



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Sixty-seventh session

SUMMARY RECORD OF THE 1706th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 4 August 2005, at 10 a.m.

Chairman: Mr YUTZIS

later: Mr. SICILIANOS
(Vice-Chairman)

later: Mr. YUTZIS
(Chairman)

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued)

Second and third periodic reports of Georgia (continued) (CERD/C/461/Add.1; HRI/CORE/1/Add.90/Rev.1)

1. At the invitation of the Chairman, the members of the delegation of Georgia resumed their places at the Committee table.
2. Mr. KAVTARADZE (Georgia) said that in the light of the Committee members' comments the previous day, his Government planned to bring before Parliament an amendment to the Criminal Code aimed at incorporating in article 142 the definition of racial discrimination contained in article 1 of the Convention.
3. Ms. TEVDORADZE (Georgia) said that most members of the Kurdish minority in Georgia lived in cities. Since the majority of Kurdish children attended Georgian schools, they had no problems with the Georgian language, and the Kurdish community was one of the most successfully integrated communities in the country. Indeed, a number of Kurds held senior positions in the Ministry of Foreign Affairs.
4. In autumn 2005, Parliament would adopt legislation to simplify the procedure whereby people could change their names. While the new legislation would be applicable to all citizens, it would be particularly useful for the many people of Kurdish origin who wished to use their historic Kurdish names. There had been no complaints that people of Kurdish origin had been obstructed when trying to enter places of worship.
5. Since most members of the Roma community had left Georgia when it had attained independence, there were currently few Roma living in Abkhazia. Those who remained were well integrated. It was true that a number of Roma women had been raped, but those crimes were not believed to have been racially motivated. All rapists received severe sentences and the crime of rape was not subject to presidential pardon.
6. Mr. NALBANDOV (Georgia) said that the Ministry of Labour, Health and Social Welfare was currently drafting a new labour code, due for adoption in early 2006; it would include specific anti-discrimination provisions.
7. Statistical data on unemployment among national minorities were not currently available. While the official unemployment rate was currently between 5 and 7 per cent, non-governmental experts estimated that the actual figure was significantly higher.
8. Access to professions by members of minority groups was limited only if their knowledge of the Georgian language was inadequate. While the principle of equal pay for equal work was strictly observed in Georgia, more women were traditionally employed in lower-paid jobs than men. His Government was aware of that situation and intended to take steps to remedy it before submitting its fourth periodic report to the Committee.

9. Mr. KAVTARADZE (Georgia) said that the incidents involving police use of firearms, described in paragraph 52 of the current periodic report, had not been racially motivated.

10. Ms. TEVDORADZE (Georgia) said that Georgia had ratified the 1951 Convention relating to the Status of Refugees. In spring 2006, a series of amendments would be made to bring the provisions of current domestic legislation on refugees into line with that Convention. The amendments would include definitions of asylum-seekers and refugees, and would simplify the process of application for refugee status. People who were denied refugee status had the right to appeal against that decision in court. The Government recognized the need to protect applicants for refugee status during the three days they had to wait for a decision. It also appreciated that changes should be made to the current system, under which refugee status was automatically withdrawn when refugees left Georgia.

11. Ms. TSIPURIA (Georgia) said that access to education for minorities and people of Georgian origin who lived in poverty was a key objective of the ongoing reform of the Georgian education system. Equal access to education, including the chance to acquire competence in the Georgian language, would guarantee equal participation of minorities in political and cultural life, and in all professional activities.

12. The first nationwide university entrance examination had taken place in 2005. Members of national minorities who had taken that examination were entitled to government grants for university education in Georgia. Many students from minority groups had received specialist teaching in the Georgian language prior to sitting the examination. The Government agreed with the Committee that minority groups should have full access to information on their civil rights and had, to that end, added civic education to the primary school curriculum.

13. While minority languages were used in local administration in areas where Armenian and Azerbaijani populations lived, those minority groups were also encouraged to study the Georgian language so as to enable them to participate in the central administration. The number of minority schools in Georgia adequately reflected the size of the country's minority population. The Government attached great importance to ensuring that members of minorities could be educated in their language. Under a new law on general education, which had been adopted in December 2004, all minority groups were entitled to education in their language. In addition, numerous programmes were in place to ensure that Georgian was taught in State and minority schools. However, international assistance was required in all fields of education.

14. In the past, the fact that some members of minority groups did not speak Georgian had not been taken into account when preparing Georgian-language textbooks. Steps were currently being taken to develop strategies and textbooks for teaching Georgian to minorities as a second language. A programme to assess Georgian-language standards was in place under the Ministry of Education and Science.

15. Although the Government was not attempting to reduce the number of minority schools, it sought to give those members of minority groups who chose to attend Georgian schools an opportunity to study their national languages and history. To that end, minority languages and history were being incorporated into school curricula as optional subjects. Steps were also being taken to provide additional training to teachers who worked in minority languages.

