



**International covenant
on civil and
political rights**

Distr.
GENERAL

CCPR/C/SR.2485
19 October 2007

Original: ENGLISH

HUMAN RIGHTS COMMITTEE

Ninety-first session

SUMMARY RECORD (PARTIAL)* OF THE 2485th MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 16 October 2007, at 3 p.m.

Chairperson: Mr. Rivas POSADA

CONTENTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 40 OF THE COVENANT (continued)

Third periodic report of Georgia (continued)

* No summary record was prepared for the rest of the meeting.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 40 OF THE COVENANT (agenda item 6) (continued)

Third periodic report of Georgia (continued) (CCPR/C/GEO/3; CCPR/C/GEO/Q/3;
HRI/CORE/1/Add.90/Rev.1; written replies by Georgia, document without a symbol
distributed in English only)

1. At the invitation of the Chairperson, the members of the delegation of Georgia resumed their places at the Committee table.
2. The CHAIRPERSON invited the members of the delegation of Georgia to reply to questions raised during the previous meeting (CCPR/C/SR.2484).
3. Mr. KOPALEISHVILI (Georgia) said that the national strategy on internally displaced persons (IDPs) would provide a sound basis for the protection of their rights in law and in practice. The document drew on the Constitution, relevant domestic legislation and the United Nations Guiding Principles on Internal Displacement. Within the framework of the strategy, 10 additional principles had been developed to address the specific needs of displaced Georgians and improve living conditions during displacement.
4. Georgia had approximately 1,600 mostly State-run IDP centres, some of which were prime real-estate properties and thus of interest to private-sector investors. On privatization, IDP occupants were generally offered compensation, which enabled them to obtain alternative housing. The residents of the Hotel Iberia in Tbilisi, for example, had been offered US\$ 7,000 in compensation. At the time, that amount had been sufficient to acquire a home and the vast majority of IDPs had been able to do so. In Achara, over 2,000 IDPs had acquired homes; only 62 had refused compensation payment and, on privatization, had been relocated to other centres. In the context of privatizations in Kutaisi, the new owners had been requested to pay each IDP family a minimum of US\$ 3,500 in compensation, in accordance with average property prices at the time. However, housing prices had increased since and that sum was no longer sufficient.
5. Georgian legislation guaranteed the right of IDPs to free housing in centres and those who were unwilling to accept compensation could not be evicted. However, the way in which privatization proceedings had been conducted had frequently been criticized, and a review was currently being conducted to address shortcomings. In that context, standard procedures for privatization and relocation were being developed to ensure that the rights of IDPs were protected against the interests of private investors.
6. Ms. GOLETIANI (Georgia) said that Georgian was the official State language throughout the country and was used in all official communications. Public officials must be competent in Georgian. Minorities were free to use their language in the private sphere and, to a limited extent, when dealing with local authorities. Interpreters were provided where necessary to prevent discrimination. A number of secondary education establishments offered teaching in minority languages.

7. All law enforcement officials, including members of minority groups who were subsequently appointed to local posts, were trained in the police academy. In the entrance examination, candidates who did not speak Georgian had the right to an interpreter. Recently, several members of the Armenian-speaking minority had been admitted to the academy and been offered courses in Georgian as part of their training. Once their training had been completed, they would serve as patrol officers in a region with a large percentage of ethnic Armenians.
8. Public-sector recruitment of minority representatives was expected to promote their participation in public life. According to a recent survey, only a small percentage of minority representatives considered their inability to speak Georgian as an impediment to participation in public life. In addition to promoting the universal use of Georgian as the State language, the Government was committed to creating a favourable environment for the continuing use of minority languages in the private sphere.
9. Mr. MIKANADZE (Georgia) said that additional resources had been allocated for improving security in places of detention. As a result, there had been no escapes from prison since 2005. In addition, a special training centre for prison and probation staff had been established; training courses focused on building skills for managing critical situations and the human rights of detainees.
10. Owing to serious overcrowding, conditions of detention in Tbilisi prison No. 5 were unsatisfactory. Unfortunately, pending the transfer of prisoners to new facilities, which were currently being built and scheduled to be completed by late 2007, prisoners' right to outdoor activities could not be guaranteed. The Government would do its utmost to expedite the transfer and address current shortcomings.
11. Mr. ADEISHVILI (Georgia), referring to questions concerning the justice system, said the High Council of Justice was composed of eight judges elected by the Conference of Judges, which met once a year; four members were selected by the Georgian parliament and two were appointed by the President. The Conference of Judges also selected three of the eight High Council judges as members of the Disciplinary Panel and the secretary of the High Council, who served a three-year term.
12. The Disciplinary Panel was composed of three judges and three lay members and presided over by a member of the High Council. Any citizen, or judges themselves, could lodge complaints with the High Council concerning the performance of a member of the judiciary. Complaints were examined within a maximum period of two months of their submission. If the complaint was accepted, the judge in question was requested to provide an explanation as to his or her conduct. In the absence of a satisfactory response, the secretary of the High Council would recommend that the case be brought before the Disciplinary Panel. Should the High Council consider the alleged violation to be of minor importance, it might decide to simply notify the judge in question and refrain from further proceedings. Otherwise, the case was referred to the Disciplinary Panel, where an oral hearing took place. Any decision taken by the Disciplinary Panel could be appealed before the Supreme Court, whose rulings were final.
13. Parliament had adopted a series of enactments to ensure the independence and impartiality of the judiciary. At the same time, the High Council of Justice was responsible for ensuring the accountability of the justice system. Detailed statistics on disciplinary proceedings instituted

against members of the judiciary in recent years were currently unavailable but would be provided shortly. The selection of judges involved two examinations and an interview with the High Council of Justice. The names of candidates to fill vacancies were published on the Supreme Court website so as to enable the general public to provide the judiciary with potentially relevant information.

