



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

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Summary record of the 2103rd meeting

Held at the Palais Wilson, Geneva, on Wednesday, 17 August 2011, at 10 a.m.

Chairperson: Mr. Kemal

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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 (*continued*)

Fourth and fifth periodic reports of Georgia (continued) (CERD/C/GEO/4-5; CERD/C/GEO/Q/4-5)

1. *At the invitation of the Chairperson, the delegation of Georgia took places at the Committee table.*
2. **The Chairperson** invited the delegation to proceed with its replies to questions raised by members of the Committee at the previous meeting.
3. **Mr. Tchiaberashvili** (Georgia) said that he had accompanied two co-rapporteurs of the Council of Europe Parliamentary Assembly's Monitoring Committee for Georgia on a visit to the Ossetian village of Kitani in the Gurjaani district of eastern Georgia. The co-rapporteurs had planned to investigate relations between ethnic Ossetians and ethnic Georgians at the village level and had been somewhat surprised to find that everybody spoke Georgian. Moreover, the villagers had complained only about the state of the local roads, the water supply and difficulties in travelling to visit relatives in the Republic of North Ossetia because of visa restrictions. None of them had complained about inter-ethnic tensions in the village or elsewhere in Georgia.
4. He drew attention to a report on the situation of Ossetians in Georgia outside the former Autonomous District of South Ossetia prepared by the Organization for Security and Cooperation in Europe (OSCE) Mission to Georgia for a working group on internally displaced persons (IDPs) and refugees. The report was based on information gathered through monitoring activities, open sources and interviews conducted with representatives of the Georgian Government, international governmental organizations and non-governmental organizations (NGOs), and local NGOs. He would cite several passages.
5. According to the 2002 census, there had been only 38,000 Ossetians in Georgia at that time outside the former Autonomous District of South Ossetia, which was now occupied by the Russian Federation. In 2004 the Georgian Government had taken tentative steps to encourage the return of Ossetians who had been displaced during the violence of the early 1990s. President Saakashvili had issued a decree allocating US\$ 197,000 to assist 25 Ossetian families in recovering their pre-war homes in the Borjomi valley. The OSCE report confirmed that most Ossetians living in Georgia outside the Autonomous District spoke the State language. Language tuition in native Ossetian currently existed in two schools in the Lagodekhi district. A weekend school providing tuition in Ossetian also existed in Tbilisi.
6. Commenting on allegations of ethnic discrimination, the OSCE report stated that, while there had been numerous cases of discrimination against South Ossetians during the period of nationalistic delusion of the early 1990s, subsequent Georgian Governments had embarked on a process aimed at integrating ethnic minorities. According to the independent Public Defender's Office, there were no known recent cases of ethnic discrimination on the basis of affiliation to the Ossetian minorities, and neither the Office nor the European Centre for Minority Issues (ECMI) could confirm any rumours to that effect in their interviews with locals. The Office of the United Nations High Commissioner for Refugees (UNHCR) was also unaware of any recent cases of physical abuse, harassment or discrimination against ethnic Ossetians or of any Government ethnic cleansing policy or practice that would have led to the displacement of ethnic Ossetians from Georgia.
7. Contrary to initial concerns shared by human rights and humanitarian actors, the August 2008 war had not led to a change in the situation of ethnic Ossetians in Georgian-

controlled territory or to their long-term displacement in any significant numbers. The population of ethnically mixed villages in areas adjacent to the administrative boundary line of the former Autonomous District of South Ossetia had not expressed any concern about discrimination. On the contrary, first-hand reports testified to mutual support by neighbours of different ethnic background during the war.

8. Commenting on that point, he said that a Georgian television channel had broadcast a film two weeks previously about ethnic Ossetian women who had prevented the burning down of houses belonging to ethnic Georgians in the territory now controlled by Russian military forces.

