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Summary record of the 3889th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 6 July 2022, at 10 a.m.

Chair: Ms. Pazartzis

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

Fifth periodic report of Georgia (continued) (CCPR/C/GEO/5; CCPR/C/GEO/Q/5; CCPR/C/GEO/RQ/5)

1. *At the invitation of the Chair, the delegation of Georgia joined the meeting.*
2. **Mr. El Haiba** said that the Committee would be grateful for statistics concerning investigations into hate speech directed at lesbian, gay, bisexual, transsexual and intersex persons and minority religious or ethnic groups.
3. With regard to paragraph 80 of the State party's replies to the list of issues, he would like to know how many of the 1,820 internally displaced families that were to have been provided with long-term accommodation in 2021–2022 had been placed in such housing thus far. According to the Office of the United Nations High Commissioner for Refugees (UNHCR) and other sources, some internally displaced persons were accommodated in buildings without running water, electricity or sanitation services. Many of them also reportedly lived on a monthly allowance that was insufficient to meet their basic needs. In addition, they were reportedly denied rights such as legal status, access to social services and protection from arbitrary or illegal expulsion. A meeting convened in 2016 between the Government and a number of United Nations organizations had led to the publication of a document that had set out 10 goals to be met by 2020. The Committee would appreciate information on the extent to which the State party had succeeded in achieving those goals, particularly the provision of decent and long-term accommodation. It also wished to know what steps had been taken during the coronavirus disease (COVID-19) pandemic to guarantee those families' access, without discrimination, to vaccines and health care.
4. He would like to learn more about the steps taken to guarantee access to international protection for all asylum-seekers, including those whose migration status was irregular, to ensure the fair assessment of all applications and to inform persons whose applications were rejected of the grounds for the rejection and their right to lodge an appeal.
5. The Committee had been informed that some children lived in unsafe and dangerous conditions in centres that were supposed to provide them with the best possible protection. He would like to invite the delegation to comment on the findings of studies that had revealed that some children had been victims of arbitrary detention, ill-treatment and brutality at the hands of law enforcement officers. Comments on the fact that corporal punishment had been prohibited in schools but could still be practised in a family environment would also be appreciated.
6. As the right to birth registration was apparently not fully guaranteed for members of minorities, internally displaced persons, foreigners and refugees, the Committee would be grateful for information on the current situation, on training programmes for officials responsible for juvenile affairs and on awareness-raising campaigns on the rights of the child.
7. **Mr. Muhumuza** said that he wished to know whether it was possible to appeal a guilty verdict handed down by a jury on the merits. According to the State party, the sentence issued by a jury could be reversed where the ruling was illegal or clearly unjustified or where the presiding judge had failed to take into account the jury's recommendation to reduce or increase the sentence. The Committee would be interested to learn of any instances in which sentences issued by a jury had been reversed.
8. Information about the financial criteria used to determine a person's eligibility for free legal aid would be appreciated, since it appeared that many low-income defendants had been denied such aid even though they were supposed to be the primary beneficiaries of that service. It was his understanding that only socially vulnerable persons were eligible for certain free legal services, such as the preparation of legal documentation and representation in court and that such persons were identified through their registration in a unified database of socially vulnerable households. He wished to know how vulnerable people who were not registered with that system acquired access to such services.

9. The Committee was concerned about reports of case backlogs and delays in court hearings and would welcome information on that score.

10. Additional information and statistics on success rates for the full reintegration of children in conflict with the law into society as a result of rehabilitation and transitional management programmes would be appreciated, as would information on the training of judges and other professionals involved in the juvenile justice system.

11. He wished to invite the delegation to comment on reports that children could be interrogated in the absence of their guardians or defence counsel and that social workers and psychologists did not play a sufficient role in juvenile court proceedings.

12. **Ms. Kran** said that she wished to remind the delegation of her request for information on plans to strengthen legal support for whistle-blowers as a means of combating corruption on the part of high-level officials.

