

# GEORGIA

## CESCR E/2001/22

75. The Committee considered the initial report of Georgia on the implementation of the Covenant (E/1990/5/Add.37) at its 3rd to 5th meetings, held on 26 and 27 April 2000, and adopted, at its 20th and 21st meetings, held on 9 May 2000, the following concluding observations.

### A. Introduction

76. The Committee welcomes the submission of the initial report by the State party, as well as its written replies to the list of issues, presented by a delegation that included high-level officials of various ministries. The Committee welcomes in particular the constructive dialogue with the delegation, its readiness to reply to additional questions and to furnish additional information whenever available, and the candour of its replies. The State party's report was submitted in general conformity with the guidelines established by the Committee.

### B. Positive aspects

77. The Committee notes the intention of the State party to advance human rights and to comply with international human rights norms by ratifying most of the international human rights instruments, as well as various international labour conventions, after independence. In addition, the Committee acknowledges the efforts made by the Government of Georgia with a view to implementing the rights set forth in the Covenant. The Committee takes note in particular of the statement by the delegation that the Government of Georgia intends to ratify ILO Conventions No. 102 (1952) concerning minimum standards of social security and No. 118 (1962) concerning equality of treatment of nationals and non-nationals in social security.

78. The Committee notes with satisfaction that the Government of Georgia is willing to cooperate with various United Nations bodies and specialized agencies, such as ILO, IMF, UNDP, WHO and the World Bank, as well as with regional organizations such as OSCE, in order to realize the rights set forth in the Covenant, and in particular to address the problem of poverty.

79. The Committee also welcomes the fact that the State party has created governmental bodies which are concerned with the issue of human rights, such as the National Ombudsman and the Committee on Human Rights, Petitions by Citizens and the Construction of Civil Community of the Parliament of Georgia.

### C. Factors and difficulties impeding the implementation of the Covenant

80. The Committee is aware that the Government of Georgia is currently faced with the difficulties commonly encountered by countries in transition. The changes required to reform the social welfare and benefit, labour and employment, health and educational systems are

considerable in economic, as well as political terms. In this respect, the Committee also recognizes the problems encountered by the State party in addressing the internal conflicts existing in certain regions of the country which have seriously hampered the State party's efforts to improve the situation of human rights for all its citizens.

D. Principal subjects of concern

81. The Committee is concerned about the grave problem of poverty with which the Government of Georgia is confronted. Despite the efforts made by the State party, the average minimum wage is still insufficient to ensure an adequate standard of living for large parts of the Georgian population.

82. In addition, the Committee is concerned about the inadequacy of certain measures being taken to combat poverty. With regard to activities aimed at poverty reduction, there seems to be a lack of effective management in the policy-making and implementation phases, particularly with regard to the reform of the pension and taxation systems. A lack of clearly established guidelines and indicators hinders the transition process.

83. Generally, the Committee notes that the statistical data provided by the State party are insufficiently reliable to allow a clear analysis and evaluation of the various problems it is addressing, such as the level of poverty in the country, and the determination of the actual minimum subsistence level and the real poverty line.

84. The Committee considered that the lack of statistics on budget transfers from central to local government for education and health makes it impossible to have a clear view of the progress or otherwise in these fields.

85. The Committee also notes with concern the fact that workers in various sectors of the Georgian economy have not been paid on time.

86. The Committee also expresses its concern about the fact that there are no legislative provisions ensuring disabled persons access to the labour market.

87. The Committee notes with concern that women suffer more than men from unemployment and that they are under-represented in the labour force, especially in public service, including Parliament.

88. In addition, the Committee is concerned that the National Plan of Action, which aims to eliminate the inequalities faced by women in the economic and social spheres, has not yet been implemented by the State party.

89. The Committee notes with concern that the laws addressing violence against women and sexual harassment in the workplace are inadequate and insufficient.

90. The Committee also notes with concern that the number of children begging in the streets

is on the increase and that many of them are drawn by adults into various types of criminal activity.

91. The Committee regrets that, given that the data provided by the State party on the housing situation, including on the occurrence of forced evictions, were insufficient, it was impossible to form a clear and comprehensive picture of the matter. In addition, the Committee deplors the failure to find a satisfactory solution to the problems concerning internally displaced persons.

92. The Committee notes with concern that there is limited knowledge among the general public with regard to reproductive health issues in general, and in particular with regard to the availability and use of contraceptives.

93. With regard to education, the Committee notes with concern that in the new secondary school curriculum there appears to be an imbalance between the amount of time devoted to military training (3 units) and to fundamentals of justice (1 unit).