9. Returning to the report, he said that ethnic Ossetians to whom UNHCR officials had spoken in collective centres had not expressed concern about discrimination either. The United Nations Special Rapporteur on the human rights of IDPs had visited Georgia in October 2008 and met with IDPs of Ossetian ethnic origin, many of them from mixed marriages, and had not identified any concerns related to their ethnic origin. Inhabitants of areas adjacent to the former Autonomous District had insisted that, as indicated by the number of mixed marriages, there were no inter-ethnic problems between Georgians and Ossetians.

10. He added that, according to the 1989 census conducted in the former Soviet Union, Ossetian and Georgian families accounted for a large proportion of mixed marriages in the country.

11. Quoting from a report issued in 2009 by the Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities, he said that the Advisory Committee had noted with satisfaction that the August 2008 armed conflict did not seem to have seriously affected inter-ethnic relations in Georgia in the areas under Government control. Although some persons belonging to the Russian and Ossetian minorities had expressed anxiety about the increasing amount of anti-Russian and anti-Ossetian remarks, relations between the different ethnic groups had generally remained stable, including in villages close to the buffer zone controlled by the Russian Federation, where solidarity seemed to prevail between residents belonging to different national minorities.

12. Lastly, he quoted from a report by the European Commission against Racism and Intolerance. The Commission stressed that, according to many sources, the level of tolerance with respect to ethnic Russians, Abkhazians, Ossetians and other ethnic minorities had remained high among the Georgian population even after the August 2008 conflict. The authorities had repeatedly underlined the need to avoid targeting and stigmatizing such minorities and the importance of making a distinction between the political situation in the region and inter-ethnic relations in Georgia. Broadly speaking, the Georgian public seemed to make such a distinction. As a result, representatives of ethnic minorities, including ethnic Russians and Ossetians, did not complain of discrimination or hate speech on the part of members of the majority population, although some Ossetian representatives had referred to a general feeling of unease and insecurity among the Ossetian minority since the August 2008 conflict.

13. **Ms. Goletiani** (Georgia) said that the Organic Law on the Public Defender prohibited any interference by State institutions in the Public Defender's work. Any such interference was punishable by law and must be mentioned in the report submitted by the Public Defender's Office to Parliament. According to the Organic Law, the Public Defender's main functions consisted in monitoring human rights and fundamental freedoms in Georgia, reviewing Government policy, monitoring legislation and undertaking educational activities.

14. The Public Defender was to be consulted about any legislative bill that would affect human rights and fundamental freedoms prior to its enactment. When a bill was discussed by a parliamentary committee, the Public Defender was permitted to attend and present his or her position regarding the proposed legislation. Moreover, if the Public Defender believed that a bill that had already been enacted breached constitutional principles, he or she could file a complaint of unconstitutionality with the Constitutional Court.

15. Amendments to the Organic Law adopted in 2010 enhanced the independence of the Public Defender's Office. The Public Defender could now file an *amicus curiae* brief with any common court in Georgia.

16. A Tolerance Centre had been established under the auspices of the Public Defender's Office. It was particularly active in formulating State policies and overseeing their implementation. Two councils operated as part of the Centre, a Council of National Minorities and a Council of Religions. The main stakeholders in both Councils were representatives of civil society. All religious confessions were also represented and could address key human rights issues affecting their communities. For example, they had promoted the recent amendments to the Civil Code which provided for the registration of religious associations.

17. The Tolerance Centre had been actively involved in the development of the National Concept for Tolerance and Civil Integration adopted in 2009 and in the implementation and revision of its Action Plan, particularly in areas such as education, prevention of discrimination, promotion of tolerance, and the protection and promotion of human rights in general.

18. The Public Defender's Office ran six regional offices, two of which were located in regions inhabited by ethnic minorities. They nearly all had a special human rights library containing material in the Georgian language, minority languages, English and French. Local residents were encouraged to consult the material and enhance their familiarity with human rights.

19. There was no single body specializing in the area of racial discrimination. In practice, however, the Organic Law on the Public Defender required the incumbent to fulfil all functions that would fall under that heading.

20. The Government had been taking action to protect and promote the Roma population since 2007. A number of initiatives had been described in the report and she proposed to update that information.