13. In view of the fact that the trials of Mr. Nikanor Melia, the leader of the main opposition party, and members of the governmental Commission on Delimitation and Demarcation had both been described as being politically motivated by the Office of the Public Defender, she wished to know what steps the State party planned to take to put an end to politically motivated trials of government opponents or critics.

14. She had noted that judges did not always recuse themselves in situations of conflict of interest, with the trial of Mr. Nikoloz Gvaramia being one example, and she therefore wished to know what steps the State party planned to take to ensure that judges would be held accountable in such circumstances. Although the Office of the Public Defender had called for a reform of the selection process for judges in May 2021, the authority to select them still remained with influential judges. She wished to know what action would be taken to prevent the misuse of such authority.

15. The Committee was aware that the High Council of Justice had used an opaque and questionable process for appointing judges in 2018 and that Members of Parliament had refused to approve the list of Supreme Court judicial nominees. Given the need to increase the transparency of the judicial appointment process, she wished to know whether members of the High Council of Justice would recuse themselves if they were associated with a nominee and whether objective guidelines for judicial appointments based on integrity and competence would be put in place. She would like to know what steps were envisaged to ensure the independence of judicial disciplinary proceedings and reduce the concentration of power in the High Council.

16. In the light of reports of violations of ballot secrecy and of the purchasing of votes, she would like to know how the State party planned to strengthen the secrecy and security of the voting process. Journalists monitoring the 2021 elections had been subjected to violence, and Georgian Dream party coordinators had used violent means to prevent Davit Mania, a television journalist, from observing the elections. It would therefore be useful to hear how the State party planned to ensure a safe environment for the media in such circumstances. As the Public Broadcaster had been the only channel to host pre-election debates between mayoral candidates in 2021 because the Dream Party had refused to engage with media that were not aligned with the Government, it would be of interest to learn if the State party planned to take steps to guarantee open debates in the future so that voters could make an informed choice.

17. The Committee had received reliable reports of other electoral problems in the State party, such as the misuse of campaign contributions to provide undue advantages to incumbents and restricted access to legal remedies for electoral disputes. She wished to know whether the State party planned to increase the efficacy of campaign finance oversight, to ensure more balanced political representation in the Central Election Commission and to establish clear criteria for the invalidation of votes and recounts.

18. **Mr. Gómez Martínez** said that the Operative Technical Agency performed what would seem to be incompatible functions as, on the one hand, an executive body and, on the other, a supervisory body. Could the delegation inform the Committee about the outcome of the suit filed by several non-governmental organizations (NGOs) to challenge the new law governing the Agency on the grounds that it failed to guarantee the right to privacy?

Additional information on effective guarantees and controls in relation to the Agency's activities would be welcome.

19. The Committee had also been informed that amendments to the Code of Criminal Procedure had increased the list of offences and extended the period for which communications surveillance was permissible. It would appreciate information regarding the grounds that justified such additional restrictions on the right to privacy.

20. The State party had reported that mosques, synagogues and a church in Tbilisi had been returned to their respective religious communities, but it appeared that less than 1 per cent of the public funds provided to religious organizations for the preservation of monuments and buildings had been granted to groups that did not belong to the Orthodox Church. He wished to know whether that information was correct. The Committee welcomed the Constitutional Court's non-discrimination ruling concerning exemptions from value added tax for all religions and wished to know whether that rule was applicable to profit and property taxes as well. The Batumi City Court's decision to overturn the local authorities' refusal to grant a permit for the construction of a mosque was commendable. Had there been other cases in which construction permits for religious minorities had initially been denied?

21. The Committee had been informed that the Law on Early and Preschool Education failed to provide for religious neutrality and equality, that students had felt obliged to participate in Orthodox Christian rituals and that Muslim students in some public schools had been stigmatized and pressured to convert. He therefore wished to know whether the State party had taken proper steps to protect freedom of religion at all levels of education.

