



International Covenant on Civil and Political Rights

Distr.: General
13 July 2022

Original: English

Human Rights Committee 135th session

Summary record of the 3888th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 5 July 2022, at 3 p.m.

Chair: Ms. Pazartzis

Contents

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

Fifth periodic report of Georgia

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.



The meeting was called to order at 3 p.m.

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

Fifth periodic report of Georgia ([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. Dzamashvili** (Georgia), emphasizing his country's support for all United Nations human rights mechanisms, said that Georgia had developed an inclusive national reporting process in which all relevant stakeholders were actively involved and that the recommendations made by human rights monitoring bodies such as the Committee were incorporated into national action plans. Since 2010, Georgia had hosted nine visits from special procedure mandate holders. The second National Human Rights Strategy, for the period 2021–2030, had recently been prepared. Parliament monitored the State's compliance with its human rights obligations in various ways; for example, the Government was required to report annually to Parliament on its implementation of decisions handed down by United Nations treaty bodies and the European Court of Human Rights. Monitoring was also carried out by the Office of the Public Defender, whose budget had been doubled since 2017. Civil society and other stakeholders were involved in drafting bills and policy documents.
3. The main obstacle to the protection of human rights in Georgia was the ongoing occupation of the Abkhazia and Tskhinvali regions by the Russian Federation. The occupying regime continued to commit serious, extensive violations of human rights, including acts of torture and ill-treatment, brutal killings and restrictions on freedom of movement. Those violations had been recognized by international courts. For example, in a landmark judgment handed down by the European Court of Human Rights in 2021, the Russian Federation had been found responsible for a wide range of ethnically motivated violations. The arrest warrants recently issued by the International Criminal Court for representatives of the occupying regime confirmed the atrocities committed by the Russian Federation against the Georgian population during the 2008 war. The Government was using all the tools available to it, including the Geneva International Discussions, to address the human rights abuses that were being committed and to improve humanitarian and socioeconomic conditions in the occupied regions.
4. The various judicial reforms that had been carried out since 2013 had helped to enhance the independence, efficiency, transparency and accessibility of the judiciary, giving rise to a 110 per cent increase in the number of cases filed with the national courts and a 95 per cent decrease in the number of applications filed against Georgia with the European Court of Human Rights. Those figures showed that the quality of the remedies available to citizens at the national level and the degree of public trust in the judiciary had improved significantly. Steps had also been taken to depoliticize the public prosecution service and to establish an independent mechanism – the State Inspector's Service – for the investigation of offences committed by law enforcement officers and civil servants. Several regional and international human rights bodies, including the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, had recognized that torture was no longer a systemic problem in Georgian prisons, as evidenced by the fact that not a single petition had been submitted by a prisoner against Georgia to the treaty bodies or the European Court of Human Rights over the previous decade.
5. Complaints of discrimination could be submitted to the Office of the Public Defender or the national courts under the Act on the Elimination of all Forms of Discrimination. In order to further the integration of minorities, the new State Strategy for Civic Equality and Integration for 2021–2030 had been adopted. Various measures had been taken to implement the recommendations of the Committee on the Rights of the Child, including the adoption and effective application of the Juvenile Justice Code, which had resulted in a significant decrease in the number of juvenile prisoners. The Group of Experts on Action against Violence against Women and Domestic Violence had conducted its first monitoring visit to Georgia in 2021, and the Government looked forward to receiving its recommendations. Georgia had recently ratified the Optional Protocol to the Convention on the Rights of

Persons with Disabilities and had adopted a specific law on such rights, which established the principle of reasonable accommodation and provided for the transition from a medical model to a biopsychosocial model of disability.

6. **Mr. Zyberi** said that he would appreciate more information on the procedures in place for the implementation of the Committee's Views. In particular, he would like to know whether national courts could reopen a case based on the Committee's finding of a violation of the Covenant. He was interested to know which national institution was responsible for following up on the Committee's concluding observations and whether the State party intended to transform the inter-agency council chaired by the Prime Minister into a full-fledged national mechanism for reporting and follow-up. He wondered whether the Government had assessed the impact of the various action plans mentioned in the State party's report and replies to the list of issues and, if so, what the results of those action plans had been. It would also be helpful to know when the second National Human Rights Strategy was likely to be adopted and whether it included indicators and was accompanied by an action plan.