21. The National Concept for Tolerance and Civil Integration perceived diversity as a source of strength and provided all citizens with concrete options for the maintenance and development of their identities. Under the Action Plan, a two-month programme to promote the political integration and civil participation of the Roma population had been conducted. Acute issues facing the Roma had first been identified. The next step had involved raising awareness of the educational and social benefits available to the community and initiating a dialogue with local and central Government representatives. The Deputy State Minister for Reintegration had travelled to regions inhabited by the Roma to discuss economic development and democratization and to receive information regarding the problems and challenges faced by the community.

22. Registration was a key issue. The Civil Registry Agency of the Ministry of Justice and a number of NGOs were running programmes in different regions to ensure that the Roma were registered and provided with identity documents. Action taken since 2008 included a project to document minors in the Kvemo Kartli region and to prevent birth registration problems. A large number of Roma inhabitants of Kvemo Kartli had now been identified and the process of registration was under way.

23. According to statistical data from 2009 and 2010 for the Leninovka-Dedoplistskaro district, 60 of the 73 Roma inhabitants had been registered. Roughly 50 had received identity cards in 2010 and early 2011 and the process was ongoing in the case of the remaining individuals. Migration within Georgia made it difficult to locate Roma who qualified for identity cards. According to a 2008 report by ECMI, some Roma families migrated to the Black Sea region during the summer and tourist season from May to September. However, the Government was implementing comprehensive registration programmes with the assistance of civil society and NGOs.

24. In 2009 and 2010 two Roma-run NGOs had been established, one in Leninovka and the other in Kobuleti, to deal with issues affecting the Roma population. They focused on educational activities, promotion of awareness of Roma rights, civil integration and preservation of the Roma cultural heritage.

25. The Ministry of Education and Science was implementing a civil activities support programme which offered children from minority regions the opportunity to interact with each other in order to promote tolerance and exchanges of cultural views. The Ministry was also implementing a school partnership programme to address the problem of cultural and civil isolation of national minorities and to assist children in learning the Georgian language, which was a precondition for integration of minorities into civil society. Partnerships involving pupils, teachers and parents were being built between Georgian and non-Georgian language schools. In general, the Government was taking affirmative action to encourage all Roma families to enrol their children in school. In 2009–2010, for example, as many as nine Roma children in Leninovka had been provided with identity documents and given the opportunity to engage in educational activities.

26. **Mr. Diaconu** (Country Rapporteur) welcomed the delegation's replies and the alternative report submitted by the Office of the Public Defender (Ombudsman), which demonstrated that it was a truly independent institution. The Public Defender had raised several issues of concern to the Committee, including insufficient knowledge of the Georgian language by ethnic minorities, protection of monuments to the cultural heritage of minority groups, religious freedom and the situation of refugees. He encouraged the Government to support the work of the Public Defender and asked how the State party helped minority groups to protect their cultural heritage monuments.

27. He thanked the delegation for the explanation of the difference between those who had been deported from Georgia to the former Soviet Union and the IDPs in the State party. It was imperative that those who had been forcibly displaced from Georgia should have the right to return, if they chose to do so. They must be able to re-establish their citizenship and enjoy all the rights of full citizens, including those related to property and culture. Clearly, there would be challenges since many of those people would have been taught in Russian, not Georgian, but that notwithstanding, Georgia remained their country. He urged the Government to increase its efforts to facilitate their repatriation, including by requiring fewer documents and establishing less cumbersome procedures to allow them to recover their citizenship and enjoy their rights as citizens. The IDPs were also Georgian citizens, but they faced different problems that required other solutions, such as access to proper accommodation, education and employment, in order to put them on an equal footing with other Georgian citizens.

28. **Ms. Esaiashvili** (Georgia) said that, of the 547 individuals who currently had refugee status in her country, 532 had come from the Russian Federation. The remainder had come from Afghanistan, Azerbaijan, Iraq, the Islamic Republic of Iran, Tajikistan and Turkey. Refugees' rights were protected under the Constitution and several other instruments of domestic law. Recent amendments to that legislation had introduced the right to temporary residence permits and travel documents, in line with the 1951 Convention relating to the Status of Refugees. Given that the relevant Georgian legislation

did not comply with all the provisions of that Convention, the Ministry of Refugees and Accommodation had drafted a bill on refugee and humanitarian status which provided for temporary humanitarian status to be granted to persons who did not meet the criteria for refugee status. The bill had met with approval from other ministries and international organizations, and would be considered by Parliament in late 2011.

