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Georgia

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

I. Background and framework

A. Scope of international obligations¹

<i>Universal human rights treaties²</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations/reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	2 June 1999	None	Individual complaints (art. 14): Yes
ICESCR	3 May 1994	None	–
ICCPR	3 May 1994	None	Inter-State complaints (art. 41): No
ICCPR-OP1	3 May 1994	None	
ICCPR-OP2	22 March 1999	None	–
CEDAW	26 Oct 1994	None	–
OP-CEDAW	1 Aug 2002	None	Inquiry procedure (arts. 8 and 9): Yes
CAT	26 Oct 1994	None	Inter-State complaints (art. 21): Yes Individual complaints (art. 22): Yes Inquiry procedure (art. 20): Yes
OP-CAT	9 Aug 2005	None	–
CRC	2 June 1994	None	–
OP-CRC-SC	28 June 2005	None	–

Treaties to which Georgia is not a party: OP-ICESCR,³ OP-CRC-AC, ICRMW, CRPD (signature only, 2009), OP-CRPD (signature only, 2009) and CED.

<i>Other main relevant international instruments⁴</i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	Yes
Rome Statute of the International Criminal Court	Yes
Palermo Protocol ⁵	Yes
Refugees and stateless persons ⁶	Yes, except 1954 and 1961 conventions on stateless persons
Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁷	Yes

<i>Other main relevant international instruments⁴</i>	<i>Ratification, accession or succession</i>
ILO fundamental conventions ⁸	Yes
UNESCO Convention against Discrimination in Education	Yes

1. The Committee on the Rights of the Child (CRC),⁹ in 2008, and the Committee on the Elimination of Discrimination against Women (CEDAW),¹⁰ in 2006, encouraged Georgia to consider ratifying ICRMW. CRC¹¹ recommended ratification of OP-CRC-AC,¹² CRPD, OP-CRPD,¹³ and CED.¹⁴ The High Commissioner for Human Rights made similar recommendations in 2008.¹⁵

2. In 2007, the Committee on the Elimination of Racial Discrimination (CERD) recommended that the State ratify amendments to article 8, paragraph 6, of the Convention,¹⁶ as well as the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.¹⁷

3. In 2006, the Committee against Torture (CAT) expressed concern at agreements prohibiting the transfer of citizens of certain third states on Georgian territory to the International Criminal Court for trial.¹⁸

B. Constitutional and legislative framework

4. In 2009, the Secretary-General called on the parties concerned to maintain their active engagement with regard to the Geneva discussions on security and stability, and to redouble their efforts with a view to reaching agreement on key elements of a security regime, as well as on a number of outstanding issues related to the situation of refugees and internally displaced persons.¹⁹

5. As noted in the OHCHR 2008 annual report, the August 2008 armed conflict added security, humanitarian and human rights challenges to existing concerns in Georgia regarding the independence of the judiciary, conditions in penal institutions, living conditions of internally displaced persons, and investigations into the events of 7 November 2007.²⁰

6. In 2007, The Human Rights Committee (HR Committee) welcomed the wide-ranging legislative and institutional changes introduced in the State,²¹ and the adoption of the Law on Restitution of Property (2006).²²

7. HR Committee was concerned that legislation did not fully ensure respect for the principle of non-refoulement.²³

8. CERD regretted that the draft legislation to protect minorities had not yet been adopted.²⁴ It recommended the adoption of the bill on freedom of conscience and religion²⁵ and legislation on the status of languages.²⁶ In its follow-up response of 2006, Georgia informed CERD that it had ratified the European Convention for the Protection of National Minorities.²⁷

9. CAT, CEDAW, and CRC welcomed the adoption of the Law on the Elimination of Domestic Violence.²⁸ CEDAW also welcomed the Law on Combating Human Trafficking and the adoption of a National Plan.²⁹ It noted that marital rape had not been included in any proposal for new legislation.³⁰ CRC welcomed the Law on Adoption.³¹

10. CRC recommended that Georgia adopt comprehensive legislation to prevent sexual exploitation of children and ensure protection and/or recovery of child victims.³²

C. Institutional and human rights infrastructure

11. In 2007, the Public Defender's Office in Georgia was accredited with "A" status by the International Coordinating Committee of National Human Rights Institutions for the Promotion and Protection of Human Rights (ICC).³³

12. CAT noted the agreement between the Ministry of Internal Affairs and the Public Defender authorizing unannounced visits to any detention facility.³⁴

13. CRC welcomed the Child's Rights Centre of the Office of the Public Defender, but regretted that it did not have adequate resources.³⁵ It urged Georgia to establish an independent complaint mechanism for children.³⁶

D. Policy measures

14. CEDAW was concerned at the lack of a comprehensive approach aimed at achieving gender equality.³⁷ It recommended the introduction of gender mainstreaming in public institutions, policies and programmes,³⁸ and the creation of a permanent institutional mechanism that recognizes the specificity of discrimination against women.³⁹

15. CAT noted the Plan of Action against Torture, the Plan of Measures to Reform and Develop the Penal Correction System, as well as the National Anti-Trafficking Plan and the allocation of additional resources to improve standards in places of detention.⁴⁰ HR Committee recommended that the State continue the implementation of a comprehensive action plan against torture in future years.⁴¹

