



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination

### Concluding observations on the combined ninth and tenth periodic reports of Georgia\*

1. The Committee considered the combined ninth and tenth periodic reports of Georgia,<sup>1</sup> submitted in one document, at its 2941st and 2942nd meetings,<sup>2</sup> held on 23 and 24 November 2022. At its 2952nd meeting, held on 1 December 2022, it adopted the present concluding observations.

#### A. Introduction

2. The Committee welcomes the submission of the combined ninth and tenth periodic reports of the State party, in line with the reporting requirements under the Convention. The Committee also welcomes the open and constructive dialogue with the State party's delegation and the efforts of the State party to provide responses and supplementary replies to issues raised by Committee members during and after the dialogue.

#### B. Factors and difficulties impeding the implementation of the Convention

3. The Committee recalls its previous concluding observations<sup>3</sup> and acknowledges that the State party has been confronted with ethnic and political conflicts since its independence. The Committee also recalls that the occupied territories of Abkhazia, Georgia, and Tskhinvali region/South Ossetia, Georgia, continue to be outside the effective control of the State party. Thus, regrettably, the State party is unable to exercise its jurisdiction to implement the Convention in the whole of its territory.

#### C. Positive aspects

4. The Committee welcomes the following legislative, institutional and policy measures taken by the State party:

(a) Adoption of the 10-year State Strategy for Civic Equality and Integration, on 13 July 2021;

(b) Adoption of the Rules of Ethics and Code of Conduct for Public Institutions, approved by Government Resolution No. 200 on 30 April 2020, which, inter alia, prohibits hate speech;

\* Adopted by the Committee at its 108th session (14 November–2 December 2022)

<sup>1</sup> CERD/C/GEO/9-10.

<sup>2</sup> See CERD/C/SR.2941 and CERD/C/SR.2942.

<sup>3</sup> CERD/C/304/Add.120, para. 3; CERD/C/GEO/CO/3, para. 4; CERD/C/GEO/CO/4-5, para. 8; and CERD/C/GEO/CO/6-8, para. 3.



(c) Adoption of amendments to the Organic Law on the Public Defender of Georgia, on 3 May 2019, which expand the mandate of the Public Defender;

(d) Adoption by the parliament of Georgia of the Code of Ethics for Members of Parliament, on 22 February 2019, article 2 of which specifies the prohibition of hate speech based on race, skin colour, sex, religion or another basis;

(e) Adoption of amendments to the Law on the Elimination of All Forms of Discrimination of 2014, on 19 February 2019, which enhance the scope of the Law;

(f) Adoption of amendments to article 53<sup>1</sup> of the Criminal Code, adopted on 30 November 2018, which, inter alia, increase sentencing requirements for racially motivated crimes; and amendments to the Criminal Procedure Code, adopted in September 2022, to allow covert investigative activities for the investigation of racial discrimination cases;

(g) Establishment of the Labour Conditions Inspection Department in 2015, under the Ministry of Labour, Health and Social Affairs, and amendments to the Labour Code, in 2019, which strengthen anti-discrimination provisions, including in regard to the publication of vacancy notices and at the selection stage.

## D. Concerns and recommendations

### Data collection

5. While welcoming measures taken to improve the collection of data in certain domains, such as the unified collection and publication of data on the prosecution of hate crimes since 2020, the Committee is concerned that data relating to discrimination cases under administrative law may be incomplete due to data collection challenges. The Committee notes that population data provided in the State party's report is based on the census of 2014 and has not been updated.

6. **The Committee recommends that the State party further strengthen the collection of data relevant to the Convention, including data relating to racial discrimination cases under administrative law, and collect and publish updated population data at regular intervals between census cycles.**

### Implementation of anti-discrimination legislation

7. While welcoming legislative amendments during the reporting period that have strengthened the mandate of the Public Defender's Office in investigating discrimination complaints, the Committee is concerned that the Public Defender still faces challenges in obtaining information from private individuals in relation to requests made under article 8 (4) of the Law on the Elimination of All Forms of Discrimination. The Committee is also concerned about the absence of racial discrimination as an aggravating factor under the Administrative Offences Code. While welcoming measures implemented by the State Party to address discriminatory attitudes and raise awareness of anti-discrimination legislation, the Committee is concerned that discriminatory attitudes towards ethnic minorities are still persistent and that awareness of the relevant legislation and redress mechanisms remains limited, particularly among ethnic minorities (art. 2).