29. Since 2000, the Norwegian Refugee Council had been providing Chechen refugees and the local population in the Pankisi Gorge with basic preschool and informal education programmes, small income-generation grants and vocational training, support for women's associations, legal counselling and community development projects. Since 2009, the Ministry of Refugees and Accommodation and UNHCR had been implementing projects for the integration of Chechen refugees who had been displaced from the Russian Federation. Once refugee families had been given Georgian citizenship, they received a grant of between US\$ 2,500 and US\$ 10,000. Within the framework of a local NGO project, working with the Ministry and UNHCR, some 300 persons had been granted Georgian citizenship since 2009. In that same region, a branch of the civil registry agency had been opened in July 2010, equipped with a modern computerized registration system linked to the Ministry of Justice in Tbilisi. A temporary office of the Ministry of Refugees and Accommodation had also been set up in the main town, Ahmeta. Most of the refugee women who had been subjected to domestic violence, forced early marriage, bride kidnapping or other forms of gender-based violence had access to counselling services. In 2011, UNHCR would hand responsibility for assistance programmes for Chechen refugees to the United Nations Development Programme. The two international organizations had been working with the Government in 2011 to promote the integrated socio-economic development of the Pankisi Gorge by creating economic and employment opportunities, delivering social services and creating a safe and secure environment. Until 2010, refugees and asylum-seekers had been provided with health care thanks to technical assistance from NGOs. From 2011, with financial support from UNHCR, refugees had been included in a health insurance scheme.

30. In 2010 and 2011, 107 individuals had applied for asylum, 55 of them from the Russian Federation, 18 from the Islamic Republic of Iran, 10 from Nigeria and the rest from Afghanistan, Azerbaijan, Cameroon, Côte d'Ivoire, Iraq, Nepal, Tajikistan, Tunisia, Ukraine and Uzbekistan. Some 15 applicants had been granted refugee status. A modern reception centre with capacity for 70 asylum-seekers had been built near Tbilisi in 2010, thanks to financial assistance from the United States Government and the European Union. There were currently 22 residents in the centre, who received a monthly allowance of 175 lari.

31. One out of every 11 persons in Georgia was an IDP. As a result of two waves of ethnic cleansing from 1991 to 1993 and in the 2008 conflict with the Russian Federation, up to half a million people had been displaced, most of them within Georgia. According to the most recent statistics, there were currently some 260,000 registered IDPs. In 2007, a strategy had been developed to safeguard their rights, creating the conditions for their dignified and safe return, and providing them with decent living conditions and integration in all aspects of society. The strategy had been amended in December 2008 to accommodate the needs of those displaced during that year. The strategy and its action plan had been developed in close cooperation with the international community, local NGOs and the IDP community itself. A steering committee composed of donors and relevant stakeholders monitored its implementation. IDP status was defined in legislation and ethnic origin was not an impediment to registration as an IDP. Problems with IDP registration occurred only when the documentation required was not available. In order to ensure the full integration of IDPs, some 260 buildings had been renovated and their ownership transferred to IDPs.