16. Ms. TEVDORADZE (Georgia) said that members of national minorities were actively participating in politics. In Parliament, special courses were held to help them enhance their Georgian-language skills and, when necessary, interpreters were available to assist them in their work.

17. The draft law on the State language had not been approved because a majority of members of Parliament had opposed the idea of allowing the use of minority languages along with Georgian in densely populated areas.

18. There were 518 Armenians, 224 Azerbaijanis, 176 Russians, 32 Kurds, 29 Yezids, 22 Chechens, as well as members of a number of other minorities, in the senior levels of the Ministry of Internal Affairs. In addition, members of national minorities accounted for 15 per cent of the staff of the Prosecutor's Office.

19. Ms. TSIKHISTAVI (Georgia) said that the State Chamber of Language, which had submitted the draft law on the State language, was currently being incorporated within the Ministry of Education and Science and intended to frame a new language law.

20. Mr. KANDELAKI (Georgia) said that the previous Government had not had the political will to prevent violence against religious minority groups, such as Jehovah's Witnesses. However, since the "rose revolution" in 2003 there had been no serious acts of violence against religious minorities. The few minor incidents that had occurred had been dealt with efficiently. Following a suit filed in the Constitutional Court by a group of Pentecostals concerning registration of religious minorities, the relevant legislation had been amended to allow all religious groups to register as such.

21. With the aim of preventing police brutality, the Government had launched sweeping reforms of the law enforcement agencies and introduced a range of measures. Special departments had been established under the Ministry of Internal Affairs and the Prosecutor-General's Office to deal with human rights issues. As a result, the number of incidents involving police brutality had been significantly reduced.

22. Ms. TSIKHISTAVI (Georgia) said that the Government attached great importance to the repatriation of Meskhetian people. The State Commission on the Repatriation and Rehabilitation of the Population Deported from Southern Georgia, in cooperation with local NGOs, international organizations and experts in that field, was developing an action plan on repatriation. Around 450,000 Meskhetians lived in neighbouring and nearby countries and the United States of America, and were awaiting repatriation. Georgian citizenship had been granted to 55 Meskhetians living in Georgia and steps were being taken to grant it to other Meskhetians. She stressed that international assistance was required in order to start repatriating Meskhetians from other countries.

23. The Government sought to protect the rights of national minorities and to promote their integration into Georgian institutions and administration. In particular, it attached great importance to peaceful resolution of the conflicts in South Ossetia and Abkhazia and wished to ensure that the people of Ossetia and Abkhazia could participate in the social, political and cultural life of Georgia. A conference on the peaceful resolution of the Georgia-Ossetia conflict had been opened by President Saakashvili on 10 July 2005. The Government was ready to

extend its jurisdiction to the territory of South Ossetia, thereby granting that territory wide autonomy under the Georgian Constitution, including self-governance, cultural autonomy, a privileged border-crossing regime with the Russian Federation, a privileged economic and tax system, and representation in Parliament and the central Government.

24. A strategy had been formulated reflecting the President's position on a number of key concerns relating to the situation in South Ossetia and Abkhazia, including security, economic rehabilitation, confidence-building measures and political issues. In the hope of facilitating a peaceful resolution of the conflict, the Government had offered far-reaching autonomy to South Ossetia. Respect for human rights and the integration of minorities would be placed at the heart of the peace process. Her Government was gravely concerned about violations of the human rights of Georgian citizens in the Gali district of Abkhazia and called for the establishment of a United Nations human rights protection office in the city of Gali to monitor the situation. The situation of internally displaced persons who had been unable to return to Abkhazia was another cause for concern. Her Government was hopeful that an agreement could be reached with the Abkhaz authorities to the satisfaction of all parties. It had expressed its willingness to provide security guarantees and economic and political cooperation, including negotiations on the political status of Abkhazia within the territory of Georgia, so as to facilitate the return of internally displaced persons.

25. Mr. Sicilianos (Vice-Chairman) took the Chair.

26. Mr. KAVTARADZE (Georgia) said that his Government was fully aware of its political and moral obligation to repatriate Meskhetians. However, its capacities for repatriation were limited, as the large number of internally displaced persons already imposed a considerable burden on the country.

27. Ms. TEVDORADZE (Georgia) said that, in the past year, efforts had been stepped up to create the necessary conditions for the repatriation of Meskhetians in order to meet the 2011 deadline established by the Council of Europe.

28. Mr. KAVTARADZE (Georgia) said that no State-run programmes existed to date to facilitate access to housing for economically disadvantaged members of minority groups.