7. The Committee had been informed that the Office of the Public Defender had suspended its monitoring of places of detention in January 2021 for security reasons. He would like to know whether that work had resumed. He also wondered what was being done to address the insufficient implementation of the Office's recommendations by public and private actors.

8. Regardless of the status of Abkhazia and the Tskhinvali region/South Ossetia, the authorities who exercised control over those territories were responsible for protecting the rights of all persons under their control. He would appreciate more information on the measures taken by the State party to support the persons in those territories who had been subjected to rights violations and to ensure accountability for such violations where possible. In addition, he would be interested to learn about any efforts to search for missing persons and to provide support to their families. He would also like to know more about the results of the peace initiative entitled "A Step towards a Better Future" and the status of the proposed amendments to the Law on Occupied Territories that would allow greater access to those areas for international and local organizations.

9. With regard to the measures introduced in the context of the coronavirus disease (COVID-19) pandemic, he wondered whether the derogations from certain articles of the Covenant were still in place; whether the decision to impose a curfew had been reviewed at regular intervals; whether the measures affecting the administration of justice had resulted in a backlog of pending cases; what specific measures had been taken to protect the rights of vulnerable groups, such as persons with disabilities; whether information relating to the prevention of the spread of COVID-19 had been made available in print as well as online; and how many minority languages that information had been translated into. In view of the low COVID-19 vaccination rate in Georgia, he would be interested to know what steps were being taken to ensure that the vaccination campaign was conducted as efficiently as possible; which COVID-19 vaccines were available in Georgia; and whether people could choose which vaccine they received. Lastly, he would like to know what measures had been taken to remedy the problems faced by vulnerable persons living in Abkhazia and the Tskhinvali region/South Ossetia who had been prevented from entering government-controlled territory in order to, for example, claim pensions or the allowances made available to internally displaced persons, due to the closure of access points during the pandemic.

10. **Ms. Kran** asked what measures were being taken to combat corruption in all public institutions, including law enforcement agencies; whether steps would be taken to shield those institutions from informal influence and to strengthen whistle-blowing legislation; what risks had been identified by the National Risk Assessment on public sector corruption; and what measures had been taken to reduce those risks. She asked how the State party would ensure that corruption among high-ranking public officials was effectively addressed; whether the Government planned to establish an independent investigative agency for that purpose; how many cases of corruption involving high-ranking officials had been investigated since 2016; and what the outcomes of those cases had been. She would welcome specific examples of the action taken by the Anti-Corruption Council. She wondered how the State party monitored public officials to ensure that they declared their assets as required and

what proportion of public officials who were required to file asset declarations had complied with that requirement since 2015.

11. Regarding the case of Mr. Piran Gogichaishvili, a former city councillor who had temporarily transferred his company to another individual and had then awarded some 50 public procurement contracts to the company during his term in office, she would like to know how it had been possible for such a situation to come about and what steps had been taken to investigate the case. She would welcome information on the status of the investigations into the bribery cases involving the head of Tskaltubo City Council, Mr. Grigol Ivaneishvili, and the former Prosecutor General, Mr. Otar Partskhaladze, as well as on the measures being taken to prevent serious corruption in public procurement and land transactions. She wondered what legislative and other measures would be taken to ensure the transparent management of the National Agency of State Property and whether the oversight of that agency by the Ministry of Economic Affairs and Sustainable Development had proved effective in reducing corruption.

12. She would like to know what progress had been made in investigating the serious human rights violations committed during the armed conflict of 2008; how many prosecutions had been initiated on the basis of reports of torture and inhuman treatment committed by the Prosecutor General and other high-ranking officials; and what redress had been provided to the victims. She wondered why the civil servants who had participated in violent attacks on pro-opposition journalists before the 2012 elections had never been held accountable even though credible video evidence was available. Regarding the trial of former President Mikheil Saakashvili for entering the country illegally, she wished to know how the State party would guarantee that the trial would be fair and fully compliant with article 14 of the Covenant.

