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Human Rights Committee**Concluding observations on the fifth periodic report of Georgia***

1. The Committee considered the fifth periodic report of Georgia¹ at its 3888th and 3889th meetings,² held on 5 and 6 July 2022. At its 3911st meeting, held on 22 July 2022, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the fifth periodic report of Georgia and the information presented therein. It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's high level delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies³ to the list of issues,⁴ which were supplemented by the oral responses provided by the delegation, and for the supplementary information provided to it in writing.

B. Positive aspects

3. The Committee welcomes the adoption by the State party of the following legislative and policy measures:

- (a) The Juvenile Justice Code, in 2015;
- (b) The amendments to the Civil, Criminal and Administrative Procedure Codes, aimed at effectively implementing views of the United Nations human rights treaty bodies, in 2016;
- (c) The Code on the Rights of the Child, in 2019;
- (d) The amendments to the Law of Georgia on the Elimination of All Forms of Discrimination, which defines harassment as well as sexual harassment, in 2019;
- (e) The Law on Rights of Persons with Disabilities, in 2020;
- (f) The National Action Plan for the Protection of Human Rights for the period 2018–2020, in 2018.

4. The Committee also welcomes the State party's ratification of, or accession to, the following international instruments:

* Adopted by the Committee at its 135th session (27 June – 27 July 2022).

¹ [CCPR/C/GEO/5](#).

² See [CCPR/C/SR.3888](#) and [CCPR/C/SR.3889](#).

³ [CCPR/C/GEO/RQ/5](#).

⁴ [CCPR/C/GEO/Q/5](#).

(a) The Optional Protocol to the Convention on the Rights of Persons with Disabilities, in 2021;

(b) The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), in 2017.

C. Principal matters of concern and recommendations

Applicability of the Covenant

5. The Committee appreciates the measures taken by the State party to ensure the respect of human rights in the regions of Abkhazia, and the Tskhinvali region/South Ossetia, which are not under the effective control of the Georgian Government. It is nevertheless concerned that the human rights of individuals residing in these areas do not enjoy the same level of protection under the Covenant as those of their counterparts in the rest of Georgia. While noting the measures taken by the State party, such as a peace initiative called “A Step toward a Better Future”, the Committee remains concerned by the difficulties encountered by individuals in those areas, including violations of their right to life, liberty and security and freedom of movement, and further challenges in the context of the COVID-19 pandemic (art. 2).

6. The State party should continue to take appropriate measures to ensure that all individuals in all parts of the State party’s territory can effectively enjoy the rights guaranteed to them under the Covenant.

Implementation of the Covenant and its Optional Protocol

7. The Committee welcomes the information provided by the State party that, under the amendments made in 2016 to the Civil, Criminal and Administrative Procedure Codes, victims can apply to national courts for compensation or the reopening of their case for which the Committee found a violation of the Covenant by the State party. While also noting the implementation of the National Human Rights Strategy for the period 2014-2020, the Committee remains concerned about the lack of assessment conducted based on human rights indicators and the delay in finalizing the second Strategy for the period 2021-2030 and consulting relevant stakeholders, such as the Public Defender’s Office (art. 2).

8. The State party should continue its efforts to give full effect to the Committee’s Views and thereby ensure access to an effective remedy when a violation of the Covenant has occurred. It should also expedite the adoption of the second National Human Rights Strategy and related action plans in consultation with relevant stakeholders.

Public Defender’s Office

9. While noting the State party delegation’s information about the increased budget provided to the Public Defender’s Office and the progress made in implementing its recommendations, the Committee remains concerned about the low rates of implementation of such recommendations by public and private actors (arts. 2-3 and 25-26).