8. **The Committee recommends that the State party:**

(a) **Continue to support the mandate of the Public Defender's Office in regard to the investigation of racial discrimination complaints;**

(b) **Ensure the systematic provision of specialized training on the investigation and prosecution of racial discrimination cases for staff in the Prosecutor's Office, the Special Investigation Service and the Labour Inspection Service;**

(c) **Ensure that specialized training on racial discrimination is available to judges at all levels of the judiciary;**

(d) **Amend the Administrative Offences Code to include racial discrimination as an aggravating factor;**

(e) **Expand the implementation of awareness-raising measures to increase public awareness of anti-discrimination legislation and redress mechanisms, including among ethnic minorities.**

#### **Racist hate speech and hate crime**

9. The Committee is concerned about instances of racist hate crime, as well as racist hate speech in the media and online, including by politicians and high-level officials. The Committee acknowledges measures taken by the State party to address hate speech and hate crimes, including the establishment of the Human Rights Protection Department within the Ministry of Internal Affairs in 2018, and the extension of the Department's mandate in 2019 to monitor the quality of investigations, but it is concerned at the lack of effective legislation to address hate speech in broadcast media and online (arts. 2 and 4).

10. **The Committee recommends that the State party:**

(a) **Establish a specialized unit within the police to investigate hate speech and hate crimes;**

(b) **Ensure the effective implementation of the parliamentary Code of Ethics prohibiting hate speech by parliamentarians, adopted in February 2019, as well as the Rules of Ethics and Code of Conduct for Public Institutions, approved by Government Resolution No. 200 on 30 April 2020;**

(c) **Strengthen regulation of hate speech in traditional broadcast and online media, while ensuring that the measures implemented are compliant with the principles of legality and proportionality.**

#### **National or ethnic minorities**

11. While welcoming efforts made by the State party to improve the situation of ethnic minorities, including under the State Strategy for Civic Equality and Integration adopted in 2021, the Committee expresses its concern at:

(a) The continued low representation of minorities in political and decision-making bodies and public administration, including at the municipal level;

(b) The low level of knowledge of the Georgian language among minorities, particularly among the ethnic Azerbaijani minority, which constitutes a significant barrier to effective integration into Georgian society, including access to public information and services;

(c) The insufficient resourcing of schools in areas densely populated by ethnic minorities, in particular with regard to access to preschool education, teacher training and resource materials for teachers of the Georgian language and ethnic minority languages, and the quality of school infrastructure in some municipalities;

(d) The low number of State-funded places in the "1+4" Georgian language preparatory programme, which facilitates access to higher education for ethnic minority students by including a preliminary year of Georgian language studies before students begin a university degree;

(e) Persistent, structural socioeconomic inequalities, in particular in rural areas densely inhabited by ethnic minorities, including in regard to employment and health (art. 5).

12. **The Committee recommends that the State party implement special measures to address the structural inequalities faced by ethnic minorities in Georgia, taking into account the Committee's general recommendation No. 32 (2009), and in particular:**

(a) **Take additional measures to increase the representation of ethnic minorities in political and decision-making bodies and public administration, including at the municipal level, and strengthen the role of consultative councils by ensuring regular dialogue between representatives of ethnic minorities and the State;**

- (b) **Implement a comprehensive strategy to improve Georgian language skills among ethnic minorities, particularly in areas densely inhabited by ethnic minorities, including with regard to adult education;**
- (c) **Increase the availability of public information in minority languages, for example by increasing the number of speakers of minority languages in service provider institutions, including at municipal levels;**
- (d) **Strengthen educational provision in areas densely inhabited by ethnic minorities, including with regard to access to preschool education, school infrastructure, specialized language training and teaching resources for teachers of Georgian as a second language and teachers of minority languages, and domestic production of textbooks in ethnic minority languages;**
- (e) **Increase funding for the “1+4” Georgian language preparatory programme to ensure funding is available to all ethnic minority students who have passed the requisite national exams;**
- (f) **Intensify efforts to ensure the full enjoyment of economic, social and cultural rights by ethnic minorities, particularly in rural areas, including by expanding employment facilitation programmes.**

#### **Roma**

13. While welcoming measures taken by the State party to facilitate access to identification documents for Roma people, including children, the Committee is concerned that significant challenges remain with regard to access to education and low educational outcomes for Roma children. Absenteeism and dropout rates are higher among Roma children, linked to a number of factors, including language and cultural barriers. The Committee is concerned that child and/or forced marriage continues to constitute an additional obstacle to access to education for some Roma girls (art. 5).

14. **The Committee recommends that the State party:**

- (a) **Facilitate access to preschool for Roma children, with a focus on ensuring Roma children are effectively integrated into the preschool environment and begin primary school with a sufficient knowledge of the Georgian language;**
- (b) **Support the provision of extracurricular classes and clubs that are accessible to Roma children in primary and secondary education;**
- (c) **Implement measures to support schools and municipal child protection services to address high absence and dropout rates among Roma children;**
- (d) **Ensure that the prohibition on child and/or forced marriage is implemented effectively in practice, including through campaigns to raise awareness among the Roma community about the harmful impact of child and/or forced marriage, and provide victims with appropriate rehabilitation and counselling services.**

#### **Persons forcibly resettled by the Union of Soviet Socialist Republics in the 1940s**

15. While acknowledging the adoption of laws and measures designed to facilitate the repatriation of persons from Georgia that were forcibly resettled by the Union of Soviet Socialist Republics in the 1940s, the Committee is concerned by the low number of such persons who have been repatriated and granted citizenship, in particular among the Meskhetian Turk community. The Committee is concerned that this low number reflects certain challenges, among them difficulties faced by the persons concerned (including their descendants) in relinquishing their existing citizenship, in accordance with the requirements of Georgian law (art. 5).