32. **Mr. Antelava** (Georgia), replying to questions raised at the previous meeting, said that the Government was taking measures to improve the living conditions of minority communities, by carrying out infrastructure projects on roads, electricity, gas and water supplies. Since 2006, a total of US\$ 0.25 billion had been spent on improving infrastructure in the Samtskhe-Javakheti and Kvemo Kartli regions, which were mainly populated by Armenian and Azeri minorities. Several major road links had been completed, providing access to the capital as well as health and education facilities, and promoting tourism and trade with Armenia and Turkey. Over 3,000 people had been employed on the road reconstruction projects and over 100,000 residents would benefit from them. The Government had invested US\$ 17 million to build three hydroelectric power plants in the rivers flowing from Lake Paravani in the Samtskhe-Javakheti region. A cheap credit programme providing loans to the local population for entrepreneurial and agricultural activities had contributed to the creation of several small and medium-sized enterprises. An energy infrastructure rehabilitation project costing US\$ 50 million had resulted in repairs to the 22 most damaged parts of the North-South gas pipeline, ensuring the security and reliability of the gas supply to the country and preventing environmental pollution. Some 283 agribusiness projects had been funded with the aim of moving from inefficient subsistence farming to profitable business. In the Javakheti and Kvemo Kartli regions, 32 State schools had been renovated and 117 Armenian villages had received aid to improve their infrastructure.

33. **Mr. Lahiri** said that, despite the level of tolerance the delegation had described among the State party's multi-ethnic society, the Committee had received several reports of harassment, verbal and physical abuse and stereotyping of minority groups. In addition, politicians, the media and school textbooks apparently expressed views that did not promote tolerance towards people from different cultural or ethnic backgrounds. In the next periodic report, the Committee would welcome disaggregated data on the State party's ethnic minorities, including their income, health indicators and educational attainment and their level of representation in high-level civil service posts. The Committee often found that persistent disparities in those areas revealed some form of discrimination, thus providing an indication of areas on which States parties needed to focus attention, in some cases by adopting special measures.

34. **Mr. Tchiaberashvili** (Georgia) agreed that, despite the lack of inter-ethnic tensions in his country, much remained to be done to integrate all Georgia's citizens to a satisfactory level. In order to guarantee the right to self-identification, legislation provided that it was not compulsory to answer the question on ethnicity on census forms. It would not therefore be possible to provide accurate statistics of the number of people belonging to each ethnic group. Data on social benefits and health indicators were not disaggregated by ethnicity. The Government's policy was to provide benefits to those who needed them, but ethnicity was not one of the criteria for eligibility. That said, the authorities were aware that minority groups were among the most vulnerable sectors of Georgian society, which was why the development projects that had been described were carried out in areas with a large number of minority residents. His Government appreciated the work of the Committee and welcomed its assistance to improve the lot of all Georgians.

35. **Mr. de Gouttes** said that the report submitted by the Office of the Public Defender contained a great deal of important information. It was regrettable that the Public Defender had been unable to attend the session and address the Committee on the concerns raised in that document.

36. While recognizing the efforts made by the Government to promote the rights of ethnic minorities, the Public Defender had noted a series of problems faced by certain ethnic minorities in Georgia; inter alia, they often found it difficult to access education, were underrepresented in public life and State bodies and received inadequate Georgian

language instruction. The report also noted that the Georgian authorities were often slow to prosecute the perpetrators of violent attacks against members of ethnic and religious minorities and that national legislation on minorities was not yet in line with United Nations conventions. He asked the delegation for its views on the document and whether the Government would follow up on its findings, underlining the fact that the Committee wished to understand the extent to which the Government would collaborate with the Public Defender to address the issues highlighted.

37. **Mr. Tchiaberashvili** (Georgia) said that nobody questioned the professionalism and independence of the Office of the Public Defender. The delegation did not claim that Georgian society was perfect; it would carefully study the document in question and, in due course, respond to the issues it raised. All ministries were, moreover, obliged to follow up on the recommendations made by the Public Defender, inter alia, by proposing to Parliament that it should adopt relevant legislation.

38. **Ms. Kebabze** (Georgia) said that the Ministry of Education and Science had adopted policies to safeguard the culture of minorities and, in cooperation with civil society, international organizations and the Office of the Public Defender, had elaborated a strategic action plan in that regard. The Ministry also held regular meetings with NGOs and relevant stakeholders from ethnic minorities.

39. With a view to improving ethnic minorities' Georgian language skills, the Ministry had recently increased the number of hours allotted for Georgian lessons in schools. Furthermore, the Ministry sent certified Georgian-language teachers to ethnic minority schools to support local teachers of Georgian, and had established four State-funded language institutes in areas of the country with large Azeri and Armenian communities. Eight additional language institutes were planned. In addition, the Ministry had opened a school to deliver Georgian-language and professional development courses to members of ethnic minorities employed in local government. Ethnic minority students were provided with Georgian-language textbooks free of charge.