22. The Committee would appreciate an update on the case of the journalist Afgan Mukhtarli.

23. The State party had clarified that the special managers appointed under the amended Law on Electronic Communications were not allowed to influence operators' editorial policies and that measures were in place to prevent any infringement of net neutrality. Could the delegation please provide more information about the nature of those safeguards?

24. He wished to know whether, pursuant to article 10 of that same law, the status of the Georgian National Communications Commission had been established under the Law of Georgia on Broadcasting, whether the Commission had commenced its work and whether any special manager had been appointed for the Commission. Did that law apply to television and radio broadcasting companies, to Internet communications or to both?

25. The Committee had been informed that the Ministry of Culture, Sport and Youth Affairs was developing a policy aimed at excluding artists or writers who were critical of the Government from official cultural events. He would appreciate information on the criteria on which the State party based its policy of promoting Georgian culture.

26. **Mr. Zyberi** said that it was unclear why, if most restrictions relating to the COVID-19 pandemic had been lifted, the derogations from rights under articles 9, 12, 14, 17 and 21 had been extended until 1 January 2023. He wondered what specific measures the State party was taking to increase the number of persons vaccinated against COVID-19. It would be useful to learn why, unlike the COVID-19 prevention portal, the vaccine registration portal had not been translated into several minority languages.

27. Information on the planned budget for implementation of the National Human Rights Strategy 2022–2030 would be useful, especially if it could be broken down into figures for the four main priority areas. Individuals had the legal right, if certain conditions were met, to change their officially recorded sex, but, reportedly, administrative agencies and courts often required them to undergo coercive medical or surgical procedures before allowing them to make that change; what measures was the State party taking to address that problem?

28. He wished to know what the State party would do to expedite the much-delayed investigations into excessive use of force by the police during protests in Tbilisi in June and November 2019. He would also appreciate information on the State party's efforts to bring to justice perpetrators of violence against lesbian, gay, bisexual, transgender, queer, intersex and other persons at the demonstration of 5 July 2021. Details of the concrete measures to be

taken by the authorities to safeguard the right to peaceful assembly of such persons and to ensure their safety would be welcome.

29. He wondered what institutionalized advisory mechanisms were in place for fostering a dialogue between the Government and national minorities concerning the implementation of the State Strategy for Civic Equality and Integration 2021–2030 and its associated action plan. It would be useful to learn whether any schemes for increasing participation in central and local executive bodies, such as the provision of free Georgian language classes and the translation of those bodies' websites into minority languages, were being planned. Information about the budget for the Strategy's implementation would also be of interest.

30. The Committee would appreciate receiving statistics on the inclusion of members of national minority groups in central and local government agencies in all three branches of government. He looked forward to hearing about the measures that the State party was going to adopt to ensure that, in municipalities where minority populations were concentrated, important information was available in those groups' languages. Finally, he wondered how much public funding the Government had allocated, over the reporting period, for the Supporting Ethnic Minority Culture Programme and similar initiatives.

31. **Mr. Soh** said that the Committee would appreciate information on any steps taken to address the concerns raised by the Office of the Public Defender regarding the failure to include the concept of the absence of free and voluntary consent in the definition of sexual crimes; to define so-called "honour-based violence"; to adopt comprehensive legislation on economic violence; and to guarantee important forms of support for victims during court hearings, such as free legal assistance and psychological counselling.

32. **Ms. Bassim** said that she would be interested in details on any measures being taken to ensure equal opportunities in education, employment, training and economic empowerment – through, for instance, microcredits, credit lines and the facilitation of market access – for women, in particular those in rural areas and minority groups. She would also welcome information on any measures, such as awareness-raising and media campaigns, taken to combat negative stereotypes about women. Lastly, she wondered what the male and female literacy rates were, in particular in rural areas and among minority groups, and what measures were being taken to raise the literacy rate among adult women and girls who had dropped out of school.

The meeting was suspended at 10.55 a.m. and resumed at 11.15 a.m.

33. **A representative of Georgia** said that incitement to violence was considered a hate crime in Georgia. Recent cases in which prosecutions had been brought for incitement to violence included two incidents targeting lesbian, gay, bisexual and transgender persons, one targeting Armenians and another targeting law enforcement officers.