10. The State party should ensure the implementation of the Public Defender’s recommendations both by public and private actors. It should also continue to provide the Public Defender’s Office with sufficient human and financial resources to carry out its mandate effectively and independently, in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

Anti-corruption measures

11. While noting the adoption of the Law on Conflict of Interest and Corruption in the Public Service of 2015 and the establishment of the Anti-Corruption Council, the Committee remains concerned about continuing reports of corruption and bribery with impunity. It is particularly concerned about the failure to promptly and effectively investigate all cases of corruption, including those involving high-ranking officials, and to prosecute perpetrators, reportedly due to the lack of sufficient independence among law enforcement bodies and the judiciary. It also notes with concern the weak nature of whistleblowing laws and allegations of the inefficacy of the asset declarations monitoring system in preventing corruption, the lack of transparency and corruption in the land privatization process, such as the case of Teleti village, and ineffective oversight of the National Agency of State Property (arts. 2 and 14).

12. **The State party should increase its efforts to prevent and eradicate corruption and impunity at all levels. In particular, it should take all necessary measures to:**

(a) **Promptly, independently and impartially investigate and prosecute all cases of corruption, particularly high-level corruption, and, if a person is convicted, apply penalties commensurate with the seriousness of the offence;**

(b) **Revise and supplement the legal framework to better protect whistleblowers;**

(c) **Ensure the effective management of the asset declarations monitoring system with a view to preventing conflicts of interest and detecting and referring any violations to the relevant law enforcement bodies;**

(d) **Promote good governance, transparency and accountability in public procurement and land management, including through independent oversight mechanisms;**

(e) **Develop and run appropriate training and awareness-raising campaigns to inform public officials, politicians, business community and the general public of the economic and social costs of corruption.**

Fight against impunity and past human rights violations

13. While noting the more recent developments before the International Criminal Court, the Committee remains concerned about the slow progress in domestic investigations of human rights violations committed during or in the immediate aftermath of the 2008 armed conflict. While also noting the progress made in relation to the 2006 “prison riot” cases, the Committee expresses its serious concern about the substantial delay in bringing the perpetrators to justice, which creates a climate of impunity. It regrets that 24 cases concerning the Rustavi prison No. 6 are still under investigation and that no updated⁵ information has been provided on the violent dispersal of peaceful assemblies on 15 June 2009 and 3 January 2011 (arts. 2, 6-7, 9, 14, and 16).

14. **Reiterating its previous recommendations,⁶ the Committee urges the State party to expedite its investigation into the above-mentioned past human rights violations and prosecute and sanction perpetrators, in a manner commensurate with the gravity of the acts committed, and provide victims with effective remedies, including compensation.**

Gender equality

15. While noting the measures taken to promote gender equality, such as the establishment of the Inter-agency Commission on Gender Equality, Violence against Women and Domestic Violence, and the increased representation of women in the Parliament, the Committee remains concerned about reports of the continuing underrepresentation of women, particularly women from vulnerable groups, in decision-making roles at all levels of public life (arts. 2–3 and 25–26).

⁵ CCPR/C/GEO/RQ/5, paras. 53-54.

⁶ CCPR/C/GEO/CO/4, para. 10.

16. **The State party should:**

- (a) **Continue to raise public awareness with a view to combating gender stereotypes in the family and in society;**
- (b) **Intensify its efforts to achieve the full and equal participation of women in political and public life, including in executive, judicial and legislative bodies at the national, regional and local levels, particularly in decision-making positions.**

Discrimination and violence on the grounds of sexual orientation and gender identity

17. While noting the 2020 policy document on sexual orientation and gender identity rights and the legislative efforts underway to strengthen protection, the Committee remains concerned about the reported prevalence of discrimination, harassment, intimidation and attacks against lesbian, gay, bisexual and transgender persons, in particular violent attacks committed against these persons, advocates of their rights and journalists during the Tbilisi Pride march on 5 and 6 July 2021. It is further concerned by reports of the homophobic and transphobic rhetoric by politicians, other public officials and religious figures conducted with impunity. Furthermore, it regrets the lack of definition of legal recognition of gender reassignment and reports that individuals are thus required to undergo gender reassignment surgery in order to change their civil status (arts. 2, 7, 17, 21 and 26).

