



Statement by H.E. Ms. Khatuna Totladze,
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Mr. President, Excellencies, distinguished Delegates,

I am delighted to take part in this second cycle of the universal periodic review two weeks after Georgia's election as a member of the UN Human Rights Council. Georgia is honoured to become a member of the HRC, and its membership underlines the country's commitment to further advance its national and foreign policies for the protection of human rights.

I wish to thank the Countries for their participation in the review of Georgia. We are keen to discuss the human rights situation in Georgia and, most importantly, receive recommendations for further enhancing the realization of human rights and addressing existing challenges in our country. I would also like to thank the delegations that sent questions in advance; these will be addressed in the course of the review.

Distinguished Delegates,

Fully committed to the UPR mechanism as a unique instrument for the promotion and protection of human rights, Georgia undertook to implement 136 recommendations during the first cycle of the UPR. We have successfully implemented 98 of these recommendations, and the implementation of the remaining 38 is continuously under way. At the same time, Georgia also voluntarily committed itself to submit a mid-term report on the implementation of the recommendations it had accepted; this mid-term report was submitted in December 2013.

Georgia's 2nd cycle national report was prepared by an inter-agency working group under the co-ordination of the Ministry of Foreign Affairs. This inter-agency working group - which brings together high and mid-level officials from the executive, judicial and legislative branches - was established by the Ministry of Foreign Affairs in 2014 for the implementation of Georgia's reporting obligations before UN treaty and charter-based bodies.

At the same time, Georgia has also attached great importance to the wider engagement of the non-governmental sector during the preparation of this report. Numerous meetings, round tables and consultations were organized. The final report was presented to relevant stakeholders and was made available on the Foreign Ministry's website. All comments and suggestions were considered during the report's finalization. This process is ongoing, and consultations with relevant stakeholders are held on a regular basis.

Georgia continues fruitful cooperation with Special Procedures Mandate Holders. The country's standing invitation to all thematic special procedures underlines our commitment to such co-operation. Since the UPR's first cycle, several Special Rapporteurs on various thematic issues visited Georgia. Several more are planning to visit Georgia next year.

There have been significant positive developments regarding Georgia's compliance with human rights instruments since the first Review. Several reforms were initiated, numerous laws were enacted, and several National Action Plans were adopted. In the course of my presentation I will briefly go through Georgia's major achievements since the first UPR.

Major achievements and developments in human rights since the 1st reporting cycle

We successfully completed a cycle of democratic and competitive elections and created a precedent for the peaceful transfer of power in 2012. The country's 2012 parliamentary election, 2013 presidential election and 2014 local elections were all assessed as having been free and fair by international observers.

Various constitutional amendments came into force following the transfer of power; these introduced new regulations for the balance of power as well as mechanisms for greater accountability at all levels of the Government.

In 2014, Georgia adopted its first comprehensive long-term Human Rights Strategy (2014-20) and subsequent Action Plan for the period of 2014-15, which was elaborated in a transparent manner with the active involvement of the civil society and international actors. The seven-year strategy was elaborated on the bases of the recommendations from the national human rights institutions – the Public Defender, the UN Office of the High Commissioner for Human Rights (OHCHR), national and international human rights NGOs, and specifically the country report by the then EU Special Adviser on Legal Reform and Human Rights in Georgia – Mr. Thomas Hammarberg. Moreover, Strategy strengthens the human rights based approach which will drive the state policy and programs and determine right-holders and duty-bearers in each particular case. The Strategy explicitly requires from the state to respect, protect, fulfill and promote human rights.

Human Rights Inter-Agency Council under the Prime Minister is responsible for its effective implementation and monitoring. The Council brings together ministers as well as civil society representatives and international organizations with the right to vote, and is accountable before parliament on the basis of annual reports. As an additional guarantee for the effective implementation of the Action Plan, the Human Rights Secretariat, responsible for productive Inter-Agency coordination and close monitoring of the execution of the Action Plan was created in the Administration of the Government, Prime Minister's Office.