40. In order to promote informal learning of Georgian, as well as to foster tolerance and understanding, the Ministries of Education and Science and of Sports and Youth Affairs organized summer camps which brought together young Azeris, Armenians and Georgians. Furthermore, an exchange programme allowed Armenian and Azeri students to spend one semester in a Georgian-language environment. Ethnic minority teachers would soon have the opportunity to spend one month in an ethnically Georgian school.

41. All textbooks used in Georgian schools must comply with the national curriculum and be approved by the Ministry of Education and Science. The Ministry, in close cooperation with the embassies of Armenia and Azerbaijan and their respective education ministries, authorized the translation of school textbooks into minority languages. The Ministry used a set of strict criteria when assessing which textbooks should be used; although it had been reported that certain textbooks portrayed some minorities as enemies of the country, if a textbook contained inappropriate ethnic content, it would not receive ministerial approval. The Ministry had yet to receive any complaints about the content of current textbooks.

42. **Mr. Tchiaberashvili** (Georgia) said that, since entering office in 2003, the current Government had embarked on a wide range of initiatives to counter discrimination against the country's ethnic minorities. The delegation hoped that, by drawing the Committee's attention to some of those initiatives, it could demonstrate the determination of the Government to address any challenges that those minorities continued to face.

43. **Ms. Kintsurashvili** (Georgia) said that Georgia had adopted very liberal laws on freedom of expression. However, it had also enacted legislation to ensure accountability in the media. Furthermore, the Georgian National Communications Commission, in close

cooperation with Council of Europe experts, had drawn up a code of conduct to counter religious and ethnic intolerance. It was illegal to broadcast any programme that incited violence, fostered racial, ethnic or religious hatred, or advocated discrimination against any group. Intentional hate speech that created a direct, substantial danger of an illegal consequence was also prohibited by law. Furthermore, Georgian broadcasters were required to establish mechanisms to address any complaints they received.

44. With a view to teaching children about their freedoms and responsibilities, and promoting tolerance and civil integration, Georgia had integrated civil education courses into its national curriculum for schools.

45. Efforts were also under way to resolve outstanding property disputes involving religious groups and organizations and to register and safeguard monuments and buildings that constituted part of the cultural heritage of Georgia's ethnic and religious minorities.

46. An affirmative action plan had been implemented to recruit more persons from ethnic minorities into State institutions. A quota system also encouraged more ethnic minority students to enter higher education. In those areas of Georgia where ethnic minorities were concentrated, priority was given to ethnic-minority applicants when recruiting police officers. Ethnic minorities accounted for a significant proportion of civil servants and elected representatives at both the regional and the State level. Furthermore, the fact that ethnic Azeris, Armenians, Russians and Ossetians had served their country in senior positions in government and the civil service was indicative of the lack of discrimination in Georgia.

47. Georgia could not, however, know with precision the ethnic make-up of the country as, in accordance with the Framework Convention for the Protection of National Minorities, every person belonging to a national minority had the right freely to choose to be treated or not to be treated as such. To obtain relevant data on its minorities, Georgia relied, as far as possible, on reports provided by international organizations and surveys conducted by NGOs.

48. **Mr. Avtonomov** said that he did not fully understand the position of the State party concerning the return of those who had been deported in 1944; the Meskhetian Turks were the only people to have been forcibly deported from Georgia and they should be rehabilitated as a people. They were not simply Georgian Muslims but had their own language and customs. If Meskhetian Turks were only allowed to return as individual citizens and no attempt was made to rehabilitate them as a people, they would feel that they were the victims of discrimination.

49. Noting with concern the figures provided by the most recent census taken in Georgia, he asked why the populations of all minorities in Georgia had declined, sometimes sharply, in recent years. For example, the number of ethnic Greeks in Georgia had fallen from 100,000 to 15,000 and the number of Kurds had dropped by over 30 per cent.