13. In 2020, the European Court of Human Rights had found a group of law enforcement officers guilty of having used excessive force during prison riots in 2006. She would like to know how the officers in question had been punished and whether the victims had received compensation. More generally, she wondered how the State party ensured that the use of force by law enforcement officers was in line with the Covenant and the United Nations Code of Conduct for Law Enforcement Officials, that cases of excessive use of force were investigated and that the perpetrators were punished and provided with suitable training to prevent the recurrence of such incidents. Noting that some cases of violent dispersals of peaceful assemblies had been pending for over a decade, she asked why there had been such a long delay in dealing with those cases; how that delay would be addressed; when the cases that dated back to November 2007, June 2009 and January 2011 would be resolved; and how the victims would be compensated.

14. In the light of concerns raised by civil society and the United Nations country team in Georgia, she asked why the State Inspector's Service, a body responsible for the prevention of torture and the protection of privacy that was reportedly one of the most credible independent institutions in Georgia, had been abolished; why the decision to abolish that institution had been made without consulting civil society; whether civil society consultations would be held to ensure the independence of the two bodies that had replaced that institution, namely the Special Investigation Service and the Personal Data Protection Service; whether those bodies would be subject to oversight to ensure that they operated effectively; and why some public officials accused of torture were tried not for torture but for exceeding official powers, an offence that carried a less severe penalty. With reference to the killing of Mr. Temirlan Machalikashvili by State security officers in 2017 and the subsequent trial, which had not been free from political influence, she wished to know how the State party would ensure that law enforcement officers who had committed serious violations of human rights, including the officers in that case, were held accountable.

15. **Mr. El Haiba** said that he would like to know which types of recommendations issued by the Office of the Public Defender tended to be implemented more fully and by which entities; whether recommendations relating to non-discrimination were generally acted upon; and what proportion of the recommendations issued to date had been followed up. He wondered whether the Office had been involved in drafting the legislative amendments relating to offences committed on the basis of discrimination; what steps had been taken to enable the Office to monitor the application of laws relating directly or indirectly to

discrimination; and what efforts had been made to ensure that the Office had sufficient resources to perform its role. He would appreciate clarification as to whether the court decision mentioned in paragraph 17 of the replies to the list of issues had been executed, as well as further examples of cases in which the Office had turned to the courts to enforce its recommendations. He would welcome more information on the actions taken by the Human Rights Protection and Quality Monitoring Department of the Ministry of Internal Affairs to counter hate crimes, including the number of investigations that had been conducted or remained pending and the outcomes of those investigations.

16. He would be interested to know whether the Office of the Public Defender had been involved in drafting the second National Human Rights Strategy and whether the impact of the previous strategy had been assessed. He would like to know what measures had been taken to address the public stigmatization of lesbian, gay, bisexual, transgender, queer and intersex persons by politicians, public officials and religious leaders and what steps were being taken to protect those persons from intolerance and hate speech, to guarantee their rights to freedom of peaceful assembly and freedom of expression and to promote respect for diversity in society. Lastly, he would appreciate information on the number of hate crimes motivated by sexual orientation or gender identity that had been reported and investigated.

17. **Mr. Muhumuza** asked when the next local self-government elections would be held; whether any deliberate efforts had been made to encourage the active participation of women in such elections; what measures had been taken to achieve the equitable representation of women in political and public life; and what the impact of those measures had been. It would be helpful if the delegation could provide information on the number of investigations carried out into cases of alleged sexual harassment and the penalties imposed on the perpetrators, as well as on the number of complaints of sexual harassment in the workplace received during the reporting period and the way in which those complaints had been handled.

18. He would appreciate more information on the efforts made to eradicate gender-based violence, including violence against women with disabilities, and on the effectiveness of the oversight of investigations into domestic violence by the Ministry of Internal Affairs. He would also like to know what steps had been taken to counteract societal acceptance of intimate partner violence; to ensure that cases of violence against women were registered and investigated with due diligence and in a gender-sensitive manner; and to provide appropriate support services to victims and their families. He would be interested to know more about the role played by the Ministry of Internal Affairs in combating gender-based violence. The Committee had been informed that cases of sexual violence were rarely reported because discussing such violence was considered a taboo. He would like to invite the delegation to comment on that statement and to describe the measures being taken to address the stigma associated with sexual violence and to encourage victims to seek justice.

