave**

their cells for exercise or fresh air. Please comment in light of article 10 of the Covenant.

12. Please provide information and disaggregated data on the use of alternatives to pre-trial detention currently in place. Please also elaborate on any progress made in the debates referred to in paragraph 15 of the report, which were aimed at establishing a mechanism by which regular inspection visits to the places of deprivation of liberty would be conducted.

Non-discrimination and freedom of movement (arts. 12 and 26)

13. Please indicate what concrete measures have been undertaken by the State party to integrate internally displaced persons (IDPs) into Georgian society, as referred to in paragraph 26 of the report, with particular reference to those living in rural areas.

14. Please indicate the concrete measures undertaken by the State party, in cooperation with the Abkhazian and the Tskhinvali Region/South Ossetia de facto authorities, to create conditions for the voluntary, safe and dignified return of all displaced persons to their permanent places of residence in all regions of South Ossetia and Abkhazia, including the Gali district. Please also provide detailed information on steps taken to protect them from discrimination and provide them with adequate living conditions.

Independence of the judiciary and the right to a fair trial (art. 14)

15. In light of the measures taken to reform the judiciary, referred to in the report (paras. 255-304), please provide information on results achieved in the implementation of such reform. Please also provide detailed and updated information on measures taken to ensure the independence of the Judiciary.

16. Please provide detailed information on the implementation of plea agreements and results achieved since 2005 (para. 241 of the report). Please also comment on the information received by the Committee that plea agreements have been used to stop full investigations into allegations of torture by dropping the charges.

Freedom of religion (art. 18)

17. Please indicate: (a) whether the State Party envisages extending the status of legal public entity, granted to the Georgian Orthodox Church, to other religious groups and (b) the current status of other religious groups under the 2005 amendment to the Civil Code.

18. Please provide more information on concrete steps taken with regard to the investigation and prosecution of acts of religious intolerance, with particular reference to those aimed at religious groups not regarded as “traditional” (core document (HRI/CORE/1/Add.90/Rev.1), paras. 27 and 28). In addition, please indicate any measures undertaken to foster a spirit of religious tolerance and acceptance within Georgian society, as recommended by the Committee in its previous concluding observations.

Freedom of opinion and expression (art. 19)

19. NGOs, human rights defenders and independent journalists are allegedly suffering from recurrent acts of harassment by representatives of the State organs. Please comment, and indicate what specific measures are being taken to identify, prosecute and sanction the perpetrators. In the light of article 19 of the Covenant, please also comment on the content and status of the draft law on “Suspension of Activities, Liquidation and Banning of Extremist Organizations”.

Rights of persons belonging to minorities (arts. 25 and 27)

20. Please provide information about the use of minorities’ languages at the level of local government and administration. Please also provide detailed information about the access of members of minority groups to public offices, in particular the Armenian and Azeri communities, as well as comprehensive statistics on their political representation and participation. Please also provide additional information on the implementation and evaluation of the Civil Integration Programme, mentioned in paragraph 390 of the report, aimed at protecting minority language rights and improving their knowledge of the Georgian language.

Dissemination of information relating to the Covenant (art. 2)

21. Please indicate the steps taken to increase awareness and understanding of the Covenant among the general public and State employees, especially teachers, judges, lawyers and police officers.