16. CRC regretted that the Action Plan on Measures to Prevent and Combat Domestic Violence had not yet been adopted.⁴²

17. UNICEF stated that Georgia had adopted a Child Welfare Action Plan 2008–2011, which outlines the key intervention areas for reforming the child care system.⁴³ CRC regretted that said Plan did not cover all areas of the Convention⁴⁴ and recommended that Georgia incorporate the principle of the best interests of the child in all programmes and policies.⁴⁵

18. In 2009, the Representative of the Secretary-General on the human rights of internally displaced persons acknowledged the adoption, in late July 2008, of the Action Plan for internally displaced persons (IDPs), which foresees measures aimed at integrating IDPs into mainstream society.⁴⁶

II. Promotion and protection of human rights on the ground

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

<i>Treaty body⁴⁷</i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	2004	August 2005	December 2007	Fourth and fifth reports overdue since 2008, submitted in 2010

<i>Treaty body⁴⁷</i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CESCR	2001	November 2002		Third report overdue since 2007
HR Committee	2006	October 2007	January 2009	Fourth report due in 2011
CEDAW	2004	August 2006		Fourth and fifth reports due in 2011
CAT	2003	May 2006	May 2007	Fourth and fifth reports due in 2011
CRC	2007	June 2008		Fourth report due in 2011
OP-CRC-SC				Initial report overdue since 2007

2. Cooperation with special procedures

<i>Standing invitation issued</i>	Yes
<i>Latest visits or mission reports</i>	SR on the question of torture and other cruel, inhuman or degrading treatment or punishment (19–25 February 2005); ⁴⁸ RSG on the human rights of internally displaced persons (21–24 December 2005); ⁴⁹ RSG on the human rights of internally displaced persons (1–4 October 2008) ⁵⁰
<i>Visits agreed upon in principle</i>	WG on Arbitrary Detention
<i>Visits requested and not yet agreed upon</i>	SR on freedom of religion or belief (2004)
<i>Facilitation/cooperation during missions</i>	Special Rapporteur on torture and Representative of the Secretary-General on the human rights of internally displaced persons expressed their gratitude to the Government for its cooperation during their respective visits
<i>Follow-up to visits</i>	Representative of the Secretary-General on the human rights of internally displaced persons (5–6 November 2009 ⁵¹ and 13–16 September 2010) ⁵²
<i>Responses to letters of allegations and urgent appeals</i>	The Government replied to 9 communications.

*Responses to
questionnaires on
thematic issues*

Georgia responded to 5 of the 23 questionnaires sent by special procedures mandate holders.⁵³

3. Cooperation with the Office of the High Commissioner for Human Rights

19. The United Nations Human Rights Office in Abkhazia, Georgia, established in 1996, was closed following the discontinuation of the mandate of the United Nations Observer Mission in Georgia (UNOMIG) in June 2009.⁵⁴ As of 2010, a senior human rights adviser is based in Georgia.⁵⁵ OHCHR's field presence in the South Caucasus faced a significant challenge in the protracted conflicts with regard to Abkhazia and South Ossetia. With limited or no access for adequate assistance and protection, OHCHR's ability to contribute to improving the human rights situation in these areas remained a particular issue to be addressed.⁵⁶

20. According to the OHCHR 2009 annual report, the Government took into account most of OHCHR's advice in the criminal justice reform.⁵⁷ Georgia made a financial contribution to the OHCHR in 2010.⁵⁸

B. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

21. UNHCR reported that in Georgia—a conservative society with deeply rooted religious and patriarchal traditions—, patterns of discrimination against women and widespread acceptance of gender-based violence in different forms still existed.⁵⁹ CEDAW, CRC and UNIFEM made similar comments.⁶⁰

22. The Representative of the Secretary-General on the human rights of internally displaced persons reported that, in the context of a complaint filed by Georgia in October 2008, alleging violations of the Convention on the Elimination of All Forms of Racial Discrimination, the International Court of Justice ordered provisional measures to be taken by Georgia and a third country to refrain from engaging in any act of racial discrimination and to ensure, without distinction as to national or ethnic origin, the security of persons and their right to freedom of movement and residence within the border of the State, as well as to protect the property of displaced persons and refugees.⁶¹

23. In 2010, the ILO Committee of Experts on the Application of Conventions and Recommendations recalled its previous comments concerning the low representation of ethnic minorities in state institutions and public administration and requested Georgia to provide information on the implementation of measures to promote the employment of members of ethnic minorities in the public and private sectors.⁶²

24. Concerned that large numbers of children belonging to minority groups and internally displaced and refugee children were not registered at birth,⁶³ CRC recommended the establishment of institutional structures to ensure birth registration throughout the country.⁶⁴

25. UNICEF indicated that there was no comprehensive government policy for children with disabilities. However, the Strategy and Action Plan of Special Needs Education (2009-11) was built on the Concept of Social Integration of Persons with Disabilities.⁶⁵ CRC regretted the lack of a comprehensive governmental policy for children with disabilities.⁶⁶

26. CERD recommended that Georgia ensure that non-citizens effectively enjoy, without discrimination, the rights contained in article 5 of the Convention, in particular

their access to justice and the right to health.⁶⁷ In its follow-up response, Georgia informed about the ratification of the European Social Charter in 2005,⁶⁸ the adoption of a new Labour Law in 2006,⁶⁹ and existing and new legislation which envisages a general provision according to which any person is entitled to apply to the court for protection of his/her rights.⁷⁰

27. UNHCR noted that IDPs still face discrimination with regard to some specific sections of legislation, e.g. they cannot participate in privatization of arable land on the same terms as the local population.⁷¹