14. In assessing judges' salaries, it was important to note that the value of the basic consumer basket was at present 150 lari. First-instance judges received a monthly salary of 1,550 lari, second-instance judges 1,750 lari, Supreme Court judges 3,000 lari and the presiding judges of the Supreme Court and the Constitutional Court over 4,000 lari. Those generous salaries were expected to help maintain the independence of the judiciary.

15. Ms. TOMASHVILI (Georgia) said that, under the Code of Criminal Procedure, plea agreements could result in a wide range of punishments other than payment of fines, including deprivation of liberty, restriction of liberty and community service. In one case, on conclusion of a plea agreement, the guilty party had been sentenced to 21 years' imprisonment. Plea agreements were applied mostly in cases involving organized crime, usually for less serious crimes. They had facilitated the trial of several high-level officials who had been found guilty of corruption. The Code of Criminal Procedure provided guarantees in cases where plea agreements were used. The relevant provisions included the stipulation that all parties to a crime should be present at the trial, operation of the plea agreement should have the approval of the senior prosecutor, and the participation of the defendant's counsel was mandatory. Plea agreements were examined and granted in public trials, and the court was obliged to examine all evidence and give the grounds for applying a plea agreement. The defendant and the judge had the right to withdraw their consent to the plea agreement during the period of the trial.

16. The education system had undergone major reform, both at secondary and tertiary levels. Measures had been taken to raise standards in universities, many of which had not received accreditation. Measures implemented in preparation for joining the Bologna process in 2009 included improvements in curricula, university management and the administration of master's programmes. International cooperation agreements had been concluded with several West European universities, and visiting professors had raised standards during periods spent teaching in Georgian universities.

17. The Ministry of Justice provided in-service training to ensure that members of the judiciary were properly qualified and received updated information on amended legislation. Their technical skills were also developed in areas such as investigative methodology and examination of evidence. The Ministry of the Interior and the Prosecutor-General's Office had cooperated with the United States Federal Bureau of Investigation on training programmes. A system of year-long internships had been established whereby recent law graduates received a third of a prosecutor's regular salary and were tutored by working prosecutors. Graduates were selected on the basis of their areas of competence and knowledge of legislation and human rights, and were employed after the year's training provided they could demonstrate the required level of progress.

18. Mr. GIORGADZE (Georgia) said that religious associations had the right to the status of a legal entity, which was a fundamental standard deriving from the internationally-recognized right to freedom of religion. However, States were not obliged to provide special religious-entity

status for religious associations, as long as the status provided was capable of fulfilling all the needs of religious associations. Prior to 2005, religious organizations and associations had been obliged to register as entities in public law in Georgia. They had been functionally subordinate to State organs, which had seriously violated their religious autonomy. Moreover, legislation had prohibited the activities of religious groups that were not registered.

19. Several legislative amendments passed in 2005 had enabled religious organizations to register as non-commercial legal entities in private law. Under the provisions of the Civil Code, such entities could be funds or unions. In the light of concerns expressed by some religious associations over the incompatibility between those structures, the requirements for registration and their religious beliefs, the stipulation to register as a fund or a union had been eliminated. Under the current rules, therefore, the principles of religious autonomy and non-interference in religious affairs were fully observed. The registration process was simple, and refusal to register could be appealed in court. Once registered, religious associations could carry out any activity they wished, as long as it was not prohibited by law. The Penal Code contained an article prohibiting interference in religious activity. A number of religious organizations, such as the Congress of Georgian Muslims, had registered as non-commercial legal entities. Georgian legislation was therefore fully in line with international standards and minority religious groups were on an equal footing with the Georgian Orthodox Church. The members of minority religions were free to profess their religious beliefs without impediment.

20. Ms. TOMASHVILI (Georgia) said that there had been at least one case in which two people had been found guilty of violating the right to freedom of expression under the Penal Code. The draft code of ethics for broadcasters had been under public consideration for the previous two years, and journalists and broadcasters had had the opportunity to comment on it during that period. It would be submitted to the Council of Europe in November 2007 for examination by international experts and would provide an internal mechanism enabling broadcasters to regulate their profession. The basic principles of the draft had been taken from the equivalent United Kingdom document.

21. The CHAIRPERSON commended the delegation for its frank replies and the progress that had been made in the observance of many human rights. The Committee remained concerned, however, at the State party's ability to guarantee rights under the Covenant. In its policies, the State party should endeavour to comply with the provisions of the Covenant regarding the protection of individuals, which should prevail over all other matters. The treatment of the prison population was problematic owing to the continuing use of excessive force by staff and conditions in prisons. The Committee remained concerned at reported violations of the right to freedom of expression and freedom of religion. Minority rights were also a challenge, particularly since minorities were underrepresented in public life and there were problems relating to minority languages.

22. Mr. MIKANADZE (Georgia) thanked the Committee for a fruitful dialogue. He reaffirmed his Government's commitment to continuing collaboration with the Committee, with a view to improving the human rights situation in Georgia in accordance with its international obligations.

23. The delegation of Georgia withdrew.

The discussion covered in the summary record ended at 4.15 p.m.