Georgia's adoption of a comprehensive anti-discrimination law in 2014 was one of the country's most recent and important legislative developments. This is a first legislative mechanism in Georgia which explicitly prohibits all forms of discrimination, including on the basis of gender identity, in both the public and private sectors, and imposes responsibilities not only upon public institutions but also upon any legal entity and individual. The law was drafted in close collaboration with local and international NGOs and experts, and the Office of the Public Defender was tasked with monitoring its implementation.

In order to strengthen systems for the protection of human rights within the country, both the Georgian President and Prime Minister have appointed advisors on human rights issues. Within the Foreign Ministry, an Ambassador-at-large on Human Rights is responsible for the human rights portfolio.

Reforms in the justice sector

Georgia's judiciary has benefited from wide-ranging reform. A first phase of institutional reforms was completed in May 2013 by the adoption of a range of legislative amendments. As a result, the High Council of Justice (the country's key judicial institution) has become more democratic, open and transparent. Civil society representatives and academics have replaced members of parliament sitting in the Council, and television cameras have been allowed into courtrooms.

A second phase of judicial reform was completed in August 2014. New legislative amendments introduced life tenure for judges; established clear and objective criteria for the High Council of Justice's appraisal of judges before their appointment; and introduced a multilayered, transparent and objective procedure for their appraisal, including the right to appeal by a judge in case of the negative appraisal.

A third phase of reforms was launched in 2014. It involves a new set of legislative amendments aimed at ensuring a greater degree of internal independence of individual judges and their more extensive involvement in the management of their respective courts.

Reforms undertaken in the law enforcement sector

The Government of Georgia has divided police and intelligence functions. A separate agency became responsible for state security affairs and police stands as a community oriented agency preventing and combating crime. The modern migration management service has been established. Standards for the protection of personal data in the police have been implemented. Considerable work to address domestic violence has been completed by the police. Recruitment of women in the police has been prioritized and increased. Anti-discrimination instructions for police officers has been elaborated and put into action. Human rights became an essential part of the professional programs being taught in the police academy.

Reform of the Prosecutor's Office

Depoliticizing and strengthening the institutional independence of the Chief Prosecutor's Office is one of the Georgian government's key priorities. A first step towards achieving this goal was taken in May 2013, when the Minister of Justice (a political appointee) relinquished her prosecutorial powers in favour of the Chief Prosecutor. A gender-balanced 15-member Prosecutorial Council, chaired by the Minister of Justice, was established in October, 2015. This Council is made up of prosecutors elected by their peers of representatives of the legislative and judicial branches, and of civil society representatives. It will nominate three candidates for the position of Chief Prosecutor, the office being subjected to approval by the Prosecutorial Council, by the Government and eventually elected by the Parliament.

The fight against ill-treatment

The Government continues to implement reforms in order to prevent and punish acts of torture and ill-treatment. Torture and ill-treatment as a systemic problem in Georgia have been eradicated. The UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Mr. Juan Mendez following his visit to Georgia in March, 2015 observed "a large degree of success in the implementation of reforms made following the parliamentary elections in Georgia in October 2012. The Special Rapporteur has noted "that significant efforts and resources have been made to prosecute past crimes of torture and ill-treatment and to convict perpetrators, to build new and to improve prison infrastructure, and to effect extensive policy changes, as well as to ensure the effective application of these measures."

Major improvements to the penitentiary system

Considerable progress has been achieved in the area of penitentiary reform. The number of inmates was more than halved to 10,000 (from 24,000) in 2013 as a result of a large-scale amnesty. Thanks to the efficient work of parole boards and to the liberalization of criminal policy, efforts to reduce the number of inmates have been sustained without a significant impact on public safety. A minimum space for sentenced and pre-trial inmates is guaranteed by a revised Imprisonment Code in line with European standards.

In order to effectively prevent and ensure follow-up to any incident of abuse or ill-treatment, internal monitoring mechanisms were strengthened through the establishment of a Systemic Monitoring Division within the Ministry of Corrections. External monitoring is ensured by the Office of the Public Defender and by the members of the National Preventive Mechanism, who are guaranteed unimpeded access to the penitentiary establishments. Recent amendments have also entitled the NPM to take photographs in prison in order to document potential abuse.

All prisoners in correctional establishments have access to adequate health services equivalent to those provided to the general public.

In line with the new Juvenile Justice Code adopted in 2015, the government has introduced a new form of alternative sanction—home arrest—which enables juvenile offenders to serve their sentence without being isolated from their families and communities.