28. UNAIDS stated that Article 10 of the Georgian AIDS law aims to ensure that people living with HIV cannot be legally discriminated against because of their seropositive status.⁷²

2. Right to life, liberty and security of the person

29. HR Committee expressed concern about allegations of deaths caused by excessive force by police and prison officials and regretted the persistence of torture and ill-treatment by police, especially during arrest.⁷³ CAT and CERD expressed similar concerns.⁷⁴ In its follow-up response to CAT in 2007, Georgia informed about several steps to eradicate cases of torture and ill-treatment.⁷⁵

30. In 2005, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment welcomed an amendment to the Criminal Code to bring the definition of torture into line with the Convention against Torture.⁷⁶ At the same time, he concluded that torture persisted in Georgia, perpetuated primarily by a culture of impunity.⁷⁷ He recommended that the highest authorities declare unambiguously that the culture of impunity must end and that torture and ill-treatment will not be tolerated and be subject to prosecution.⁷⁸

31. Concerned by the numerous allegations of torture and ill-treatment and the low number of convictions, CAT recommended that Georgia strengthen investigative capacity, including that of the Prosecutor-General's Office, to examine allegations of torture and ill-treatment.⁷⁹

32. CRC was concerned that children continued to be victims of arbitrary detentions, police brutality and ill-treatment in detention facilities.⁸⁰

33. HR Committee was concerned at adverse conditions in prisons.⁸¹ CAT expressed similar concerns and recommended that Georgia reduce the period of pre-trial detention and use alternative measures to incarceration.⁸² In its follow-up response in 2009, Georgia informed about the renovation and construction of penitentiary buildings as well as an increase in allocations for prisons.⁸³

34. In February 2008, following a visit to Georgia, the High Commissioner for Human Rights stated that while positive steps had been taken to improve conditions in detention facilities, further work was needed, including with regard to access by detainees to adequate health services and finding sustainable solutions to overcrowding.⁸⁴

35. In November 2007, the High Commissioner expressed concern about the imposition of a state of emergency in Georgia, particularly about reports of disproportionate use of force, including against the Public Defender, detention of opposition leaders and beating of demonstrators.⁸⁵

36. In 2007, the Secretary-General noted that in September 2006, the Human Rights Office in Abkhazia had urged the Abkhaz authorities to refrain from the practice of drafting Gali residents in circumstances which amounted to arbitrary conscription.⁸⁶

37. UNIFEM informed that cases of sexual and gender-based violence had been reported during the 2008 conflict. Since then, the victims suffer from stigma and negative attitudes by their co-villagers.⁸⁷

38. HR Committee was concerned at the substantial number of women subjected to violence, particularly domestic violence, and recommended the compilation of disaggregated data, prompt investigations and criminal proceedings against perpetrators.⁸⁸ CEDAW expressed similar concerns.⁸⁹ CRC recommended that the State reinforce mechanisms for monitoring violence, sexual abuse and neglect within the family.⁹⁰ In its follow-up response, Georgia indicated measures taken to implement the Law on the Elimination of Domestic Violence.⁹¹

39. While welcoming the new anti-trafficking law and National Action Plan (2007-2008), CRC was concerned that insufficient legal guarantees existed to ensure that child victims are not penalized.⁹² In 2006, CEDAW remained concerned about the persistence of trafficking in women and girls.⁹³

40. CRC recommended that Georgia take steps to prevent child labour by formulating a strategy to eliminate the worst forms of child labour and strengthening the labour inspectorate.⁹⁴

41. Concerned that corporal punishment continued to occur in the home as well as in schools and institutions,⁹⁵ CRC recommended that Georgia adopt legislation explicitly prohibiting all forms of corporal punishment of children in all settings.⁹⁶

42. UNICEF informed that an estimated 1,050 children were living and/or working on the streets in the four largest cities, namely Tbilisi, Kutaisi, Rustavi and Batumi, and that 60 per cent of street children in Tbilisi are of Roma origin.⁹⁷

43. UNICEF stated that street children in Georgia do not receive appropriate schooling. Moreover, street children cannot enter special rehabilitation centres due to lack of IDs that exclude them from social benefits.⁹⁸

44. CRC was concerned at the absence of strategic measures to address the situation of children who work or live on the streets,⁹⁹ and recommended that Georgia provide them with recovery and social reintegration services.¹⁰⁰

3. Administration of justice and the rule of law

45. The High Commissioner acknowledged the judicial reforms undertaken in recent years, but expressed concern about the lack of trust that the population still displayed with regard to the judiciary.¹⁰¹

46. HR Committee was concerned at interference with the independence of the judiciary and the problem of judicial corruption.¹⁰² It regretted the absence of adequate education of judges.¹⁰³ In its follow-up response, Georgia indicated initiatives aimed at reforming the judiciary.¹⁰⁴

47. CAT was concerned at information that detainees were not always informed of their right to counsel or to be examined by a medical doctor.¹⁰⁵

48. CRC was concerned at the increasing number of children entering the criminal justice system.¹⁰⁶ It recommended that the State establish juvenile courts and consider deprivation of liberty only as a last resort measure and for the shortest period of time.¹⁰⁷ It deeply regretted the decision to lower the minimum age of criminal responsibility from 14 to 12 years¹⁰⁸ and urged the State to reinstate it to 14 years.¹⁰⁹