29. Mr. NALBANDOV (Georgia) said that public health care, including treatment for HIV/AIDS, was guaranteed through State-run programmes. Legislation contained a clear definition of the kinds of services provided in that context; the scope of programmes was subject to annual review. Public health-care services were available to all Georgian citizens, as well as to foreigners with health insurance coverage or sufficient funds to cover the costs incurred. Foreigners who were unable to pay the fees were entitled to emergency care only.

30. Efforts would be made to relaunch the process of ratifying the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness. Legislation required the registration of asylum-seekers within three days of their arrival. Legislative amendments had been introduced to provide for legal recourse against failure by the public authorities to ensure timely registration. In addition, measures would be taken to prevent the authorities from refusing to register asylum-seekers within the prescribed time limit.

31. Ms. TEVDORADZE (Georgia) said that the attack against the chairperson of the Centre for Foreign Citizens' and Migrants' Rights and Security had been brought to the attention of the parliamentary Committee on Human Rights and Civil Integration. The Centre, which was involved in action to combat trafficking, had also reportedly suffered several acts of vandalism. Complaints about those incidents had been lodged with the courts and investigations were under way.

32. Mr. NALBANDOV (Georgia) said that the main functions of the Office of the Ombudsman established in 1997 consisted of investigation of complaints of human rights violations, awareness-raising and human rights monitoring. While there was no separate unit responsible for issues relating to racial discrimination and minorities, a special commissioner had been appointed within the Ombudsman's Office who was entrusted with minority-related issues. According to the Ombudsman's most recent report to Parliament, few incidents involving racial discrimination had been reported.

33. The Ombudsman was competent to formulate recommendations on human rights violations by public institutions or officials. In the event of non-compliance with those recommendations, the Ombudsman could either bring that situation to the attention of Parliament in his biannual report or, in urgent cases, address a complaint directly to the President.

34. In cooperation with international organizations, including UNDP, the Ombudsman's Office was currently formulating a series of proposals aimed at strengthening its role. The proposals would be submitted to Parliament by the end of 2005.

35. Ms. TEVDORADZE (Georgia) said that the parliamentary Committee on Human Rights and Civil Integration was competent to prepare draft legislation on the protection of human rights and ethnic minorities. In consultation with all actors concerned, in particular members of ethnic minorities, a new version of a bill on the protection of the rights of national minorities had been drafted. The draft had been submitted to Parliament for consideration and had received broad support. The Committee on Human Rights and Civil Integration was currently preparing a framework convention on minorities and a language charter, and NGOs were in the process of formulating a draft declaration on the protection of minorities. That Committee, in close cooperation with the executive branch, was entrusted with monitoring the implementation of existing legislation, receiving complaints of human rights violations, and following up cases of alleged racially-motivated human rights violations. The Committee comprised representatives of NGOs working in the field of human rights and minority issues, and had signed a memorandum of understanding with NGOs on the provision of free legal advice and services of counsel for court proceedings. The Committee also cooperated closely with the Ombudsman.

36. Mr. Yutzis (Chairman) resumed the Chair.

37. Ms. TSIPURIA (Georgia) said that the number of schools offering teaching in minority languages had declined marginally. Of the 3,000 State-run schools in Georgia, 163 offered Russian, 158 Azerbaijani, 146 Armenian and 7 Ossetian as languages of instruction. All private and public education establishments, including minority schools, were obliged to follow national curricula.

38. Mr. NALBANDOV (Georgia) said that the bill on free legal assistance for socially vulnerable groups was before Parliament. Two pilot projects had been launched to assess the practical implications of the bill.
39. Mr. KAVTARADZE (Georgia) said that, according to official information, no cases of racial discrimination had been brought before the courts. That situation was due to victims' lack of awareness of their rights and to distrust of the justice system. Judicial reforms, relating inter alia to the training of judges, were being undertaken to enhance the effectiveness of the system and thus boost public confidence, especially among national minorities. In order to raise public awareness of the Convention, the dissemination of its provisions, the Committee's concluding observations and Georgia's periodic reports would be made a priority. The Government had also undertaken to publicize Georgia's declaration under article 14 of the Convention and the attendant rights.
40. Ms. TEVDORADZE (Georgia) said that, despite the fact that the Committee on Human Rights and Civil Integration had requested that the 11 Chechens arrested in Georgia should be granted refugee status, the Chechens had been taken to prison and proceedings had begun for their extradition to the Russian Federation. Representatives of that Committee, several NGOs and the Ombudsman had all participated in defending some of the arrested Chechens. When six of the Chechens had been extradited to the Russian Federation in violation of the law and of numerous conventions to which Georgia was a party, five of them had brought the case before the European Court of Human Rights. They had won their case and requested resettlement in Azerbaijan.
41. Since the "rose revolution", no other such complaints involving Chechens had been received. The Ombudsman held regular meetings with representatives of the Chechen communities and with representatives of UNHCR, which maintained a presence in Georgia.
42. Mr. NALBANDOV (Georgia) said that the drafting of a new code of criminal procedure was nearing completion. It would contain many of the same provisions concerning non-discrimination as other Georgian laws, along with many new features aimed primarily at enhancing the protection of human rights.
43. There was very little discrepancy between Georgia's international obligations and the rights and freedoms granted by its Constitution. That was because most of the human rights treaties to which it was a party had been approved by Parliament before the adoption of the Constitution. Thus, legislators had taken Georgia's existing international obligations into account when drafting the Constitution. Subsequently, however, the Constitution had been given primacy over the international human rights treaties.
44. There had been no cases in which article 7 of the Constitution had been invoked, and there had been no indications that that provision was incompatible with Georgia's international obligations. Nevertheless, the Government planned to consult experts in international human rights law in order to examine the matter more thoroughly.
45. In his Government's view, the provisions of the Constitution that prohibited the establishment of racially discriminatory organizations were entirely adequate. Newly established political organizations or NGOs were not allowed to include racial provisions in their internal