34. **Mr. Dzamashvili** (Georgia) said that the ongoing occupation of Georgian territory by the Russian Federation represented a huge problem for the resulting population of internally displaced persons. The Government's main recourse was to seek out every available legal remedy for the protection of internally displaced persons' rights. In its highly significant Judgment No. 38263/08 in the *Case of Georgia v. Russia (II)* of January 2021, the European Court of Human Rights had explicitly stated that those internally displaced persons had the right to return to their homes.

35. **A representative of Georgia** said that the country had up to 219,000 registered internally displaced persons, so providing them with decent living conditions until they could return home was one of the State's top priorities. The Government was running several programmes under which homes were purchased and then transferred to internally displaced families; the programmes also catered for persons with disabilities. Over 3,000 internally displaced families had been homed in 2021, with more than 350 of those having been resettled from dilapidated collective settlements. In addition, over 1,000 families were being provided with subsidies for temporary housing. Since 52 per cent of internally displaced families were still waiting to be homed, some of them were temporarily living in collective settlements where conditions were unsuitable for long-term accommodation. The Government had embarked on the construction of over 5,000 apartments for internally displaced families in 2021.

36. Internally displaced persons had faced the same challenges as other Georgian nationals during the COVID-19 pandemic. For those housed in collective settlements, additional challenges had included the fact that COVID-19 control measures had taken common areas, such as bathrooms, out of use while the Livelihood Agency had been working on disinfecting those areas. The COVID-19 vaccine was available to both Georgian nationals and non-citizens. The Livelihood Agency provided internally displaced persons with additional information on vaccination and organized inoculation events for them.

37. **A representative of Georgia** said that the process of deinstitutionalizing children had started in 2004; the final centre of that type would be closed by the end of 2022. The Government was seeking, where possible, to place children in foster care and, to that end, had recently increased the subsidy provided to foster families.

38. While the number of child marriages had risen from 134 cases in 2020 to 212 in 2021, the Government believed that the increase was accounted for by the fact that various government agencies' awareness-raising campaigns had encouraged people to report early marriages. Since such marriages were most common in areas with large ethnic minority populations, information materials on the subject were usually translated into minority languages. Until recently, exceptions had been possible, but all marriages of persons under the age of 18 years were now banned. Social workers intervened immediately upon learning of such cases, as did the Ministry of Internal Affairs.

39. All forms of corporal punishment, whether at home or in school, were prohibited under both the Code on the Rights of the Child and the Criminal Code of Georgia. Again, social workers were very active in that area. A referral mechanism had been in place since 2016, and all government institutions were required to report incidents of corporal punishment to the Ministry of Internal Affairs. Perpetrators were punished.

40. **A representative of Georgia** said that hospitals were required to report all newly registered births via the computer system used for that purpose by the Ministry of Justice. Local authorities were required to report home births, most of which took place in rural areas, and could be fined for failing to do so. A door-to-door campaign run recently with a view to identifying stateless persons and children without identity documents had helped to promote birth registration. In a similar vein, there were special procedures in place to provide street children with documentation.

41. **A representative of Georgia** said that, under the Law of Georgia on International Protection, the asylum system was open to all persons claiming international protection, whether at the border or within Georgian territory. That law established a fair and effective asylum procedure, laying down conditions of entry and stay and standards of treatment within the country that were applicable to any person seeking international protection from the time of the initial application through to the final decision. Migration Department decisions to refuse international protection could be appealed in court; the decision of the Court of Appeals was final. If an applicant's circumstances changed, however, a new application for international protection could be submitted. A migrant in an irregular situation was entitled to apply for asylum.

42. **Mr. Dzamashvili** (Georgia) said that on 30 June 2022, less than a week previously, the European Court of Human Rights had issued Judgment No. 15269/13 on the *Case of Rusishvili v. Georgia*, in which the Court had held that the trial system in Georgia was in line with European and international standards. The Court had reasoned that the applicant had been able to choose whether to have a jury trial, rather than being obliged to do so, and that there was an adequate mechanism in place for appealing the verdict.