4. Right to family life and privacy

49. CRC was concerned that a large number of children were placed in institutions due to the lack of adequate services and financial support to families.¹¹⁰ UNICEF indicated that the number of children living in institutions had reduced significantly. Over 90 per cent of children in residential institutions had a surviving parent. The main causes for admission were poverty and disability.¹¹¹

50. CRC recommended that Georgia strengthen programmes related to adoption, including by reinforcing the central authority on adoption.¹¹²

51. UNAIDS noted that, although Georgian law guaranteed anonymous and confidential HIV testing and counselling, which included the idea of informed consent, there were significant reports of mandatory tests and failure to inform the individual of the test results.¹¹³

5. Freedom of movement

52. UNHCR noted that the population in the Gali district, including persons in the process of returning, were concerned about recent developments related to movement across the Inguri river and the impact on freedom of movement. It added that some form of mutually accepted “crossing regime” was crucial for the advancement of a reintegration process and the prevention of renewed displacement.¹¹⁴

6. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

53. HR Committee was concerned that the different status of religious groups, other than the Georgian Orthodox Church which had the status of legal public entity, could lead to discrimination.¹¹⁵ It recommended that Georgia take steps to ensure equal enjoyment of the right of freedom of religion or belief and to address the problems related to confiscation of places of worship and related properties of religious minorities.¹¹⁶

54. HR Committee recommended that the State ensure freedom of speech and of the press, and that complaints in this regard are promptly investigated.¹¹⁷

55. In 2007, the High Commissioner for Human Rights expressed concern that independent television stations had reportedly been raided by Special Forces and forced to stop broadcasting.¹¹⁸

56. In 2008, the Secretary-General noted that ahead of the presidential election, the Georgian authorities appealed to the international community to ensure that residents of the Gali district were allowed to vote by crossing the ceasefire line to the Zugdidi district. The Secretary-General added that the Abkhaz de facto authorities had stated that Gali residents were free to vote in the election but warned that those who wanted to be involved in Georgian political life might be better off staying on the Zugdidi side of the ceasefire line. Such “warnings” had a deterrent effect on participation by Gali residents in the election.¹¹⁹

57. A 2010 United Nations Statistics Division source indicated that the proportion of seats held by women in Parliament decreased from 9.4 per cent in 2006 to 5.1 per cent in 2010.¹²⁰ CEDAW encouraged the State to take sustained measures to accelerate full and equal participation of women in elected and appointed bodies.¹²¹

7. Right to work and to just and favourable conditions of work

58. The 2011-2015 UNDAF stated that economic empowerment of women needed attention as the majority of women were employed in lower positions.¹²² The ILO Committee of Experts noted that women earned 56 per cent of men’s wages in the first

quarter of 2009.¹²³ CEDAW urged Georgia to ensure that all job-creation programmes introduce provisions on equal pay for work of equal value.¹²⁴

59. In 2008, the ILO Committee of Experts referred to section 46(1) of the Labour Code, which states that an employee's rights may be limited by the labour contract, and expressed concern over the impact this might have on the exercise of trade union rights.¹²⁵

60. In 2007, the ILO Committee of Experts noted that section 2(3) of the Labour Code, prohibiting discrimination based on "membership in an association," did not constitute sufficient protection against anti-union discrimination.¹²⁶

8. Right to social security and to an adequate standard of living

61. The 2011-2015 UNDAF highlighted that the poverty rate had slowly decreased from 24.1 per cent in 2005 to 21.3 per cent in 2007, but showed a slight increase to 22.1 per cent in 2008. Many Georgians remain affected by high levels of poverty and unemployment despite the comprehensive reforms.¹²⁷

62. CRC¹²⁸ and CERD¹²⁹ expressed concern about widespread poverty. CEDAW expressed concern at the feminization of poverty and that the State lacked targeted programmes to address the needs of rural and elderly women, women-headed households and female IDPs.¹³⁰ It requested Georgia to ensure that all poverty eradication programmes and strategies are gender-sensitive.¹³¹

63. UNICEF as well as CRC¹³² noted that poverty levels among children are higher than the national average (28 per cent).¹³³

64. The 2011-2015 UNDAF stated that progress in health reform has been insufficient in key health indicators. Many citizens remain without health insurance coverage. Serious challenges remain if Georgia is to achieve its 2015 MDG targets for infant and under-five mortality rates.¹³⁴

65. UNDAF reported that the population's awareness of sexual and reproductive health –sensitive issues in Georgian society– has improved, but sexual behaviour patterns, high abortion rates, access to reproductive health commodities, including modern methods of family planning, remain of concern.¹³⁵ CRC made similar remarks.¹³⁶

66. CRC regretted the lack of a national child mental health policy.¹³⁷

67. UNAIDS indicated that, in November 2009, a law on HIV-AIDS was adopted to bring the legislation into conformity with Georgia's international obligations. However, it did not address a number of issues, such as the vulnerability of migrants, sex workers and men who have sex with men. UNAIDS recommended that a legislative audit be carried out.¹³⁸ UNAIDS added that had Georgia made significant progress in increasing antiretroviral treatment coverage, reaching 88 per cent of the targeted population.¹³⁹ It added that Georgia provided HIV testing services for key populations (drug users, men who have sex with men, prisoners, and people with sexually transmitted infections).¹⁴⁰