19. Lastly, he would appreciate more information on the steps being taken to prevent sex-selective abortion; to 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 belonging to ethnic minorities; to develop and implement sexual and reproductive health education programmes throughout the country; and to reduce the high maternal mortality rate.

20. **Mr. Gómez Martínez** said that he would like to know what stage had been reached in drafting a new code of administrative offences and how the new code would regulate issues such as the length of pretrial detention and the right to appeal against a pretrial detention order. He would like to invite the delegation to comment on reports that police officers advised persons in administrative detention against seeking legal assistance. He wondered whether any written record was kept of the time that it took for arrested persons to gain access to legal assistance. He would also like to know how many people had been placed in administrative detention in 2020 and 2021 and how many complaints, prosecutions and convictions there had been in relation to cases of ill-treatment of prisoners in recent years. He would welcome information on any measures taken to reduce inter-prisoner violence and the influence wielded by informal prisoner hierarchies in prisons and to address the shortage of mental health-care professionals in the penitentiary system. Lastly, in the light of reports that persons arrested on drug charges continued to be subjected to coercion, he wished to know whether the recently amended law on narcotic drugs ensured that plea bargaining in

such cases was conducted transparently and with the participation of the accused person's lawyer.

The meeting was suspended at 4.10 p.m. and resumed at 4.30 p.m.

21. **Mr. Dzamashvili** (Georgia) said that, under legislative amendments introduced in 2016, the State was required to implement the Committee's Views. In cases where the Committee had found a violation of the Covenant, the victims could apply to the national courts either to assert their right to compensation or to have the case reopened. Reporting to the human rights treaty bodies was coordinated by the Ministry of Foreign Affairs and involved a range of entities, including Parliament, the Office of the Public Defender and civil society organizations. The Office of the Public Defender, as the national preventive mechanism, had had unimpeded access to prisons throughout the COVID-19 pandemic.

22. **A representative of Georgia** said that the preparation of the second National Human Rights Strategy was ongoing. The process was taking longer than anticipated because the second strategy was more comprehensive than the first. Once the draft strategy had been approved by the Government, it would be submitted to Parliament for adoption. Unlike the first strategy, the second strategy included specific indicators. It was divided into four main sections on civil and political rights, economic and social rights, equality rights and the rights of persons living in the occupied territories. It would be accompanied by a detailed action plan, which was being drafted in collaboration with international organizations and other stakeholders. The process of preparing the strategy and the action plan was a fully inclusive one. All relevant stakeholders, including the Office of the Public Defender, would be given the opportunity to provide input before the documents were approved.

23. Similarly, the national action plan on combating violence against women and the national action plan for the implementation of Security Council resolution 1325 (2000) on women, peace and security had been drafted in consultation with more than 100 stakeholders, whose comments and concerns had been taken into account.

24. Those action plans would be adopted together with the budgets for their implementation, which had not been done before. The action plans and strategy had been developed in partnership with international organizations, in particular the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the United Nations Development Programme. The Government was working to balance the inputs of international organizations with those of State agencies and other stakeholders.

25. In 2013, a parliamentary mechanism for considering recommendations from public defenders had been introduced. Once the recommendations had been issued as official decrees, State institutions were required to report to Parliament on their implementation. Whereas only 10 per cent of the recommendations made by the Office of the Public Defender had been adopted by Parliament in 2013, 91 per cent of them had been in 2020. Nonetheless, the fivefold increase in the number of recommendations issued between 2013 and 2019 had slowed down the implementation process. Some were more challenging to implement than others, particularly if they required legislative amendments or concerned territories not under the de facto control of the Georgian authorities.

26. **Mr. Dzamashvili** (Georgia) said that the Government was utilizing all available legal mechanisms in relation to the occupied territories. In 2021, the European Court of Human Rights had delivered a judgment establishing that human rights violations, including violations of the right to life, had been committed by the Russian Federation in the occupied territories during the 2008 war. In 2018, Georgia had brought another case before the Court concerning violations committed during the ongoing occupation. The Government also reported incidents in the occupied territories during the Geneva International Discussions held four times each year.

27. The Government aimed to depoliticize the issue of missing persons, which was a humanitarian issue and required the involvement of international actors. The mechanisms for dealing with cases of missing persons had greatly benefited from the input of the International Committee of the Red Cross.