18. **The State party should step up its efforts to:**

- (a) **Provide effective protection against all forms of discrimination and violence on the basis of sexual orientation and gender identity, both in law and in practice, and ensure that such violations are promptly and effectively investigated, that perpetrators are held accountable with penalties commensurate with the seriousness of the crime and that victims have access to full reparation;**
- (b) **Take adequate measures to prevent homophobic and transphobic discourse by politicians, other public officials and religious figures;**
- (c) **Review and amend its legislation and procedure for the change of civil status with respect to gender identity, with a view to providing a quick, transparent and accessible gender recognition procedure on the basis of self-identification by the applicant.**

Hate speech and hate crimes

19. While noting the monitoring of hate crimes by the Human Rights Protection and Quality Monitoring Department of the Ministry of Internal Affairs and the development of a unified methodology to collect data on these crimes, the Committee is concerned by continuing allegations of intolerance, prejudice, hate speech and hate crimes against members of vulnerable and minority groups, including women, ethnic or religious minorities, lesbian, gay, bisexual and transgender persons and migrants, in the media and often perpetrated by extreme right-wing groups. It is further concerned by reports of underreporting of hate crimes and a low number of investigations and convictions for these crimes (arts. 2, 19–20 and 26).

20. **The State party should step up its efforts to:**

- (a) **Combat intolerance, stereotypes, prejudice and discrimination towards vulnerable groups, including ethnic or religious minorities and lesbian, gay, bisexual and transgender persons, by, inter alia, increasing training for law enforcement officials, prosecutors and the judiciary and conducting awareness-raising campaigns promoting sensitivity and respect for diversity among the general public;**
- (b) **Ensure that any advocacy of ethnic, national, racial or religious hatred, hostility or violence, or on the ground of sexual orientation and gender identity, is prohibited by law, in accordance with articles 19 and 20 of the Covenant and the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression;**
- (c) **Encourage the reporting of hate crimes and hate speech and ensure that such crimes are identified and registered, including through the establishment of a comprehensive, disaggregated data-collection system;**

(d) Strengthen the investigation capacity of law enforcement officials on hate crimes and hate speech, including online hate speech, and ensure that all cases are systematically investigated, that perpetrators are held accountable with penalties commensurate with the crime and that victims have access to full reparation.

State of emergency and COVID-19 response

21. The Committee notes the latest depository notification made to the Secretary-General, dated 30 December 2021, by which the Government informed that it would continue the derogations under articles 9, 12, 14, 17 and 21 of the Covenant. It is concerned that, while most restrictions relating to the COVID-19 pandemic have been lifted, those derogations have been extended until 1 January 2023. Furthermore, while noting the efforts made to increase the vaccination rate and disseminate COVID-19 related information in different languages, it regrets the low vaccination rate among the population and the vaccine registration portal not being available in all minority languages (arts. 4, 9, 12, 14, 17 and 21).

22. The State party should ensure that its national legal framework on emergencies, including those relating to the protection of public health, is in line with all the provisions of the Covenant. It should also ensure that the measures, including the derogations that have been extended until 1 January 2023, are strictly required by and proportional to the exigencies of the situation and are limited in duration, geographical coverage and material scope, bearing in mind the Committee’s statement on derogations from the Covenant in connection with the COVID-19 pandemic (2020)⁷. It should also strengthen its efforts to ensure the effective access to the COVID-19 vaccine for all, including persons from minority groups.

Violence against women

23. The Committee notes the efforts made to combat violence against women, such as the monitoring of such cases by the Human Rights and Investigation Quality Monitoring Department of the Ministry of Internal Affairs. It nevertheless remains concerned by the underreporting of cases of violence against women, particularly cases of sexual violence, low rates of prosecution and conviction for these crimes, and insufficient protection and support services for victims, including psychological services. It is further concerned that victims of domestic violence can access shelters only if they have obtained victim status. It also regrets that current legislation fails to include the lack of consent as the core element of the definition of rape and to define “honour-crimes” (arts. 2–3, 6–7 and 26).