68. UNICEF informed that 99 per cent of the population has access to improved drinking water, 93 per cent to adequate sanitation, while 33 per cent of IDPs and 64 per cent of villagers have no access to bathing facilities.¹⁴¹

9. Right to education

69. UNDAF stated that many challenges remained in the education sector and that it was unlikely that Georgia would achieve MDG 2 of universal primary education by 2015. Pre-school education remains underdeveloped and enrolment is low and influenced by social and geographical factors. In 2008, net primary school enrolment rates were 100 per cent for boys and 98 per cent for girls,¹⁴² but the quality of primary education needs further

improvement. Only around 50 per cent of school leavers enter higher education institutions. Limited access to education by vulnerable children, attendance and drop-out rates and significant levels of violence in schools all need urgent attention and action. The level of overall education expenditures is one of the lowest in the region.¹⁴³

70. CRC recommended that the State continue to increase budget allocations to the educational sector and focus on improving the quality of education, particularly in rural and minority regions.¹⁴⁴ CRC recommended that Georgia close segregated schools for internally displaced children and integrate them into mainstream education.¹⁴⁵

10. Minorities and indigenous peoples

71. CERD acknowledged the measures taken to strengthen the participation of ethnic minorities in Georgian political institutions.¹⁴⁶ Nevertheless, it noted that their representation in State institutions and in the public administration remained disproportionately low.¹⁴⁷ HR Committee recommended measures to ensure adequate political representation and participation of minorities, especially the Armenian and Azeri communities.¹⁴⁸

72. CERD recommended that Georgia take effective measures to improve knowledge of the Georgian language among minority groups and increase the use of ethnic minority languages in the public administration.¹⁴⁹ HR Committee¹⁵⁰ and CRC¹⁵¹ made similar recommendations.

73. Acknowledging the establishment of a State Commission on the Repatriation of Meskhetians, CERD recommended that the State take appropriate measures to facilitate their return and their acquisition of Georgian citizenship.¹⁵²

11. Migrants, refugees and asylum-seekers

74. UNHCR reported that as of January 2010, Georgia was host to 870 refugees, primarily from a neighbouring country. During a national consultation process, a number of inconsistencies were identified between the legislation and international refugee law and standards. A new draft law on refugees and humanitarian status was drafted by the Ministry for IDPs in close cooperation with UNHCR.¹⁵³

75. UNHCR noted that the Government together with UNHCR was analysing gaps and grey areas in the legal framework for citizenship in order to prepare a package of possible amendments to bring citizenship legislation into conformity with UN and European Conventions on statelessness. These amendments have been scheduled to be formally presented to Parliament by the end of 2010.¹⁵⁴

12. Internally displaced persons

76. Security Council resolution 1866 (2009) underlined the need to refrain from the use of force or any act of ethnic discrimination against persons, groups of persons or institutions, and to ensure, without distinction the right of persons to freedom of movement and protection of the property of refugees and displaced persons. It also called for facilitation of and refrainment from impeding humanitarian assistance to persons affected by the conflict, including refugees and internally displaced persons. It further called for facilitation of their voluntary, safe, dignified and unhindered return.¹⁵⁵

77. Since 2005, the Representative of the Secretary-General on the human rights of internally displaced persons has visited Georgia four times.¹⁵⁶ After a visit in October 2008, the Representative reported that as a result of the hostilities in northern Georgia, which had escalated on 7/8 August 2008, some 133,000 persons had become displaced.¹⁵⁷ In addition, approximately 220,000 internally displaced persons from the territories of Abkhazia and the

Tskhinvali region/South Ossetia have been living in protracted displacement for more than a decade, following conflicts in the aftermath of Georgia's independence.¹⁵⁸

78. The Representative welcomed the prompt response of the Government to the displacement crisis in the aftermath of the 2008 hostilities, and its plans to find durable solutions for all IDPs, including those in protracted displacement since the early 1990s,¹⁵⁹ as well as the its acknowledgement that providing IDPs with possibilities for living in dignity in the host community and the right to return –which continues to be an entitlement– are not mutually exclusive.¹⁶⁰

79. The Representative recalled that the rights of the “old” IDPs needed to be ensured in tandem with responding to the new group of internally displaced on a non-discriminatory basis.¹⁶¹ The Representative recommended that implementation of the Action Plan for IDPs, adopted in July 2008 with amendments to account for populations displaced in August 2008, be given absolute priority by the Government.¹⁶²

80. After the most recent visit in September 2010, the Representative welcomed the closing of collective centres, where some internally displaced persons had been living since the 1990s, but expressed concern about how evictions were carried out in the last few months in Tbilisi. In this regard, he encouraged the authorities to put in place clear procedures to ensure that such evictions are carried out in accordance with international standards. He added that evictions must not cause people to lose their livelihoods nor access to quality education or health services.¹⁶³ HR Committee raised similar concerns.¹⁶⁴

81. A World Food Programme assessment on food security, released in March 2010, indicated that 94 per cent of displaced people did not have food security and depended heavily on external assistance to meet their basic food needs. Up to 62 per cent of IDPs did not consume meat, dairy products or fruit. In addition, many resettled IDPs did not have access to adequate amounts of land or irrigation to become self sufficient.¹⁶⁵

13. Situation in or in relation to specific regions or territories

82. In September 2010, the Representative of the Secretary-General on the human rights of internally displaced persons regretted that humanitarian access to several regions of the country continued to be restricted, due mainly to legal and administrative obstacles.¹⁶⁶