28. Any international organization or other actor with government permission could gain access to the Abkhazia and Tskhinvali regions and, to date, permission had never been refused. However, the Russian Federation did not provide access to those territories.

29. **A representative of Georgia** said that the Government was using a strategy in regard to the occupied territories designed to facilitate dialogue, build trust and promote cooperation. The “A Step towards a Better Future” peace initiative facilitated trade across dividing lines, enhanced educational opportunities for the residents of the Abkhazia and Tskhinvali regions and provided access to State services to improve residents’ socioeconomic conditions and their enjoyment of their human rights. To that end, the Government had introduced programmes to simplify the process of enrolling in Georgian higher education institutions and provide opportunities to study abroad.

30. In 2020, the Peace Fund for a Better Future was established to support business projects across dividing lines. It was an independent, non-profit body that provided grants funded by contributions from international partners. Three calls for applications had been held since 2020; 27 applications had been received during the first call, 84 during the second call (of which 49 had received funding) and 91 applications during the third call.

31. **Mr. Dzamashvili** (Georgia) said that, during the COVID-19 pandemic, the Government had acted to balance public health measures aimed at limiting the spread of the disease with the need to uphold human rights. Those measures had provided support for the work of health-care personnel and had been in place only for as long as necessary. At the start of the pandemic, a state of emergency had been declared and legislation had been adopted to empower the Government to act rapidly without having to refer to Parliament. A curfew had been in place only for a short time at the start of the pandemic.

32. Georgia had notified the United Nations and the Council of Europe of its temporary derogations from certain rights during the pandemic. Although the derogations technically remained in place, the Government had lifted all COVID-19 restrictions in practice. The derogations did not prevent individuals from lodging complaints with international human rights mechanisms.

33. **A representative of Georgia** said that, during the pandemic, courts had been instructed to adjudicate cases without oral hearings where that was permitted under procedural law and to ensure that all parties participated remotely. The public electronic case registration system had been made available free of charge to make it easier to file cases. Those measures had enabled the courts to remain open and operate at normal capacity, which had prevented any significant increase in the backlog of cases.

34. **A representative of Georgia** said that the Government had implemented a COVID-19 response programme to minimize the effects of the pandemic. To ensure the uninterrupted provision of medical services, tighter controls had been introduced, along with home deliveries of medications. Pensions, allowances and other financial payments had been paid regularly and renewed automatically.

35. The Government had approved a national COVID-19 vaccination plan and the establishment of an inter-agency coordinating committee to expedite the deployment of vaccines. Georgia had received its first doses of COVID-19 vaccines in March 2021 through the COVID-19 Vaccine Global Access (COVAX) Facility, and the supply of vaccines that had been received was sufficient to cover the adult population. In addition, doses had been donated by Austria, Latvia, Lithuania, Poland and the United States of America. To date, 49 per cent of the population had received one dose of a COVID-19 vaccine and 41 per cent were fully vaccinated.

36. **A representative of Georgia** said that, during the pandemic, ethnic minorities had been provided with timely access to ample information, State services and subsistence items. The Government’s online information portal was available in seven languages, including Ossetian, Abkhaz, Azeri and Armenian. Printed, digital and audiovisual materials were also available in minority languages. In 2020 and 2021, approximately 1 million copies of printed materials in Azeri and Armenian had been delivered to areas with large ethnic minority populations, with a focus on remote villages; the materials had been prepared in those two

languages as knowledge of Georgian was less widespread among the ethnic Azeri and Armenian populations than among other, smaller minority groups.

37. Humanitarian assistance had been mobilized by the Office of the State Minister of Georgia for Reconciliation and Civic Equality, and around 2,000 packages containing food and hygiene items had been delivered to the most vulnerable ethnic minority families. Other support had been provided by local authorities.

38. Bilingual volunteer educators had held meetings and training events to raise awareness of COVID-19-related issues among ethnic minorities. In 2020, more than 60 information meetings had been held in villages in 15 municipalities, with around 800 attendees. Information on COVID-19 regulations had been prepared by the Central Election Commission and provided to regions with large ethnic minority populations during elections held in 2020 and 2021.