#### E. Suggestions and recommendations

94. The Committee notes the statement by the State party that poverty reduction is its principal priority. With regard to the policies adopted and the measures taken, the Committee suggests that the State party take into account the obligations ensuing from the Covenant, as well as the recommendations contained in the present concluding observations.

95. The Committee recommends that the State party continue to seek international technical assistance, as provided for in article 23 of the Covenant, in its efforts to improve the implementation of economic, social and cultural rights in the country.

96. In addition, the Committee recommends that the State party ensure that its international human rights obligations are taken fully into account when it enters into technical cooperation and other arrangements with international organizations. Also, the Committee urges the State party to take into account the different approaches taken by various international bodies, such as the human development approach of UNDP.

97. The Committee supports the suggestion in the UNDP *National Human Development Report Georgia 1999* that the poverty threshold level not be changed in accordance with proposals which the State party has received, as such a change would incorrectly reflect the poverty situation in the country. In this respect, the Committee urges the State party to take adequate measures to ensure that the minimum wage is sufficient to meet the basic needs of the wage earner and his or her family.

98. The Committee recommends that the State party take remedial action to ensure that workers in various sectors of the economy are paid on time.

99. The Committee also recommends that the State party undertake to adopt relevant legislation to ensure that disabled persons have greater access to the labour market.

100. Recognizing that the resources available to the State party are limited, the Committee

suggests that measures be taken to concentrate their use on major priorities, such as measures to address the existing inequality between men and women in public service and the formulation of a National Plan of Action on Human Rights. In this respect, the Committee points out that international technical assistance may be requested with regard to such activities from the Office of the United Nations High Commissioner for Human Rights and UNDP.

101. The Committee urges the State party to start implementing gradually the National Plan of Action with regard to women. In addition, the Committee strongly recommends that the State party take effective measures to combat violence against women, including by adopting appropriate legislation.

102. The State party is urged to treat with more concern the growing number of children begging on the street and to take the appropriate measures to solve the problem.

103. The Committee recommends that the State party take measures to create conditions that would allow internally displaced persons to return to their places of origin.

104. The Committee recommends that the State party take steps to improve the awareness and knowledge of the public about reproductive health issues. In this regard, the Government might seek the advice and assistance of specialized agencies and bodies such as UNAIDS, UNFPA and WHO.

105. With regard to the secondary school curriculum, the Committee recommends that the State party strike an appropriate balance between the school time devoted to military training and the time devoted to civic education, including the fundamentals of justice.

106. The Committee requests that the State party include in its second periodic report on the implementation of the Covenant all available information on any measures taken and progress made, particularly with regard to the suggestions and recommendations made by the Committee in the present concluding observations.

## **CESCR E/2003/22**

400. The Committee considered the second periodic report of Georgia on the implementation of the Covenant (E/1990/6/Add.31) at its 35th and 36th meetings, held on 14 and 15 November 2002, and made public, at its 56<sup>th</sup> meeting, held on 29 November 2002, the following concluding observations.

### Introduction

401. The Committee welcomes the submission of the second periodic report of the State party, which was prepared generally in conformity with the Committee's guidelines.

402. The Committee notes with appreciation the comprehensive written replies given by the State party to the list of issues (E/C.12/Q/GEO/2), as well as the open and constructive dialogue with the delegation.

### Positive aspects

403. The Committee notes the efforts of the State party to comply with its obligations under international human rights instruments to which it is a party, in particular the adoption of various plans of action on a number of human rights topics, such as children's rights, women - as recommended by the Committee in 2000<sup>28</sup> - and combating violence.

404. The Committee welcomes the delegation's statement that the general tendency of a weak economic growth has been reversed in the period 2000-2002: GDP has increased from 6 billion Georgian laris in 2000 to GELS 6.6 billion in 2001. Growth in agricultural production has had a positive impact on national food security.

### Factors and difficulties impeding the implementation of the Covenant

405. The Committee notes that the State party continues to encounter difficulties in implementing the economic, social and cultural rights contained in the Covenant, arising from the process of transition to a market-oriented economy.

### Principal subjects of concern

406. The Committee notes with regret that, despite the international assistance being provided to the State party, it has been unable to comply with most of the recommendations contained in the Committee's concluding observations on the State party's initial report.<sup>29</sup>

407. The Committee also notes with regret that, despite the information provided in the State party's report and in the written replies to the Committee's list of issues, many requests made by the Committee for detailed information and disaggregated comparative statistical data on many Covenant rights remain unanswered.

408. The Committee is concerned about the existing gap between legislation in the field of economic, social and cultural rights and its actual implementation.

409. The Committee is further concerned about the lack of awareness in the State party about the provisions of the Covenant.