24. The State party should step up its efforts to combat violence against women, including domestic and sexual violence by, inter alia:

(a) Encouraging the reporting of cases of violence against women, including through informing women of their rights and available protection, assistance and redress in a language that they understand as well as addressing the social stigmatization of victims, particularly victims of sexual violence;

(b) Investigating promptly, effectively and thoroughly all cases of violence against women, prosecuting perpetrators and, if convicted, imposing commensurate penalties, and providing law enforcement officials, members of the judiciary, prosecutors and other relevant stakeholders with training on how to detect, investigate and handle those cases in a gender-sensitive manner;

(c) Ensuring that victims have adequate access to effective remedies and means of protection, including shelters and medical, psychosocial, legal and rehabilitative support services, without a precondition of obtaining victim status;

(d) Adopting legislative amendments to effectively prevent and combat all forms of violence against women, including rape and so-called “honour-crimes”.

⁷ CCPR/C/128/2.

Voluntary termination of pregnancy and sexual and reproductive rights

25. While noting the efforts made by the State party, such as the development of learning courses on sexual education and sexual offences within the framework of “Doctor’s Hour”, the Committee is concerned about reports of insufficient access to and low levels of awareness about sexual and reproductive health services, especially for women from vulnerable groups. It also notes with concern the continued practice of sex-selective abortion, particularly among minority communities (art. 2–3, 6 and 17).

26. **The State party should enhance its efforts to:**

(a) **Strengthen the provision of sexual and reproductive health services, in particular safe and legal abortion and affordable contraceptives, including emergency contraceptives, especially for rural women, women living in poverty, women with disabilities and women from ethnic or religious minorities;**

(b) **Further develop and implement comprehensive programmes on sexual and reproductive health education and on the prevention of sexually transmitted infections throughout the country;**

(c) **Eradicate the practice of sex-selective abortion, including by raising awareness among the public as well as health practitioners.**

Right to life and prohibition of torture and other cruel, inhuman or degrading treatment or punishment

27. The Committee is concerned about the abolition of the State Inspector’s Service in an expedited manner and without any consultation and its chilling effects on other independent institutions protecting human rights. While noting the Prosecutor General’s recommendation concerning proper classification of torture cases and statistics provided, the Committee remains concerned by reports of the frequent application of article 333 of the Criminal Code (exceeding official powers), rather than article 144 (torture and inhuman or degrading treatment), when investigating allegations of ill-treatment or torture by law enforcement officials. The Committee is also concerned about the reported failure by the authorities to conduct an effective investigation into circumstances surrounding the death of Temirlan Machalikashvili, who was shot by the State security officers in 2017 (arts. 6-7).

28. **The State party should:**

(a) **Ensure that, notwithstanding the abolition of the State Inspector’s Service, there is no protection gap in preventing and combating human rights violations by law enforcement officials, that the two newly established bodies, namely the Special Investigation Service and Personal Data Protection Service, are guaranteed full independence and impartiality as well as sufficient resources, and that the Public Defender’s Office is provided with unimpeded access to all places of detention and information about allegations of torture and ill-treatment in order to fully discharge its function as the National Preventive Mechanism;**

(b) **Appropriately apply article 144 of the Criminal Code to cases of torture and ill-treatment and desist from classifying such crimes under provisions that provide for lesser penalties, including, inter alia, articles 150 (coercion), 333 (exceeding official powers), 335 (providing explanation, evidence or opinion under duress) and 378 (2) (coercion of a person placed in a penitentiary institution into changing evidence or refusing to give evidence, and coercion of a convicted person in order to interfere with the fulfilment of his/her civil duties) of the Code;**