39. **Mr. Dzamashvili** (Georgia) said that the Anti-Corruption Council was chaired by the Prime Minister, reflecting the country's commitment to combating corruption. Georgia was working actively with the Open Government Partnership, which had held a global summit in Tbilisi in recognition of the country's efforts to combat corruption.

40. **A representative of Georgia** said that Georgia had been ranked among the top 30 countries globally in the 2020 TRACE Bribery Risk Matrix. It had also been ranked among the top 50 countries globally and first in Eastern Europe and Central Asia in the 2021 World Justice Project Rule of Law Index; first regionally and among the top 50 globally in the 2021 Transparency International Corruption Perception Index; and twelfth globally in the 2021 Heritage Foundation Index of Economic Freedom. Georgia worked extensively with international organizations and partners to combat corruption.

41. Personnel were being recruited for a new secretariat for the Anti-Corruption Council, which had adopted a strategy and five national action plans on combating corruption; further national anti-corruption strategies were being developed. The aim was to raise awareness of anti-corruption measures among the public and civil servants and to improve preventive measures. Government actions had led to increased transparency in political funding, greater accountability for public institutions and higher levels of public trust in the Government. New legislation had also increased the effectiveness and flexibility of public services. Georgia maintained high levels of transparency in public procurement through a publicly accessible, full-cycle electronic procurement platform. The recent implementation of an electronic budget monitoring system had also been effective in combating corruption.

42. **A representative of Georgia** said that the main agency investigating and prosecuting corruption cases was the General Prosecutor's Office, which had a dedicated unit to investigate high-level corruption. There was close collaboration between the Anti-Corruption Agency of the State Security Service and the agency tasked with investigating corruption in the financial sector under the Ministry of Finance. Between 2016 and 2021, those agencies had investigated 2,978 cases; 1,844 people had been prosecuted and 58 had been sentenced. In 2021, investigations into 272 criminal cases of corruption had begun, and 280 persons and legal entities had been prosecuted. There had been a 22 per cent increase in the rate of criminal prosecution in recent years. Georgia was committed to tackling corruption at all levels. For example, corruption charges had been brought against high-ranking public servants, including deputy ministers.

43. **A representative of Georgia** said that, in February 2020, the Anti-Corruption Agency had had Piran Gogichaishvili, the former Chair of Borjomi Municipal Assembly, and the Mayor of Borjomi Municipality arrested for taking bribes; another person had been arrested for failing to report a serious crime; all three individuals had been charged.

44. In the case of the Tskaltubo City Assembly, the State Security Service had launched an investigation of the former Chair of the City Assembly on the basis of an allegation from a foreign businessman. As a result, the Chair had been arrested by order of the Anti-Corruption Agency for bribe-taking. The Tbilisi City Court had found the former Chair guilty of the charges against him and had sentenced him to 12 years' imprisonment.

45. **Mr. Dzamashvili** (Georgia) said that the investigations launched by the General Prosecutor's Office into events that had occurred during the 2008 war were being conducted

in parallel with the investigations of the International Criminal Court. The Office was providing evidence to the Court, which had already identified three persons responsible for crimes related to the 2008 war. The Court's findings would provide the Office with a basis for follow-up.

46. In eight months of imprisonment, former President Saakashvili had received over 1,000 visitors; all persons entitled to visit him under the Prison Code had been able to do so, and public defenders, lawyers and staff of the Ukrainian Consulate had unimpeded access. Mr. Saakashvili had the right to defend himself personally or with the assistance of lawyers of his choosing and could attend court hearings. The European Court of Human Rights had dismissed a case brought by Mr. Saakashvili regarding his treatment and the delivery of medical services. Moreover, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment had examined information from the Government on Mr. Saakashvili's treatment and the medical services available to him and had not issued any recommendations.

47. The United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment had stated that torture was no longer an issue in Georgia. During the most recent inspection of Georgian prisons conducted by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in 2021, it had not identified any cases of ill-treatment of prison inmates by staff.

48. **A representative of Georgia** said that, in the case concerning prison riots in Tbilisi Prison No. 5, three employees had been found guilty on charges of inhuman and degrading treatment and exceeding their official powers. At Tbilisi Prison No. 8, 49 employees had been charged with the crimes of torture, inhuman and degrading treatment and exceeding their official powers; the Tbilisi City Prosecutor's Office had also investigated 15 cases of alleged crimes committed in the penitentiary system in 2012.