83. After a visit to the Tskhinvali Region/South Ossetia in November 2009, the Representative urged the parties to ensure that all persons displaced by the 2008 and past conflicts are able to enjoy their right to return voluntarily to their former homes in safety and dignity, and to recover their property and possessions or obtain compensation. In the light of the complex housing, land and property situation in the former Soviet Republic, due to several waves of violence and displacement, the Representative recommended that a special property resolution mechanism involving international expertise be established.¹⁶⁷

84. UNHCR noted that Georgia regulates access to, and economic activities in, Abkhazia and South Ossetia through a strict law on Occupied Territories.¹⁶⁸ Although amended in 2009, several provisions of the law remain vague and might negatively impact on humanitarian access.¹⁶⁹

85. UNHCR reported that Abkhaz de facto law on citizenship (October 2005) discriminated against almost all the non-Abkhaz population who left during or after the 1993 conflict. Abkhaz ID is required for activities such as opening a bank account and obtaining a driving license or a school certificate, while only “Abkhaz citizens” are currently allowed to buy and sell real estate in Abkhazia.¹⁷⁰

86. While acknowledging the positive steps taken, HR Committee was concerned that the population living in Abkhazia and South Ossetia did not fully enjoy the Covenant provisions.¹⁷¹

87. In 2008, the Secretary-General noted that the language of instruction in Gali district schools remained a concern. In September 2008, Abkhaz history, geography and culture – all taught in Russian – were introduced in lower Gali schools. The requirement that administrative paperwork be kept in Russian also came into effect. Records related to disciplines taught in Georgian, however, remained in the Georgian language.¹⁷² The High Commissioner stressed the importance of providing education in relevant mother tongues.¹⁷³

III. Achievements, best practices, challenges and constraints

N/A

IV. Key national priorities, initiatives and commitments

Specific recommendations for follow-up

88. The HR Committee requested a follow-up response on the implementation of the Law on Combating Domestic Violence and improvement of conditions of persons deprived of their liberty.¹⁷⁴ CAT requested a follow-up response to recommendations regarding excessive use of force by law enforcement officials, the right of detainees to be informed of their rights, deaths in custody, and protection of women in detention.¹⁷⁵ CERD requested follow-up in relation to specific legislation to protect minorities and the enjoyment of rights by non-citizens in Georgia.¹⁷⁶

V. Capacity-building and technical assistance

N/A

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 1 April 2009* (ST/LEG/SER.E/26), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers

	and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to the Convention on the Rights of Persons with Disabilities
CED	International Convention for the Protection of All Persons from Enforced Disappearance

- ³ Adopted by the General Assembly in its resolution 63/117 of 10 December 2008. Article 17, paragraph 1, of OP-ICESCR states that “The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant”.
- ⁴ Information relating to other relevant international human rights instruments, including regional instruments, may be found in the pledges and commitments undertaken by Georgia before the Human Rights Council, as contained in an aide memoire dated 12 April 2006 sent by the Permanent Mission of Georgia to the United Nations, available at <http://www.un.org/ga/60/elect/hrc/georgia.pdf>.
- ⁵ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- ⁶ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.
- ⁷ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.
- ⁸ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- ⁹ CRC/C/GEO/CO/3, para. 78.
- ¹⁰ CEDAW/C/GEO/CO/3, para. 35.
- ¹¹ CRC/C/GEO/CO/3, para. 4(e).
- ¹² *Ibid.*, para. 79.
- ¹³ *Ibid.*, para. 43(a).
- ¹⁴ *Ibid.*, para. 79.
- ¹⁵ OHCHR Press release, “Georgia makes progress but human rights concerns remain, says Louise Arbour,” 28 February 2008, available at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=9417&LangID=E>.
- ¹⁶ CERD/C/GEO/CO/3, para. 25.
- ¹⁷ *Ibid.*, para. 17.
- ¹⁸ CAT/C/GEO/CO/3, para. 14.
- ¹⁹ S/2009/69, para. 64; see also S/2009/254 and A/64/819.
- ²⁰ OHCHR 2008 Report: Activities and Results, pp. 121–122.
- ²¹ CCPR/C/GEO/CO/3, para. 3.
- ²² *Ibid.*, para. 5.
- ²³ *Ibid.*, para. 7.
- ²⁴ CERD/C/GEO/CO/3, para. 10.
- ²⁵ *Ibid.*, para. 18.