43. With regard to the question of legal assistance, free legal consultations were available to all, but only vulnerable persons were eligible for legal representation in court free of charge. Eligibility was determined on the basis of 13 different criteria.

44. **A representative of Georgia** said that the Legal Aid Service provided free representation in court during criminal, administrative and civil proceedings. In criminal cases, free legal assistance was provided when the defendant was insolvent or when provision of such assistance was legally required. In civil, administrative and criminal proceedings, free legal assistance was provided to victims of domestic violence or violence against women,

applicants for international protection, persons with limited capacity, persons with disabilities and minors; defendants in criminal cases who were between 18 and 21 years of age also were entitled to free legal assistance.

45. There were rehabilitation programmes for young people in prison and on probation. As of 6 July 2022, there were 29 young persons in prison, representing a dramatic reduction since 2014. Special rehabilitation programmes for young persons in prison and on probation were conducted by psychologists and social workers. There was a specially designed Juvenile Referral Centre for minors under the age of criminal responsibility who had committed certain offences.

46. **Mr. Dzamashvili** (Georgia) said that the Government intended to establish such referral centres throughout the country over the coming years.

47. **A representative of Georgia** said that the enormous number of cases filed with the courts was one of the main reasons for the backlog; some 87,000 new cases had been filed in 2021. International experts had recommended recruiting 100 new judges, and 49 had been appointed to date; the selection of judges was necessarily a time-consuming endeavour, as only highly qualified candidates would be considered. Drafting assistance had been provided for judges in order to help reduce their workloads.

48. **A representative of Georgia** said that an electronic platform had been set up in 2015 where whistle-blowers could submit information to the Civil Service Bureau anonymously. The Bureau then engaged with the entity concerned. Eighty-three notifications had been received in 2021 and 13 in the first half of 2022.

49. **Mr. Dzamashvili** (Georgia) said that crime victims could seek compensation through civil proceedings. Allegations of politically motivated prosecution of former high-ranking public officials were unfounded. Several such claims brought before the European Court of Human Rights had been dismissed. Only recently, the Court had found an appeal concerning allegedly politically motivated prosecution lodged by the former Minister of Defence, Bacho Akhalaia, to be inadmissible. It had also upheld the verdict of Georgian courts in the ownership dispute concerning the Rustavi 2 broadcasting station, thereby rejecting the allegations of politically motivated proceedings made by its former director, Mr. Gvaramia.

50. **A representative of Georgia** said that Mr. Nikanor Melia had been arrested on 20 June 2019 for participating in an attempt to storm the Georgian Parliament. Video recordings made by the media provided evidence in that regard. Investigations of former members of the Georgian-Azerbaijani commission working on the delimitation and demarcation of the border concerned the unlawful forfeiture of some 3,500 hectares of Georgian territory. The principle of equality of arms had been upheld throughout the proceedings; the defendants and their lawyers had been given full access to all case materials.

51. **A representative of Georgia** said that the procedure for the selection and appointment of Supreme Court judges had been reformed to bring it into line with the highest international standards. Most of the recommendations concerning the selection and appointment of Supreme Court judges made by the European Commission for Democracy through Law, commonly known as the Venice Commission, had been taken on board. Under the new system, candidates were selected by the High Council of Justice, followed by a hearing conducted by the parliamentary Legal Issues Committee and subsequent election by Parliament. Representatives of all political parties were represented in Parliament, the Public Defender's Office, the Bar Association, academia and NGOs, and they all could participate in the hearing before the Legal Issues Committee. Members of the public, including persons in detention, could submit questions in writing that would then be read out during the hearing. The hearing could also be attended by national and international observers on request. All information relating to the candidates, the procedure and the election process were published on the Parliament's website. The hearings were public and broadcast online. It was questionable whether such an open, transparent and participatory procedure could be characterized as "opaque".