410. The Committee is deeply concerned that the State party has not been able to address adequately the widespread and rampant problem of corruption, as it is one of the primary causes of the decrease in, and the inappropriate allocation of, revenue and resources, thus adding to the extremely difficult economic, social and cultural situation in the State party. The Committee is particularly concerned about the limited effectiveness of the use of foreign funds received in the context of international cooperation.

411. The Committee expresses deep concern about the deplorable situation of internally displaced persons in the State party. The State party's efforts to provide basic services to this disadvantaged group and special legislation adopted to that end have succeeded only partially in meeting the most basic needs of internally displaced persons, particularly with regard to employment, social security, adequate housing and access to water, electricity, basic health services and education.

412. The Committee is concerned that the Public Defender is not able to function in an effective manner, owing to severe resource constraints.

413. The Committee is gravely concerned about the high unemployment rate in the State party, particularly in urban areas and among young people, despite the measures adopted to create jobs and to encourage entrepreneurship in the country. The Committee regrets that the State party does not have information or data on the informal economy and on the number of self-employed in the country. The Committee further expresses concern about the slow process of re-establishing incentives to motivate the labour force to seek employment.

414. The Committee is also deeply concerned about the extremely low level of salaries in the State party, including the minimum wage, which is far below the minimum level of subsistence. Moreover, the Committee reiterates its concern that employees in various sectors of the economy are often not paid on time.

415. The Committee regrets that the existing legislation does not give sufficient powers to labour inspectors to carry out their responsibilities, particularly in the private sector. The Committee also regrets the lack of adequate resources for the Labour Inspectorate.

416. The Committee is concerned about the extremely low level of social security benefits, which are far below the minimum level of subsistence, and about the fact that these benefits are often paid in arrears.

417. The Committee expresses serious concern about the inadequacy or even lack of legislation and policies on domestic violence, rape, or sexual harassment, as well as about the de facto

impunity with which such acts are committed. The Committee is also concerned that domestic violence is not criminalized as a specific offence.

418. The Committee is also concerned that the State party has not adopted any significant measures or policies to address the problem of trafficking in persons, particularly women.

419. The Committee is concerned about the high number of children living and/or working in the streets who are often victims of various forms of exploitation, including prostitution and pornography.

420. The Committee reiterates its grave concern about the constantly increasing level of poverty in the State party and the inadequacy of the measures undertaken to combat poverty. The Committee also reiterates its previous observations that there seems to be a lack of effective management, transparency and accountability in the policy-making and implementation phases.<sup>30</sup>

421. The Committee further reiterates its concern about the lack of clarity as to the analysis and evaluation of the level of poverty in the country, and the determination of the real poverty line.<sup>31</sup>

422. The Committee expresses concern about the poor living conditions of the majority of the State party's population, including an inadequate supply of water and irregular provision of electricity and heating, which particularly affect the most disadvantaged and marginalized groups of society, such as older persons, persons with disabilities, internally displaced persons, prisoners and persons living in poverty.

423. The Committee expresses deep concern about the insufficiency of material and technical resources, medication, hygienic and sanitary conditions and food in hospitals, as well as about the low wages of the medical staff, resulting in the common practice of charging informal fees for basic health-care services that are formally provided free of charge. A particular negative effect of such informal fees is that it puts basic health care even further beyond the reach of the poorest and most disadvantaged groups of society.

424. The Committee is especially concerned about the situation of persons with mental illnesses, who, in addition to suffering social stigmatization, often spend a long time in psychiatric facilities where they live in sub-standard conditions and receive sub-standard treatment and care.

425. The Committee regrets the lack of detailed information on the situation of primary education in the information provided by the State party. The Committee is concerned that, although primary education should be provided free of charge, as stipulated by law and in article 14 of the Covenant, parents are faced with payments for various purposes.

426. The Committee is further concerned about the high number of school dropouts, particularly in secondary education.

#### Suggestions and recommendations

427. The Committee recommends that the enforcement of legislation in the field of economic, social and cultural rights be improved and that the various plans and programmes on human rights be implemented in a consistent manner.

428. The Committee also recommends that human rights education in the State party be improved and that adequate human rights training be provided to the judiciary and government officials.

429. The Committee strongly urges the State party to take effective measures to combat corruption and, in particular, to increase transparency and consultations at all levels of decision-making and concerning the evaluation of distribution of funds, especially with regard to the determination of the use of aid, the monitoring of fund distribution and the evaluation of impact.

430. The Committee strongly recommends that the State party take effective measures, in consultation with relevant civil society organizations, to improve the situation of internally displaced persons, including the adoption of a comprehensive programme of action aiming at ensuring more effectively their rights to adequate housing, food and water, health services and sanitation, employment and education, and the regularization of their status in the State party.