- 26 Ibid., para. 13.
- 27 CERD/C/GEO/CO/3/Add.1, para. 7.
- 28 CAT/C/GEO/CO/3, para. 7 (c); CEDAW/C/GEO/CO/3, para. 6; and CRC/C/GEO/CO/3, para. 3(a).
- 29 CEDAW/C/GEO/CO/3, para. 6.
- 30 Ibid., para. 19.
- 31 CRC/C/GEO/CO/3, para. 3(b).
- 32 CRC/C/GEO/CO/3, paras. 66(a), (b) and 67(a), (d).
- 33 For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/13/45, annex I.
- 34 CAT/C/GEO/CO/3, para. 7 (e).
- 35 CRC/C/GEO/CO/3, para. 12.
- 36 Ibid., para. 14.
- 37 CEDAW/C/GEO/CO/3, para. 11.
- 38 Ibid., para. 12.
- 39 Ibid., para. 16.
- 40 CAT/C/GEO/CO/3, para. 7 (b), (d).
- 41 CCPR/C/GEO/CO/3, para. 10(d).
- 42 CRC/C/GEO/CO/3, para. 40.
- 43 UNICEF submission to the UPR on Georgia, para. 7.
- 44 CRC/C/GEO/CO/3, para. 10.
- 45 Ibid., para. 24.
- 46 A/HRC/10/13/Add.2, para. 28.
- 47 The following abbreviations have been used for this document:
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|--------------|--|
| CERD | Committee on the Elimination of Racial Discrimination |
| HR Committee | Human Rights Committee |
| CEDAW | Committee on the Elimination of Discrimination against Women |
| CAT | Committee against Torture |
| CRC | Committee on the Rights of the Child |
- 48 E/CN.4/2006/6/Add.3.
- 49 E/CN.4/2006/71/Add.7.
- 50 A/HRC/10/13/Add.2.
- 51 A/HRC/13/21/Add.3.
- 52 See OHCHR Press release, “UN Expert on Internally Displaced Persons supports efforts to find durable solutions for the internally displaced in Georgia,” 16 September 2010, available at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10337&LangID=E>; and OHCHR Press release, “UN expert on internally displaced to visit Caucasus,” 8 September 2010, available at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10314&LangID=E>.
- 53 The questionnaires referred to are those reflected in an official report by a special procedure mandate holder issued between 1 January 2006 and 30 June 2010. Responses counted for the purposes of this section are those received within the relevant deadlines, and referred to in the following documents: a) E/CN.4/2006/62, para. 24 and E/CN.4/2006/67, para. 22; b) A/HRC/4/23, para. 14; c) A/HRC/4/24, para. 9; d) A/HRC/4/29, para. 47; e) A/HRC/4/31, para. 24; f) A/HRC/4/35/Add.3, para. 7; g) A/HRC/6/15, para. 7; h) A/HRC/7/6, Annex; i) A/HRC/7/8, para. 35; j) A/HRC/8/10, para.120, footnote 48 ; k) A/62/301, paras. 27, 32, 38, 44 and 51; l) A/HRC/10/16 and Corr.1, footnote 29; m) A/HRC/11/6, Annex; n) A/HRC/11/8, para. 56; o) A/HRC/11/9, para. 8, footnote 1; p) A/HRC/12/21, para.2, footnote 1; q) A/HRC/12/23, para. 12; r) A/HRC/12/31, para. 1, footnote 2; s) A/HRC/13/22/Add.4; t) A/HRC/13/30, para. 49; u) A/HRC/13/42, Annex I; v) A/HRC/14/25, para. 6, footnote 1; w) A/HRC/14/31, para. 5, footnote 2.
- 54 OHCHR 2009 Report: Activities and Results, pp. 72 and 150.
- 55 Ibid., pp. 149–151.
- 56 Ibid., pp. 149–151.
- 57 Ibid., p. 143.
- 58 OHCHR 2010 Report: Activities and Results (forthcoming).
- 59 UNHCR submission to the UPR on Georgia, para. 13.

- ⁶⁰ CEDAW/C/GEO/CO/3, para. 17; CRC/C/GEO/CO/3, para. 21; UNIFEM Press release, “Situation of Conflict-Affected Women in Georgia Calls for Urgent Action,” 24 February 2009, available at http://www.unifem.org/news_events/story_detail.php?StoryID=853.
- ⁶¹ A/HRC/10/13/Add.2, para. 15.
- ⁶² ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2010, Geneva, doc. No. (ILOLEX) 092010GEO111, 1st para.
- ⁶³ CRC/C/GEO/CO/3, para. 27.
- ⁶⁴ Ibid., para. 28.
- ⁶⁵ UNICEF submission to the UPR on Georgia, para. 8.
- ⁶⁶ CRC/C/GEO/CO/3, para. 42.
- ⁶⁷ CERD/C/GEO/CO/3, para. 16.
- ⁶⁸ CERD/C/GEO/CO/3/Add.1, para. 32.
- ⁶⁹ Ibid., para. 33.
- ⁷⁰ Ibid., para. 13.
- ⁷¹ UNHCR submission to the UPR on Georgia, para. 11.
- ⁷² UNAIDS submission to the UPR on Georgia, p. 2.
- ⁷³ CCPR/C/GEO/CO/3, paras. 9–10.
- ⁷⁴ CAT/C/GEO/CO/3, paras. 9 and 17; CERD/C/GEO/CO/3, para. 20.
- ⁷⁵ CAT/C/GEO/CO/3/Add.1, para. 3.
- ⁷⁶ E/CN.4/2006/6/Add.3, Summary.
- ⁷⁷ Ibid.
- ⁷⁸ E/CN.4/2006/6/Add.3, para. 60 (a).
- ⁷⁹ CAT/C/GEO/CO/3, para. 12.
- ⁸⁰ CRC/C/GEO/CO/3, para. 29.
- ⁸¹ CCPR/C/GEO/CO/3, para. 11.
- ⁸² CAT/C/GEO/CO/3, para. 18.
- ⁸³ CCPR/C/GEO/CO/3/Add.1, paras. 10–11.
- ⁸⁴ OHCHR Press release, “Georgia makes progress but human rights concerns remain, says Louise Arbour,” 28 February 2008, available at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=9417&LangID=E>.
- ⁸⁵ OHCHR Press release, “High Commissioner concerned about Georgia state of emergency,” 8 November 2007, available at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=4073&LangID=E>.
- ⁸⁶ S/2007/15, para. 7.
- ⁸⁷ UNIFEM Press release, “Situation of Conflict-Affected Women in Georgia Calls for Urgent Action,” 24 February 2009, available at http://www.unifem.org/news_events/story_detail.php?StoryID=853.
- ⁸⁸ CCPR/C/GEO/CO/3, para. 8 (a), (b).
- ⁸⁹ CEDAW/C/GEO/CO/3, para. 19.
- ⁹⁰ CRC/C/GEO/CO/3, para. 41(b) and (d).
- ⁹¹ CCPR/C/GEO/CO/3/Add.1, paras. 3, 4, 6.
- ⁹² CRC/C/GEO/CO/3, para. 68.
- ⁹³ E/C.12/1/Add.83, para. 37.
- ⁹⁴ CRC/C/GEO/CO/3, para. 63(a) and (b).
- ⁹⁵ Ibid., para. 31.
- ⁹⁶ Ibid., para. 32.
- ⁹⁷ UNICEF submission to the UPR on Georgia, para. 15.
- ⁹⁸ Ibid., para. 4.
- ⁹⁹ CRC/C/GEO/CO/3, para. 64.
- ¹⁰⁰ Ibid., para. 65(a).
- ¹⁰¹ OHCHR Press release, “Georgia makes progress but human rights concerns remain, says Louise Arbour,” 28 February 2008, available at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=9417&LangID=E>.
- ¹⁰² CCPR/C/GEO/CO/3, para. 13.
- ¹⁰³ Ibid., para. 14.
- ¹⁰⁴ CCPR/C/GEO/CO/3/Add.1, paras. 13–16.