52. In regard to the alleged concentration of power in the High Council of Justice and the idea that judges were exposed to improper influence, it was to be noted that the Venice Commission, in its opinion on the December 2021 amendments to the Organic Law on

Common Courts, had stated that it was not in a position to verify claims of protection of the corporate interests of an influential group within the judiciary. All judges underwent a rigorous selection process, and their election to the High Council of Justice required a three-fifths majority in Parliament, which must necessarily include votes from the opposition. The Venice Commission's recommendation for members of the High Council of Justice who were candidates for seats on the Supreme Court to recuse themselves from all procedures pertaining to the selection and nomination of those candidates was inconsistent with the provisions of the Constitution and had therefore not been implemented.

53. **A representative of Georgia** said that the rules on disciplinary proceedings for judges and the system of judicial accountability had been thoroughly reviewed. As a result of that review, investigative functions had been separated from disciplinary functions. Several entities were involved in the disciplinary process: the newly established independent Office of the State Inspector was mandated to receive and verify complaints; the High Council of Justice considered the cases brought before it and established disciplinary liability; and the Disciplinary Board of Judges or the Disciplinary Chamber of the Supreme Court ruled on the imposition of sanctions. The recommendation made by the Group of States against Corruption of the Council of Europe in 2016 to bring the procedure for instituting disciplinary proceedings against judges in line with international standards had thus largely been met.

54. **Mr. Dzamashvili** (Georgia) said that various international observers had recognized all recent elections in Georgia as being fair, transparent, and competitive.

55. **A representative of Georgia** said that the latest iteration of electoral reforms undertaken in June 2021 provided for an increase in the membership of the electoral commission from 12 to 17 members. Professional members of election commissions were chosen by a two-thirds majority; the deputy head of the Central Election Commission was appointed by the opposition parties. The new rules required automatic recounting of 10 per cent of votes and video recording of vote counting in precincts with more than 300 voters. A consultative group had been set up within the Central Election Commission to enable the settlement of electoral disputes through arbitration. An electronic complaints platform had been established; measures to prevent administrative resource misuse had been strengthened; and a 100-metre perimeter around polling stations had been introduced to facilitate the unhindered movement of voters. Vote buying, voter influencing and violations of ballot secrecy had been criminalized. The electoral reforms had been undertaken in close collaboration with the opposition.

56. By law, State funding for political parties was allocated on the basis of parliamentary representation. As a result, the governing party, which had the most representatives in Parliament, received the largest share of the funding. That type of financial advantage could hardly be described as unfair.

57. **A representative of Georgia** said that some of the responsibilities of election commissions had been reassigned in order to share those duties with the opposition. That shift had helped to ease the polarization of political parties in some cases. In the most recent elections, votes had been recounted in more than 22 per cent of the election precincts in the first round and up to 50 per cent in the second round. Video recordings of vote counting had been made publicly available, and the act of recording those counts had been monitored by election commission members appointed by the opposition. Efforts had been made to simplify polling station procedures by introducing electronic voter verification and electronic vote counting.

58. **Mr. Dzamashvili** (Georgia) said that information on the number of persons being held in administrative detention would be provided in writing.

59. **A representative of Georgia** said that provisions in the Code of Criminal Procedure governing undercover investigative measures had been amended to allow for their extension under certain circumstances. In certain circumstances, the six-month limit on the use of communications surveillance devices jeopardized the effectiveness of investigations into international crimes such as terrorism, organized crime and human trafficking. Under the new provisions, undercover investigations could be prolonged three times to a maximum of nine months; an additional 90-day extension could be permitted in exceptional cases. Each extension must be approved by a judge. The rules on the notification of the subject of

surveillance had also been changed: judges could now delay notification to prevent leaks in investigations. The changes were consistent with European Court of Human Rights case law. The President of Georgia had vetoed the amendments without setting forth any legal reasoning to back up that decision, however; the governing party was currently deliberating on the matter.