49. Criminal proceedings had been initiated against five employees of Ksani Prison No. 15, eight employees of Kutaisi Prison No. 2 and nine employees of Zugdidi Prison No. 4, all of whom had been convicted and punished. Ten employees of Rustavi Prison No. 6 had been found guilty of the crimes of torture and of inhuman and degrading treatment, and 82 persons had been granted victim status; 24 cases relating to that prison remained under investigation. In addition, five staff members of Rustavi Prison No. 16 had been found guilty of the crime of torture.

50. Cases of torture and inhuman and degrading treatment had been investigated by the General Prosecutor's Office until 2019, when a dedicated investigative body had been created to deal with those crimes. Between 2013 and 2021, criminal proceedings had been brought against 187 employees of the penitentiary service and the Ministry of Internal Affairs. In 2021, investigations had been conducted into 14 cases of ill-treatment.

51. The former President, the former Prime Minister, the former Minister of Defence and the former Mayor of Tbilisi had all been found guilty of charges relating to the dispersal of a peaceful assembly in November 2007. The General Prosecutor's Office had investigated more than 1,000 individuals in relation to events that had occurred in mid-2021. Forensic medical examinations had been conducted, and three police officers had been charged to date. Investigations remained ongoing.

52. **A representative of Georgia** said that, rather than being abolished entirely, the State Inspector's Service was being reformed to eliminate potential conflicts of interest and increase its efficiency; as part of that reform, it was being split into two different agencies: the new Special Investigation Service and the Personal Data Protection Service. Both new bodies would report to Parliament annually. The reform had been straightforward in legislative terms, and all relevant legal procedures had been duly carried out. Civil society had been involved in consultations, and a number of non-governmental organizations (NGOs) had agreed that the areas of investigation and personal data protection should be separated. The Constitutional Court was considering a challenge to the reform brought by the Ombudsman and the former head of the State Inspector's Service.

53. **A representative of Georgia** said that recommendations of the Office of the Public Defender concerning discrimination were not legally binding but could be enforced through

the courts. Since 2019, private entities had been required to submit information to the Office; previously, only State institutions had had to do so. As part of their increasingly important role, public defenders were required to monitor the implementation of some human rights legislation. The Office of the Public Defender received funding from the government budget and grants from such sources as the European Union and the United States.

54. The Office of the Public Defender and the national courts were the two available mechanisms for seeking redress in the event of discrimination. The Office had found evidence of discrimination in 53 of 201 cases considered in 2017 and in 15 of 161 cases examined in 2021. Judgments issued by the common courts increasingly invoked the Law of Georgia on the Elimination of All Forms of Discrimination and the jurisprudence of the European Court of Human Rights. The number of discrimination cases brought before the courts, particularly in Tbilisi, had been steadily on the rise. Most cases concerned alleged discriminatory treatment in the private sector, particularly in employment, and were addressed through civil litigation.

55. Human rights, including the right to non-discrimination, were one of the eight priority areas of the national curriculum. Nationwide awareness-raising campaigns on combating discrimination were frequently organized, often with the assistance of international organizations.

56. Between 2018 and 2022, approximately 2,000 employees from the Ministry of Internal Affairs had received training on non-discrimination policies and practices. In cooperation with the Council of Europe, the Ministry was bringing in specialized investigators to handle discrimination-related offences. The Ministry had signed memorandums of understanding with the General Prosecutor's Office, the Supreme Court and the National Statistics Office to establish a unified methodology for gathering data on hate crimes. The Ministry had identified 1,703 cases of hate crimes motivated by people's attitudes about gender, sexual orientation, disability, race, religion, political views and other matters. The General Prosecutor's Office had begun prosecuting 24 people for crimes of discrimination on the grounds of gender identity and 26 people had been recognized as victims in those cases. Since 2020, with the support of the Council of Europe, specialized prosecutors had been trained to work on cases involving hate crimes.