- 105 CAT/C/GEO/CO/3, para. 13.
- 106 CRC/C/GEO/CO/3, para. 70.
- 107 Ibid., para. 71(a), (b), (c).
- 108 Ibid., para. 72.
- 109 Ibid., para. 73.
- 110 Ibid., para. 34.
- 111 UNICEF submission to the UPR on Georgia, para. 14.
- 112 CRC/C/GEO/CO/3, para. 39(a).
- 113 UNAIDS submission to the UPR on Georgia, p. 3.
- 114 UNHCR submission to the UPR on Georgia, para. 6.
- 115 CCPR/C/GEO/CO/3, para. 15.
- 116 Ibid., para. 15.
- 117 Ibid., para. 16.
- 118 OHCHR Press release, “Hgh Commissioner concerned about Georgia state of emergency,” 8 November 2007, available at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=4073&LangID=E.S/2008/38>, para. 12.
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- 123 CEDAW/C/GEO/CO/3, para. 26.
- 124 ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), 2008, Geneva, doc. No. (ILOLEX) 092008GEO087, 3rd para.
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- 128 CERD/C/GEO/CO/3, para. 19.
- 129 CEDAW/C/GEO/CO/3, para. 27.
- 130 Ibid., para. 28.
- 131 CRC/C/GEO/CO/3, para. 53.
- 132 UNICEF submission to the UPR on Georgia, para. 18.
- 133 UNDAF 2011-2015, Georgia, p. 14, available at <http://www.undg.org/docs/11264/UNDAF-Georgia-2011-2015.doc>.
- 134 Ibid.
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- 136 Ibid., para. 49.
- 137 UNAIDS submission to the UPR on Georgia, p. 1.
- 138 Ibid., p. 3.
- 139 Ibid., p. 4.
- 140 UNICEF submission to the UPR on Georgia, para. 21.
- 141 UNDAF 2011-2015, Georgia, p. 14, available at <http://www.undg.org/docs/11264/UNDAF-Georgia-2011-2015.doc>.
- 142 Ibid.
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¹⁴⁹ CERD/C/GEO/CO/3, para. 13.
¹⁵⁰ CCPR/C/GEO/CO/3, para. 17 (a) and (b).
¹⁵¹ CRC/C/GEO/CO/3, para. 77(b), (e), (f).
¹⁵² CERD/C/GEO/CO/3, para. 15.
¹⁵³ UNHCR submission to the UPR on Georgia, para. 15.
¹⁵⁴ *Ibid.*, para. 19.
¹⁵⁵ Security Council resolution 1866 (2009), paras. 3–4.
¹⁵⁶ See A/HRC/4/38, para. 24.
¹⁵⁷ A/HRC/10/13/Add.2, Summary.
¹⁵⁸ *Ibid.*, para. 11 (c).
¹⁵⁹ *Ibid.*, Summary.
¹⁶⁰ *Ibid.*, para. 21.
¹⁶¹ *Ibid.*, para. 29.
¹⁶² *Ibid.*, Summary.
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¹⁶⁷ A/HRC/13/21/Add.3, page 2. See also OHCHR Press release, “OHCHR urges restraint and safeguards for civilians in South Ossetia conflict,” 8 August 2008, available at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=8792&LangID=E>.
¹⁶⁸ The law was adopted by the Parliament of Georgia on 23 October 2008.
¹⁶⁹ UNHCR submission to the UPR on Georgia, para. 12.
¹⁷⁰ *Ibid.*, para. 8.
¹⁷¹ CCPR/C/GEO/CO/3, para. 6.
¹⁷² S/2008/38, para. 24.
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¹⁷⁴ CCPR/C/GEO/CO/3, para. 19.
¹⁷⁵ CAT/C/GEO/CO/3, para. 23.
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