60. **A representative of Georgia** said that the Operative Technical Agency, while operating under the umbrella of the State Security Service, carried out its surveillance functions independently of the Service and had its own budget. The Agency was responsible for the technical implementation of undercover surveillance activities carried out pursuant to a judicial warrant or a reasoned decision of a prosecutor. The Agency head was appointed, and dismissed, by the Prime Minister; candidates were chosen by a commission comprising representatives of the Government, the judiciary, the State Security Service, the Office of the Public Defender and Parliament. Agency employees were appointed by and reported to the Agency head, not the State Security Service. Oversight of the Agency's activities was provided by a five-member parliamentary commission, which included members from the opposition. The commission had the right to enter the Agency's premises and forward material collected in breach of the law to the Office of the Public Prosecutor. The Agency submitted annual reports on its activities to Parliament and the Prime Minister. The State Inspector was responsible for monitoring day-to-day activities.

61. **A representative of Georgia** said that the State Inspector's Service was authorized to monitor undercover investigative activities and, since 1 March 2022, the processing of personal data by authorized bodies. Its independence and impartiality were guaranteed by the Law of Georgia on Personal Data Protection. The Service took preventive and remedial action in the event of unlawful data processing activities. It also handled citizen complaints, provided advice to public and private entities, disseminated information on data protection in Georgia and was authorized to issue legally binding instructions and recommendations for reducing the risk of non-compliance. If a violation was found, the Service could request that data processing shortcomings should be addressed, that data processing operations should be temporarily or permanently discontinued, that data that had been unlawfully processed should be destroyed or depersonalized, or that data transfers to another State should be terminated.

62. The Service was also responsible for the electronic and on-site monitoring of the use of the central database of the Operative Technical Agency. It was entitled to enter restricted premises, examine classified documents and inspect the technical infrastructure used for data processing. For the purpose of monitoring covert investigative actions, the Service received documents from the court, the Prosecutor's Office and Internet service providers. It cross-checked the information it received against the data in the electronic system.

63. The Service was also authorized to stop covert wiretapping and the recording of telephone conversations on grounds set out in paragraph 255 of the periodic report (CCPR/C/GE0/5). Between 2017 and 2022, the cancellation mechanism had been used 452 times, including 60 times in 2022. During the reporting period, the Service had conducted 13 inspections relating to covert investigations, had levied 1 fine and had issued 10 recommendations.

64. **Mr. Dzamashvili** (Georgia) said that Internet access was considered a human right under the Constitution, which attested to the Government's support for freedom of expression.

65. **A representative of Georgia** said that reforms that allowed anyone to acquire authorization to broadcast television programmes had led to a significant increase in the number of television channels available in Georgia. There were now more than 100 channels, including 55 that broadcast news and current affairs programmes and 5 community channels that fostered the participation of minorities in the broadcasting sector. Thanks to that liberal media policy, journalists who had left the Rustavi 2 channel in protest at the decision of the European Court of Human Rights to return the channel to its former owner had quickly received authorization to start up their own channels. Broadcasters were required to invite all qualified political parties to participate in debates, but the polarized nature of Georgian media

meant that some parties often refused to do so; in those cases, broadcasters were not held responsible.

66. The special manager mechanism was used only for telecommunications operators, not broadcasters. It had been created to strengthen the enforcement of decisions adopted by the Georgian National Communications Commission, as, previously, the only enforcement option had been to revoke an operator's licence, which was impracticable in the case of large operators that had many customers and owned critical infrastructure. Special managers could be appointed only when a letter of warning had been sent to an operator and had been followed up by repeated fines within a one-year period. They could not influence editorial policy. The mechanism did not pose a threat to net neutrality. Legal remedies for the infringement of net neutrality included petitions before the Georgian National Communications Commission and the courts.

67. **A representative of Georgia** said that an investigation into the case of Afgan Mukhtarli had been launched as soon as it had come to the attention of the authorities. He had been interviewed by investigators in Georgia upon his release from detention in Azerbaijan and had subsequently been granted victim status, affording him a range of procedural guarantees. The investigation remained active, with forensic examinations and witness interviews ongoing. The Prosecutor's Office was committed to bringing the perpetrators of the crime to justice.