(c) **Conduct independent, impartial, prompt and effective investigations of allegations of the excessive use of force, including deadly force, by law enforcement officials, and bring the perpetrators to justice.**

Administrative detention

29. The Committee is concerned by persisting protection gap in the Code of Administrative Offences, including, among others, insufficient safeguards guaranteed to administrative detainees, the lack of clarity about the standards of proof, which often results

in the burden of proof borne by detainees, and the absence of meaningful right to appeal detention decisions. It is further concerned by information received that administrative detainees are, in practice, not always afforded fundamental legal safeguards, including the right to promptly access legal counsel and to be brought before the judge in a timely manner, thereby being at a higher risk of ill-treatment, both at the time of arrests and during detention (arts. 9–10 and 14).

30. **Recalling its previous recommendation,⁸ the Committee calls on the State party to expedite its legislative process to bring the Code of Administrative Offenses into line with articles 9 and 10 and 14 of the Covenant, in particular with regard to the abovementioned shortcomings, with a view to ensuring fair and impartial proceedings. The State party should further ensure, in law and in practice, that administrative detainees are guaranteed the fundamental legal safeguards from the very outset of deprivation of liberty, including the rights to have prompt access to a lawyer, to notify a person of their choice of their detention and to be brought promptly before a judge. It should strengthen the protection of administrative detainees against ill-treatment, investigate all allegations of ill-treatment and bring the perpetrators to justice.**

Drug policy and plea-bargaining system

31. The Committee welcomes the amendments made in March 2021 to the Law on Narcotic Drugs, Psychotropic Substances, Precursors and Narcotic Aids, which defined the amounts of eight substances under special control and their doses in order to address the problem of indiscriminately severe punishment for drug-related offences. While noting the State party delegation's reference to the 2014 decision of the European Court of Human Rights in *Natsvlishvili and Togonidze v. Georgia*,⁹ it regrets the lack of specific information on steps taken to increase transparency in the plea-bargaining process (arts. 9–10 and 14).

32. **Reiterating its previous recommendations,¹⁰ the Committee urges the State party to continue its efforts to: (a) provide and ensure the respect of adequate legal safeguards to defendants in the context of plea bargaining, including against abuse and coercion to enter into plea-bargaining agreements, in line with defendants' Covenant rights; and (b) increase transparency of plea-bargaining negotiations, and strengthen the role of the judge and the defence in this process.**

Treatment of internally displaced persons

33. The Committee commends the measures taken to improve the situation of internally displaced persons, including by providing housing, financial assistance and professional training opportunities. It nevertheless remains deeply concerned by information that about 52% of internally displaced families are waiting to be accommodated while many live in municipal buildings, schools and camps, which are not suitable for long-term accommodation, often without running water, electricity or sewerage system. It regrets reports of the high levels of poverty among these individuals, insufficient amount of monthly allowance and their inadequate access to social services (arts. 2, 7, 9, 12-13 and 26).

34. **Recalling its previous concluding observations,¹¹ the Committee recommends that the State party intensify its efforts to:**

(a) **Provide durable housing solutions in a timely manner and improve dire living conditions in the collective centres;**

(b) **Provide sustainable income-generating opportunities and other livelihood measures, and revisit and strengthen the current financial assistance scheme, such as monthly allowance and rental funds, to ensure that basic needs of internally displaced persons are met.**

⁸ CCPR/C/GEO/CO/4, para. 10.

⁹ Application No. 9043/05.

¹⁰ CCPR/C/GEO/CO/4, paras. 15 (a) and (b).

¹¹ Ibid., para. 17.

Access to justice

35. While noting the information provided by the State party that insolvent persons are granted legal aid in criminal proceedings and that child witnesses can now benefit from legal aid, the Committee notes with concern reports that low-income defendants who do not meet the financial criteria for receiving legal aid services may be deprived of their right to legal representation (art. 14).