57. **A representative of Georgia** said that, in 2022, Pride Week had been held without any serious incidents for the first time. The police had ensured the safety of participants despite the disruptive activities of homophobic groups. The Ministry of Internal Affairs had cooperated closely with Pride Week organizers and participants, and the management of events had been assessed positively by the community and the diplomatic corps.

58. During the 2021 Pride Week, the Ministry of Internal Affairs had held meetings with the event's organizers, as well as representatives of the United Nations, the Office of the Public Defender and the diplomatic corps, to ensure a safe environment for participants. The Ministry had repeatedly warned organizers that a planned march on 5 July would be risky owing to pre-announced rallies to be held by groups opposing Pride Week; alternative arrangements had been considered but not adopted. The Ministry had mobilized police to ensure participants could exercise their constitutional rights, but the violent attacks on media representatives that had occurred on 5 July had been impossible to predict. To date, 12 criminal cases had been launched in connection with the events of 5 and 6 July; 31 people had been prosecuted, most of whom had been found guilty and sentenced.

59. **A representative of Georgia** said that the number of female parliamentarians had increased to 30, compared to 19 in 2012. The number of women elected at the local level had risen from 245 in 2014 to 491 in 2021.

60. In 2019, the Law on the Elimination of All Forms of Discrimination had been amended to cover sexual harassment, which had also been prohibited in the context of labour relations by means of other legislative amendments. Mechanisms for combating sexual harassment had been introduced in 10 State bodies since 2017. With the support of UN-Women, training had been provided to combat sexual harassment in State institutions. Training on gender-sensitive issues was provided to employees of the Ministry of Foreign Affairs at all levels, from police officers to members of the Cabinet. In addition, the Ministry

of Internal Affairs had identified several hundred cases of administrative offences involving sexual harassment.

61. In order to combat sexual violence, the Government was working on changing the legal definition of rape. In June 2022, representatives of various State institutions had gone on a study visit to Sweden to learn about best practices and experiences in that regard.

62. The National Statistics Office had been conducting its first-ever time-use survey. Large numbers of households had provided information which would be used to measure various factors, including the proportion of time spent by men and women on paid and unpaid work. The results of the survey could serve as a basis for determining what childcare and elder care services were needed in order to give women more time to devote to education and work as a means of attaining greater gender equality.

63. **A representative of Georgia** said that the parliamentary Legal Issues Committee was examining the Code of Administrative Offences with a view to its revision. Discussions on the principles of administrative detention would take place during the development and adoption of the new code.

64. **A representative of Georgia** said that, since 2019, seven cases involving the alleged commission of crimes while prisoners were being held in temporary detention isolators had been investigated. Of those cases, two concerned the death of the prisoner in question, one as the result of a heart attack and one by suicide. Investigations of the other five cases, which concerned alleged violence against detainees, were ongoing. The victims and other persons affected were involved in the investigations.

65. **Mr. Dzamashvili** (Georgia) said that torture and ill-treatment were no longer problems in the prison service, as confirmed by numerous international actors. The Special Penitentiary Service worked to prevent and react to inter-prisoner violence, which had become its main challenge.

66. The country's anti-drug policies had been updated in 2015. The European Court of Human Rights had found that, in the case of *Natsvlishvili and Togonidze v. Georgia*, the Georgian model of plea bargaining was in full compliance with international standards. The legal safeguards in place had been judged to be sufficient; it had been noted, in particular, that the fact that plea bargaining agreements had to be approved by the courts ensured judicial oversight.

67. **A representative of Georgia** said that administrative detainees were guaranteed access to a lawyer at any time. The right to legal counsel was explained in the list of rights and obligations given to all detainees upon their arrival in a temporary detention isolator. In 2021/22, there had been approximately 4,000 administrative detainees. Only 11 per cent of offenders had been remanded to administrative detention and, in those cases, the average time of imprisonment had not exceeded five days; 41 per cent of offenders received verbal warnings and the rest were ordered to pay fines.

68. **Mr. Dzamashvili** (Georgia) said that Georgian investigators had not found a violation in the Machalikashvili case. The European Court of Human Rights was investigating the matter and, if it found that there had been wrongdoing, the applicant could reopen the case in the national courts. Statistics on cases brought under articles 144 and 334 of the Criminal Code would be provided in writing.

The meeting rose at 6 p.m.