The protection of privacy and personal data

Georgia has pursued a series of comprehensive reforms since 2012 in order to build a data protection system. A Personal Data Protection Law, which complies with major international and European standards, was enacted in May 2012.

A Data Protection Supervisory Authority was also established in July 2013. Its head, the Personal Data Protection Inspector, is elected by the Parliament for a 3-year term. The Authority's mandate fully covers the public and private sectors, including the processing of data by law-enforcement agencies for the purposes of crime prevention and investigation.

Freedom of expression, religion and assembly

Georgia has carried out numerous reforms in order to improve the country's media environment and facilitate media pluralism; these measures include the adoption of a law ensuring greater levels of democracy in the composition of the Board of the Georgia's Public

Broadcaster, measures for the improved financial transparency of television companies, a switch-over to digital broadcasting, and the introduction of a “must carry” requirement for cable networks and satellite content providers to broadcast all television stations that broadcast news. As a result of these reforms, Georgia continues to demonstrate progress in the field of media freedom, as can be seen in various international surveys of media environments.

In addition to substantive legislative changes introduced to the Law of Georgia on Assemblies and Manifestations in 2011 and 2012 to guarantee freedom and peaceful assembly, the Government has in recent years achieved a high standard in terms of fully guaranteeing the right to assembly and demonstration. The positive developments in this respect have been recognized by the Public Defender of Georgia in its reports.

Considering Georgia’s religious diversity and current regional challenges, the Government has decided, in line with best European practice, to set up a competent body focused on religious issues – the State Agency for Religious Issues. The Agency fulfils its mandate by making recommendations based upon research as well as upon conclusions reached through inter-religious dialogue between religious associations in Georgia.

Internally Displaced Persons (IDPs)

Significant progress has been made in terms of finding long-term solutions to promote the integration of IDPs and to ensure the protection of their rights during displacement. Unlike previous years, the new policy of Georgia, regarding IDPs, are significantly improved establishing transparent, criteria for beneficiary selection and housing allocation procedure. Durable Housing Solutions (DHS) are tailored to IDP needs and entail different kind of innovative DHS options. State budget allocation for IDP durable solutions is dramatically increased. Moreover, at this stage, 15,000 IDP families have already been given accommodation. It should be noted that this housing will remain their private property even after their return to the home from which they were originally displaced.

Whilst the Georgian government spares no efforts to ensure the adequate economic and social integration of internally displaced persons, our ultimate goal is their safe, dignified and unconditional return to their original homes.

Women’s rights

Protecting women’s rights and fundamental freedoms is one of Georgia’s top priorities. As we speak, an international high-level conference on “Achieving Gender Equality—Challenges and Opportunities in the ENP Region” is being held in Tbilisi in co-operation with the UN and the EU.

In recent years, Georgia has introduced several legislative changes which improve the protection of women's rights. Maternity leave has also been improved, both in terms of duration and remuneration.

The National Action Plans on Gender Equality for 2011-2013, for 2014-2016 were adopted by the Parliament. In addition, in 2011, the Parliament of Georgia approved the 2012-2015 National Action Plan for the implementation of UN Security Council Resolution 1325 and the subsequent resolutions on "Women, Peace and Security". An Action Plan (2013-2015) for the Elimination of Domestic Violence was also adopted in 2013.

Children's rights

In 2015, the Georgian parliament adopted a Juvenile Justice Code whose aim is to fully incorporate into Georgian law the best interests of the child and other principles of juvenile justice enshrined in the Convention on the Rights of the Child and other relevant international standards.

Within the framework of the country's national strategy on human rights for 2014-2020, the government has committed itself to further improving Georgia's education system, developing healthcare and social services, reducing poverty and child mortality, and ensuring the effective protection of children from violence. Since 2013, the government has also increased the value of its financial aid package for children with disabilities and survivors. Access to social care programmes has also been significantly increased. The government is currently working on new legislative amendments to create temporary identification documents for children living and working in the streets.