36. **The State party should ensure, in law and in practice, that all persons without means who are brought before the courts have access to legal aid, that the public, including persons living in remote areas and persons from vulnerable groups and minorities are aware of the existence of such legal services, and that they can make use of them in practice.**

Independence of the judiciary and fair trial

37. Despite the judicial reforms undertaken, the Committee remains concerned about reports of the persistent lack of independence and impartiality in the judiciary of the State party. It is particularly concerned about the lack of transparency in the procedure for the selection and appointment of judges, including judges of the Supreme Court, as well as the concentration of powers within the High Council of Justice, including the power to nominate and discipline judges. While noting the State party's information that the Independent Inspector independently and impartially investigates judicial disciplinary cases, the Committee remains concerned that the High Council of Justice is the body that elects and dismisses the Independent Inspector, which may undermine the independence of the Inspector. It is also concerned about allegations of politically motivated arrests and trials, including cases of opposition party leader, Nika Melia, and former members of the Georgian-Azerbaijani state commission on delimitation-demarcation. The Committee further notes with concern allegations of denial of fair trial guarantees in the case of former President Mikheil Saakashvili (art. 14).

38. **The State party should:**

(a) **Safeguard, in law and in practice, the full independence, impartiality and safety of judges and prosecutors and prevent them from being influenced in their decision-making by any form of political pressure, including by: (i) ensuring that procedures for the selection, appointment, suspension, removal and disciplining of judges and prosecutors comply with the Covenant and relevant international standards, including the Basic Principles on the Independence of the Judiciary and the Guidelines on the Role of Prosecutors; and (ii) taking necessary measures to prevent and sanction any abuse of powers granted to the High Council of Justice;**

(b) **Ensure that all defendants are in practice afforded all fair trial guarantees, regardless of their political affiliation or opinion, including equality of arms and presumption of innocence, in line with article 14 of the Covenant and the Committee's general comment No. 32 (2007).**

Right to privacy

39. The Committee is concerned about the lack of sufficient safeguards against arbitrary interference with the right to privacy in the form of surveillance, interception activities and access to personal data. It is particularly concerned by reports that the Operative Technical Agency, which conducts electronic surveillance, is granted both regulatory and monitoring powers and lacks sufficient independence from the State Security Service, and that the existing oversight mechanism over the Agency's activities is not effective. While noting the President's veto of the proposed amendment to the Code of Criminal Procedure, the Committee regrets this legislative attempt to extend the scope and duration of covert investigative actions, which may seriously infringe the right to privacy (art. 17).

40. **The State party should bring its regulations governing data retention and access, surveillance and interception activities into conformity with the Covenant, in particular its article 17, and ensure strict adherence to the principles of legality, proportionality and necessity. It should ensure that any interference with the right to privacy, including**

activities carried out by the Operative Technical Agency under the Code of Criminal Procedure and the Law on Counter-Intelligence Activities, requires prior authorization from a court and is subject to effective and independent oversight mechanisms and that affected persons are notified of the surveillance and interception activities to which they are being subjected, where possible, and have access to effective remedies in cases of abuse. The State party should also ensure that all allegations of abuse, such as the leakage, in September 2021, of wiretapping files of clergies, politicians, foreign diplomats, journalists and human rights defenders, are thoroughly investigated and that such investigations, where warranted, lead to appropriate sanctions.

Freedom of conscience and religious belief

41. The Committee notes with concern reports of structural discrimination against religious minorities. It is particularly concerned that a disproportionately small amount of funding is provided to religious minorities for rehabilitating their places of worship, and that, despite the decision of the Constitutional Court of 3 July 2018, discriminatory treatment of religious organizations in terms of tax exemption persists. It is also concerned by the denial of a request to construct a new mosque in the Batumi City and subsequent legal proceedings causing delays in exercising the right to freedom of religion. It further notes with concern allegations of stigmatization, pressure to convert and harassment against members of religious minorities, particularly Muslim students, in State schools (art. 2, 18 and 26).