16. **The Committee recommends that the State party facilitate the obtainment of citizenship for all those who have returned to Georgia, in particular Meskhetian Turks, including in regard to administrative and language requirements, and support their integration into Georgian society. The Committee further recommends that the State**

**party pursue renewed efforts to facilitate the voluntary return of forcibly resettled persons who remain outside Georgia, including through facilitated access to citizenship.**

#### **Situation of migrants during the coronavirus disease pandemic**

17. While noting the State party's efforts to respond to the coronavirus disease (COVID-19) pandemic, the Committee regrets the lack of information provided by the State party in regard to the situation of migrants in the context of the pandemic. The Committee is concerned that vulnerable migrants were particularly exposed to health risks and other impacts of the COVID-19 pandemic, linked to factors such as the loss of informal employment, absence of health insurance, language barriers, undocumented residency status and recourse to shared housing in which physical distancing was problematic (art. 5).

**18. In the context of the COVID-19 pandemic response, the Committee recommends that the State party:**

(a) **Conduct monitoring of the most vulnerable groups and communities of migrants on a regular basis and develop an effective mechanism for the identification of the most vulnerable individuals and communities;**

(b) **Include migrants in vaccination plans, and ensure that health systems are sensitive to the needs of migrants and deliver affordable and accessible services, regardless of immigration status;**

(c) **Provide support measures to undocumented and/or informally employed migrants;**

(d) **Facilitate the mobility choices of migrants, including the return of stranded migrants to their home countries, and their subsequent return to Georgia;**

(e) **Promote a migrant-inclusive approach throughout the COVID-19 pandemic and organize public awareness campaigns countering xenophobia and promoting diversity, solidarity and tolerance.**

## **E. Other recommendations**

### **Ratification of other treaties**

19. **Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties that it has not yet ratified, in particular treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.**

### **Amendment to article 8 of the Convention**

20. **The Committee recommends that the State party ratify the amendment to article 8 (6) of the Convention adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention and endorsed by the General Assembly in its resolution 47/111.**

### **Follow-up to the Durban Declaration and Programme of Action**

21. **In the light of its general recommendation No. 33 (2009) on the follow-up to the Durban Review Conference, the Committee recommends that, when implementing the Convention in its domestic legal order, the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009. The Committee requests that the State party include in its next periodic report specific information on action plans and other**

measures taken to implement the Durban Declaration and Programme of Action at the national level.

#### **International Decade for People of African Descent**

22. In the light of General Assembly resolution 68/237, in which the Assembly proclaimed 2015-2024 the International Decade for People of African Descent, and Assembly resolution 69/16 on the programme of activities for the implementation of the Decade, the Committee recommends that the State party prepare and implement a suitable programme of measures and policies. The Committee requests that the State party include in its next report precise information on the concrete measures adopted in that framework, taking into account the Committee's general recommendation No. 34 (2011) on racial discrimination against people of African descent.

#### **Consultations with civil society**

23. The Committee recommends that the State party continue consulting and increasing its dialogue with civil society organizations working in the area of human rights protection, in particular those working to combat racial discrimination, in connection with the preparation of the next periodic report and in follow-up to the present concluding observations.

#### **Dissemination of information**

24. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly made available to all State bodies entrusted with the implementation of the Convention, including municipalities, and that they be publicized on the website of the Ministry of Foreign Affairs in the official and other commonly used languages, as appropriate.

#### **Common core document**

25. The Committee encourages the State party to update its common core document, which dates to 1999, in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted at the fifth inter-committee meeting of the human rights treaty bodies held in June 2006.<sup>4</sup> In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 42,400 words for such documents.

#### **Follow-up to the present concluding observations**

26. In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 10 (a) and (b) (racist hate speech and hate crime), 14 (a), (b) and (c) (Roma) and 16 (persons forcibly resettled by the Union of Soviet Socialist Republics in the 1940s) above.

#### **Paragraphs of particular importance**

27. The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 8 (implementation of anti-discrimination legislation) and 12 (national or ethnic minorities) above and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.

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<sup>4</sup> [HRI/GEN/2/Rev.6](#), chap. I.

**Preparation of the next periodic report**

28. **The Committee recommends that the State party submit its combined eleventh and twelfth periodic reports, as a single document, by 2 July 2026, taking into account the reporting guidelines adopted by the Committee during its seventy-first session<sup>5</sup> and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports, and 42,400 words for the common core document.**

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<sup>5</sup> [CERD/C/2007/1](#).