regulations, but their initial establishment could not be prohibited. However, those found subsequently to be in contravention of the Constitution or Georgian legislation could be banned. Political parties that promoted racial discrimination could be banned by the Constitutional Court; NGOs that did so could be proscribed through the ordinary courts.

46. Special human rights units had been set up within Georgia's main law enforcement agencies. There was a human rights department within the Ministry of Foreign Affairs and a human rights division within the Prosecutor-General's Office. Numerous training programmes had been conducted by various government agencies and NGOs. Examples included a course on police conduct and human rights, which had been organized under the auspices of the Council of Europe. Another two-year project aimed at providing human rights training for law enforcement officials, prosecutors and judges had also been organized.

47. In Georgia, the term "citizenship" was used to indicate a persons' relationship to the State, whereas the term "nationality" referred to a person's ethnic origin. Thus, the term "non-Georgian" found in the periodic report referred to a person's ethnic origin, not his or her citizenship.

48. Mr. KAVTARADZE (Georgia) said that the Georgian Constitution provided for separation of church and State. The constitutional agreement concluded between the State and the Georgian Orthodox Church did not preclude the right of other religious denominations to exist in Georgia.

49. Mr. NALBANDOV (Georgia) said that the drafting of a bill on the protection of the rights of national minorities had been recommended by the Parliamentary Assembly of the Council of Europe when Georgia had become a member of that organization. The purpose of the new legislation would be to implement the provisions of the European Framework Convention for the Protection of National Minorities once the latter had been ratified by Parliament. The question would be considered in more detail at that time.

50. Although time constraints had prevented NGOs from participating in the drafting of the periodic report under consideration, NGOs were, as a general rule, involved in the preparation of such reports. The Committee's concluding observations concerning the current report would be widely publicized, translated and made available to any interested persons. His Government was grateful for the offer of technical assistance made by the Committee and would contact it in due course concerning its offer.

51. Mr. KAVTARADZE (Georgia) said that the Georgian Constitution did not permit dual citizenship; however, it did permit the granting of citizenship to former citizens of Georgia, regardless of whether or not they had since obtained other citizenship. Not only persons of Georgian ethnic origin were granted citizenship in such conditions. For example, some 100 Israeli citizens of Jewish origin, who had left Georgia in the 1970s and 1980s, had been granted Georgian citizenship. The Government would promote the ratification of the amendment to article 8 of the Convention and finalize the process in due course.

52. Mr. SICILIANOS said that, since Georgia was in the process of drafting a new code of criminal procedure, the delegation might wish to note that during the current session the Committee would be considering the adoption of a general recommendation on the prevention

of racial discrimination in the administration and functioning of the system of justice in States parties to the Convention. The Government might find it useful to take its provisions, particularly those concerning the role of victims of racial discrimination, into account in drafting its new code.

53. Mr. VALENCIA RODRÍGUEZ (Country Rapporteur) thanked the delegation for its comprehensive replies to the list of questions put to it. Among the issues that would be addressed in the Committee's concluding observations he highlighted: the need to bring the provisions of Georgia's draft code of criminal procedure into conformity with the Convention; issues relating to the treatment of refugees, asylum-seekers and ethnic minorities; poverty-reduction strategies; training in the protection of human rights; and the participation of NGOs in activities relating to the defence of human rights in Georgia. He noted with satisfaction Georgia's decision to accept the competence of the Committee to receive and consider communications from individuals claiming to be victims of a violation. That decision should be made known to all members of the Georgian population.

54. The CHAIRMAN thanked the Georgian delegation for its cooperation.

55. Mr. KAVTARADZE (Georgia) said that Georgia was engaged in a process of transition towards good governance and democracy, and human rights were of crucial importance in achieving that goal. He thanked the Committee for its valuable comments and suggestions.

The meeting rose at 1 p.m.