The rights of persons with disabilities

Georgia ratified the Convention on the Rights of Persons with Disabilities (CRPD) in 2014. An Inter-agency Co-ordination Council on Issues concerning Persons with Disabilities, chaired by the Prime Minister, is the main state body for the implementation of the CRPD. In order to protect the rights of persons with disabilities and to implement the CRPD's provisions, the government and non-governmental organizations and other stakeholders drafted and adopted an Action Plan for 2014-2016 to ensure equal opportunities for persons with disabilities.

Labour rights

Significant progress has been made to ensure the protection of labour rights in Georgia. In 2013, amendments were made to the labour code based upon the International Labor Organization's (ILO) standards. In October 2013, a Tripartite Social Partnership Commission was established as a platform for dialogue between social partners. A mediation service was also created in order to prevent and resolve labour disputes. In 2015, with the aim of ensuring compliance with the provisions of the labour code, the Georgian government launched a state programme for the monitoring of labour conditions and created a labour inspectorate mechanism under the Ministry of Labor, Health and Social Affairs. With the purpose to enforce labor laws and improve labor condition, the Government of Georgia will continue to strengthen the capacities of relevant labor inspectorate mechanism.

The rights of ethnic minorities

Georgia's civic integration policy aims to protect the rights of national minorities, to ensure their full integration into society, and to support the further development of a tolerant environment.

The Georgian government adopted a new Civic Equality and Integration Strategy and respective Action Plan for 2015-2020. The strategy, which is based upon the principle of equality and follows a "more diversity, more integration" approach, aims to contribute to the provision of equality; to ensure the participation of ethnic minorities in all spheres of public life; and to preserve the culture and identity of national minorities.

Healthcare

In 2014, the government adopted the "Georgia 2020" Socio-Economic Development Strategy. One of the main goals of this Strategy is to guarantee the right to health through the provision of high-quality healthcare. The most important step towards securing the enjoyment of health rights in Georgia was the launch of a Universal Health Care Programme in 2013, which was recognized as a roadmap for the development of the country's health system.

In order to protect the Georgian population from communicable diseases, in 2015 the Government launched an unprecedented Hepatitis C Elimination Programme which provides beneficiaries with the latest medicines, necessary pre-diagnostic examinations and monitoring procedures.

Distinguished Delegates,

In conclusion, I would like to give you an overview of the human rights situation in Georgia's occupied regions of Abkhazia, Georgia and Tskhinvali region/South Ossetia, Georgia.

Human rights situation in the occupied territories

Georgia has been consistently pursuing its policy aimed at ensuring full enjoyment of the rights for the entire population. The foreign military occupation of Georgia's regions of Abkhazia, Georgia and Tskhinvali/South Ossetia, Georgia, however, has gravely affected the human rights situation therein.

Human rights are frequently violated in the occupied territories. These violations include but are not limited to kidnapping, robbery and assault, the violation of the right to life, torture and ill-treatment, the arbitrary detention of ethnic Georgians, the systematic and gross violation of property rights, restrictions to the freedom of movement, and denying ethnic Georgian schoolchildren the right to receive education in their native language.

In 2011, the occupying forces intensified the process of the installation of barbed wire fences and other artificial obstacles along the occupation line in both regions. Currently, the total length of artificial barriers along the occupation line is 63 km.

This is particularly alarming given that no international monitoring mechanisms are allowed inside the occupied regions. After being refused to access the occupied regions by the occupation power, the former High Commissioner Pillay concluded that "more attention needs to be paid to the situation of human rights in South Ossetia and Abkhazia". Moreover, the High Commissioner was explicit that the Tskhinvali region has become "a black hole" and "one of the most inaccessible places on earth, with no access permitted for international agencies".

In order to keep the international community informed, the Ministry of Foreign Affairs began in 2015 to prepare quarterly reports on the human rights situation in the occupied regions of Georgia.

The dire situation in Georgia's occupied regions clearly demonstrates the urgent need for the active involvement of the OHCHR and Special Procedures mandate holders.

Distinguished Delegates,

Thank you for your attention. We look forward to the interactive dialogue with interested delegations within this session of the working group of the UPR. We'll do our utmost to answer the advance questions as well as all the other questions which distinguished Members and Observers of the HRC will ask during this session.

~~I would like to express my sincere hope that the discussion will be continued in a constructive manner and everyone would refrain from unduly politicizing the debate.~~