68. **Mr. Dzamashvili** (Georgia) said that the Government provided funding and support to artists and worked to protect cultural property.

69. **A representative of Georgia** said that the 32 million lari in State funding provided to the country's religious communities that had suffered oppression under the Soviet regime was sufficient to cover the reconstruction of their buildings. Nevertheless, the State could undertake that reconstruction if necessary, including without the owner's permission. To his knowledge, other than the case of the mosque in Batumi, there had been no cases of religious communities being denied permission to construct places of worship. Such construction was subject to the usual building permits issued by local authorities, and any disputes were heard by the courts.

70. Under the Law of Georgia on General Education, educational establishments at all levels were secular. Although the Law of Georgia on Early and Preschool Education did not make any specific reference to secularism, it contained provisions relating to non-discrimination on grounds of religion. The Criminal Code prohibited the obstruction of acts of worship and religious rites, persecution on grounds of faith or religion and interference with the establishment of religious organizations. Suspected violations were dealt with by the Ministry of Internal Affairs and the Prosecutor's Office, and there was a referral mechanism which educational institutions were required to use in order to report cases of discrimination.

71. **A representative of Georgia** said that funding for the State Strategy for Civic Equality and Integration and its action plan, whose implementation had involved a range of stakeholders, including a council composed of representatives of national minorities, was allocated from the budgets of the implementing institutions. Substantial improvements had been made to the Georgian language courses provided by the State, free of charge, to all interested persons across the country in both in-person and remote formats. Members of ethnic minorities participated fully in elections, during which they benefited from the translation of documentation and information campaigns. There were six representatives of ethnic minorities in Parliament. The representation of minority groups at the local government level reflected local demographics; in fact, just as one example, 29 of the 30 members of one municipal council belonged to ethnic minorities. Those groups were also represented in civil advisory councils in municipalities where they formed a significant proportion of the population.

72. **Mr. Muhumuza** said that he hoped that the State party would provide further statistical and other information in writing on jury verdicts that had been reversed, on access to voluntary terminations of pregnancy and on the prevention of sex-selective abortions. The State party's legislation on gender-based violence suffered from severe shortcomings, not least a failure to incorporate the concept of an absence of free and voluntary consent into the legal definition of sex crimes.

73. **Mr. Gómez Martínez** said that he would welcome a written response to reports that representatives of NGOs had been called in to appear before members of the security services because they had been accused of promoting ethnic conflict and to reports that there had been 557 cases between 2017 and 2021 in which pressure had been exerted on journalists who were critical of the Government.

74. **Ms. Kran** said that, although she welcomed the delegation's comments on the progress made in the State party, it was also important to hear how the remaining issues would be addressed. She would therefore appreciate receiving written information on how the State party planned to resolve the problems that existed in the judicial system, such as insufficient judicial independence, the vagueness of the grounds for disciplinary measures and a judicial appointment process that had been described by NGOs as "opaque", as well as the alleged undue advantage enjoyed by one of the parties in the 2018 presidential elections.

75. **Mr. Zyberi** said that the number of representatives of ethnic minorities in Parliament should be at least doubled if it was to accurately reflect the composition of the population.

76. **Mr. Dzamashvili** (Georgia) said that the Government's commitment to the implementation of the Covenant was illustrated by its conversion of the Committee's previous concluding observations into concrete action plans and strategies. The Government would provide additional information in writing and stood ready to make the improvements recommended in the Committee's forthcoming concluding observations.

77. **The Chair** said that the Committee acknowledged the State party's commitment to human rights and the progress it had made, particularly through the establishment of mechanisms for monitoring and implementing the Committee's Views on individual communications and providing domestic remedies to victims of rights violations. Nevertheless, several areas of concern remained, including the situation of internally displaced persons, freedom of expression and the right to privacy.

The meeting rose at 1 p.m.