42. **The State party should guarantee the freedom of conscience and religious belief and refrain from any action that may restrict such freedoms beyond the restrictions permitted in article 18 of the Covenant, including by:**

(a) **Preventing and prohibiting, in law and in practice, any discriminatory treatment of religious minorities, including with regard to the provision of financial resources for rehabilitation of places of worship, granting of construction permits and taxation;**

(b) **Promoting respect and tolerance for religious diversity and eradicating stereotypical prejudices based on religion, particularly in school settings.**

Freedom of expression

43. The Committee is deeply concerned about increased reports of the violation of the freedom of expression, in particular reports of:

(a) Intensified polarization of media, and undue government pressure on media through administrative, financial and judicial means, including the change of ownership or management of critical media outlets and the initiation of criminal proceedings against media outlets and workers;

(b) Threats, intimidation, harassment and attacks against journalists, human rights defenders and government critics, with a sharp increase of such incidents in recent years, and substantial involvement of the authorities in these acts with impunity;

(c) Political influence on the National Communications Commission, and the possible restriction on media freedom under the amended Law on Electronic Communications in July 2020, particularly with regard to the power of the Commission to appoint a “special manager” to remedy certain unlawful acts by electronic communication operators (arts. 2, 6–7, 14 and 19).

44. **The State party should redouble its efforts to prevent and prohibit public officials and private actors, including members of radical groups, from interfering with the legitimate exercise of the right to freedom of expression of journalists, artists, writers, human rights defenders and government critics, including through:**

(a) **Refraining from the use of civil and criminal provisions as a tool to suppress critical reporting on matters of public interest;**

(b) **Strengthening protection of journalists, artists, writers, human rights defenders and government critics against any kind of threat, pressure, intimidation or attack, and ensuring that all violations committed against journalists, including the**

events of 5 and 6 July 2021 and the case of Afgan Mukhtarli, are promptly, effectively and impartially investigated and that those responsible are appropriately charged, including under article 154 of the Criminal Code (unlawful interference in the professional activities of journalists), and brought to justice;

(c) **Bringing domestic legal and institutional framework that may unduly restrict media freedom, including the National Communications Commission and the amended Law on Electronic Communications, into full conformity with article 19 of the Covenant, taking into account of the Committee's general comment No. 34 (2011).**

Peaceful assembly

45. The Committee is gravely concerned at the excessive use of force by law enforcement officials against protestors, activists and journalists in dispersing assemblies, including in June and November 2019 in Tbilisi, and at the delay in investigating such abuse and bringing the perpetrators to justice. It is further concerned about the incidents of 5 and 6 July 2021 when members of radical groups attacked lesbian, gay, bisexual, transgender and intersex persons, human rights defenders and journalists, resulting in the disruption of the March for Dignity, and about the failure of the competent authorities to provide adequate protection for these individuals and to bring all perpetrators, including the organizers of these attacks, to justice in a timely manner (arts. 6-7 and 21).

46. **In accordance with article 21 of the Covenant and in light of the Committee's general comment No. 37 (2020) on the right of peaceful assembly, the State party should:**

(a) **Ensure that all allegations of excessive use of force and arbitrary arrest and detention by law enforcement officials during peaceful assemblies are investigated promptly, thoroughly and impartially, that those responsible are prosecuted and, if found guilty, punished and that the victims obtain redress;**

(b) **Provide law enforcement officials with appropriate training on the use of force, based on the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement;**

(c) **Ensure the protection of peaceful demonstrators, human rights defenders and journalists covering peaceful demonstrations against threats, intimidation, harassment and attacks by private actors.**

Rights of the child

47. The Committee is concerned by reports of ill-treatment and violence, including sexual violence, committed against children in residential institutions. While noting the efforts made by the State party in this respect, such as awareness-raising campaigns, it is also concerned about the continued practice of early marriage and corporal punishment (arts. 23-24 and 26).