431. The Committee recommends that the Public Defender be accorded adequate resources. The Committee further suggests that the State party seek international assistance concerning the effective functioning of the Public Defender's office.

432. The Committee strongly recommends that the State party intensify steps to ensure the right to work and the right to just and favourable conditions of work, in particular more timely payment of wages, and to establish the minimum wage at a level adequate for the requirements of the minimum level of subsistence.

433. The Committee urges the State party to improve the legislation concerning labour inspections, in particular with regard to the private sector, and to provide more resources to the Labour Inspectorate.

434. The Committee strongly recommends that the State party undertake reform of the social security system, including the establishment of a clearer relationship between pensions and previous employment; the raising of social security benefits to a level closer to the subsistence minimum; and the payment of benefits in a more timely manner, in particular to those most disadvantaged and marginalized groups that have no other means of subsistence.

435. The Committee recommends that the State party implement its National Plan of Action for the Advancement of Women for 1998-2000 and its national plan of action for combating violence against women, and that it adopt adequate legislation and policies to address and to ensure access to effective remedies concerning domestic violence, rape and sexual harassment. The Committee encourages the State party to develop programmes aimed at raising awareness of, and educating law enforcement officials, the judiciary and the general public on, these problems.

436. The Committee urges the State party to undertake and implement effective measures to



combat trafficking in persons, including adequate training of law-enforcement officials and the judiciary, the prosecution of perpetrators in accordance with the law, and rehabilitation programmes for victims of trafficking.

437. The Committee calls upon the State party to undertake urgent and effective measures to address the problems faced by children living and/or working in the street, and to protect them against all forms of exploitation.

438. The Committee encourages the State party, in preparing its poverty reduction strategies, in particular the Poverty Reduction Strategy Paper for the World Bank, to ensure active and meaningful participation of members of civil society. The State party may also wish to take into account the Committee's Statement on poverty and the International Covenant on Economic, Social and Cultural Rights<sup>16</sup> and the draft guidelines for the integration of human rights into poverty reduction strategies, proposed by the Office of the United Nations High Commissioner for Human Rights in 2002.

439. The Committee urges the State party to continue its efforts to improve the living conditions of its population, in particular by ensuring that the infrastructure for water, energy provision and heating is improved, and by paying priority attention to the needs of the most disadvantaged and marginalized groups of society, such as older persons, persons with disabilities, internally displaced persons, prisoners and persons living in poverty.

440. The Committee requests the State party to include, in its next periodic report, detailed information on the process of agricultural reform, and in particular on any costs imposed upon new landowners in the form of fees or taxes.

441. The Committee urges the State party to undertake effective measures to improve the living and working conditions in hospitals, ensure adequate wages for the medical staff, and actively combat the practice of informal fees.

442. The Committee recommends that particular attention and adequate funding be devoted to improving the treatment of and care for persons with mental illnesses.

443. The Committee encourages the State party to undertake preventive measures against HIV/AIDS, particularly awareness-raising campaigns, in order to prevent the spread of the disease in the country.

444. The Committee recommends that the State party undertake measures to ensure that access to free primary education is not impeded in reality by additional material costs and by informal fees. In addition, the Committee suggests that the State party continue its reform of the school system, which aims, inter alia, to reduce the number of dropouts.

445. The Committee requests that the State party include, in its next periodic report, detailed information on the quality of higher education.

446. The Committee recommends that, in its efforts to implement the rights contained in the Covenant, the State party continue to seek international assistance and engage in international cooperation with donors and relevant international organizations, including the Office of the High Commissioner for Human Rights. In this regard, the Committee recommends that the State party ensure that its international human rights obligations are taken fully into account when entering into technical cooperation and other arrangements.

447. The Committee requests the State party to disseminate the present concluding observations widely at all levels of society, and in particular among State officials and the judiciary, and to inform the Committee, in its next periodic report, on all steps taken to implement them. It also encourages the State party to continue to involve non-governmental organizations and other members of civil society in the preparation of its third periodic report.

448. Finally, the Committee requests the State party to submit its third periodic report by 30 June 2007, and to include therein detailed information on the steps it has undertaken to implement the recommendations contained in the present concluding observations.

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16/ [*Official Records of the Economic and Social Council*], 2002, Supplement No. 2 (E/2002/22-E/C.12/2001/17), annex VII.

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28/ [*Official Records of the Economic and Social Council*], 2001, Supplement No. 2 (E/2001/22-E/C.12/2000/21), chap. IV, para. 101.

29/ Ibid., paras. 75-106.

30/ Ibid., paras. 81 and 82.

31/ Ibid., para. 83.