48. **The State party should continue its efforts to:**

(a) **Ensure that independent monitoring bodies, including the Public Defender's Office, have unimpeded access to all residential institutions in which children are housed and that all allegations of ill-treatment and violence against children therein are promptly and effectively investigated, perpetrators are prosecuted and, if convicted, punished with appropriate penalties, and victims have access to effective remedies and means of protection and assistance, including to accommodation or shelters;**

(b) **Effectively enforce legal provisions prohibiting forced and early marriage and corporal punishment, and conduct awareness-campaigns throughout the country.**

Participation in public affairs

49. While noting the June 2021 electoral reforms, the Committee remains concerned about allegations of vote buying, misuse of campaign financing to the benefit of incumbents with inadequate oversight, and public mistrust in election dispute resolution processes. It

notes with concern heavy polarization of media, which limits genuine and pluralistic political debates and therefore undermines the ability of voters to make an informed decision. It is further concerned by the prevalence of threats, harassment and violence against media workers of critical outlets during election campaigns (art. 25).

50. The State party should ensure the full enjoyment of the right to participate in public affairs, including for opposition political candidates, and bring its electoral regulations and practices into full compliance with the Covenant, including its article 25. In particular, it should:

(a) **Ensure that all allegations of electoral irregularities are promptly, effectively and independently investigated, that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions;**

(b) **Increase transparency and effective monitoring of campaign financing, which should be subject to effective and independent oversight mechanisms, with a view to creating equal conditions for the campaign;**

(c) **Ensure balanced political representation in the election commissions to reduce the possibility of bias in the administration of elections;**

(d) **Foster a culture of political pluralism and guarantee the freedom to engage in pluralistic political debate, including by ensuring a safe and secure environment for media workers to operate.**

Rights of persons belonging to minorities

51. While noting the adoption of State Strategies for Civic Equality and Integration and Action Plan for periods of 2015-2020 and 2021-2030, the Committee remains concerned at the low levels of representation of minorities in political and public bodies at all levels and of social integration. Despite the Law on State Language in 2015 and the increased availability and accessibility of the Georgian language education, it regrets information received that language barriers continue to infringe the enjoyment of Covenant rights by minorities, especially groups with lesser-used languages. It also notes with concern the relatively low rate of birth registration among minority groups (arts. 25-27).

52. The State party should intensify its efforts to adopt and further develop measures to fully promote and protect the rights of persons belonging to minorities, including by taking into consideration specific needs and circumstances of different minority groups and by providing sufficient resources to implement such measures. It should also:

(a) **Ensure that ethnic minorities are adequately represented in government bodies and public administration at all levels, including, if necessary, through appropriate temporary special measures;**

(b) **Increase its efforts to teach the Georgian language to minorities, including those without means and those living in rural areas, with a view to promoting their access to public services and education as well as their social integration;**

(c) **Ensure that public information is made available in a language that persons belonging to minorities understand in municipalities with a dense population of such minorities;**

(d) **Facilitate birth registration among minorities, including by raising public awareness and facilitating and expediting access to civil registry offices.**

D. Dissemination and follow-up

53. **The State party should widely disseminate the Covenant, its two Optional Protocols, its fifth periodic report and the present concluding observations with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public. The State party should**

ensure that the periodic report and the present concluding observations are translated into the official language of the State party.

54. In accordance with rule 75, paragraph 1, of the Committee's rules of procedure, the State party is requested to provide, by 28 July 2025, information on the implementation of the recommendations made by the Committee in paragraphs 12 (anti-corruption measures), 22 (state of emergency and COVID-19 response) and 50 (participation of public affairs) above.

55. In line with the Committee's predictable review cycle, the State party will receive in 2028 the Committee's list of issues prior to the submission of the report and will be expected to submit within one year its replies to the list of issues, which will constitute its sixth periodic report. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State party will take place in 2030 in Geneva.