50. **Mr. Tchiaberashvili** (Georgia) said that, because of economic hardship, many Georgians had left the country since the break-up of the Soviet Union. Ethnic minorities had suffered disproportionately in that regard and their rate of emigration had thus been higher than that of the general population. Inter alia, many ethnic Greeks had left for Greece and many Jews had left for Israel. Georgia hoped that Georgians living abroad would increasingly return to the country as its economy grew.

51. Due to time constraints, it would not be possible to discuss forcible deportations from Georgia in the 1940s. The State would not seek to identify the ethnicity of persons who had been deported and who then returned to the country: they had been forcibly deported and they should not now be forcibly identified. Furthermore, not all returnees would choose to identify themselves as members of an ethnic minority. Georgia strongly

ruled out the possibility of rehabilitating an entire ethnic group or people, or their repatriation as a group or people to its territory.

52. **Ms. Tomashvili** (Georgia) said that three people had been prosecuted under article 142 of the Criminal Code for violating anti-discrimination laws, of whom one for racial discrimination.

53. Taking note of the Committee's general recommendation No. 31, Georgia had created an inter-agency coordinating council for the reform of criminal justice which included representatives of the State, the Office of the Public Defender and NGOs.

54. In order to promote anti-discrimination measures and to improve access to justice for minority groups a number of steps had been taken. They included improving access to legal aid in areas densely populated by minority groups, raising awareness of legal issues among minorities, organizing seminars and workshops with NGOs, and working with young university students from minority areas in order to engage them in public life.

55. Another aspect of State commitment to judicial reform involved raising human rights awareness among judges, prosecutors and defenders. The High School of Justice as well as training centres at the Ministry of Justice and the Ministry of Corrections and Legal Assistance had been asked to develop training programmes in human rights and discrimination for legal personnel.

56. Surveys had revealed that 80 to 90 per cent of Georgians had trust in the police, while trust in the judicial authorities had increased from 65 per cent to 75 per cent over the preceding four years. A memorandum of understanding existed between institutions of the criminal justice system to gather statistical data and publish it on a monthly basis.

57. A decree prepared by the Office of the Public Defender and the Ministry of Corrections and Legal Assistance had facilitated access to places of detention for religious representatives.

58. Georgia had several inter-agency coordinating councils in the sphere of human rights, all of which included a representative from the Office of the Public Defender. Thus the Public Defender was able to present findings to various Government ministries and to influence policy.

59. Georgia did have a council to examine allegations of ill-treatment. The Public Defender, the United Nations treaty bodies and the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment concurred in affirming that torture did not exist in Georgia.

60. Georgian law punished not just hate speech, but also incitement to hate speech when that posed a direct and substantial danger.

61. The Committee's views on racial discrimination as an aggravating circumstance and on the criminalization of racist organizations would be referred to legislators working on the reform of the Criminal Code.

62. Recent proactive measures carried out with UNHCR had enabled documentation, particularly birth certificates, to be issued to 2,700 undocumented people. Measures had also been taken to raise their awareness of new simplified legislation.

63. Libraries for minority groups did exist: 25 Armenian, 15 Azeri, 14 mixed and 5 Ossetian, as well as many craft schools.

64. One important aspect of land reform was auctions where local people had the opportunity to buy the land around their villages.

65. **Mr. Tchiaberashvili** (Georgia) said that the Committee had developed an understanding that it was competent to discuss the extraterritorial application of the Convention in the light of practice under international law.

66. International law had long recognized the extraterritorial application of human rights obligations arising in human rights instruments of a universal character. Georgia's position on the application of the Convention was supported by the Committee's position vis-à-vis its application in the Occupied Palestinian Territory and Golan Heights and in northern Cyprus.

67. In the light of the Committee's practice, Georgia did not feel that the Convention had intended to leave any territory belonging to one State as a "grey area" merely because it was occupied by, or under the jurisdiction of, another State, provided that the latter State was also a party to the Convention.

68. Georgia considered that the Committee had developed a practice on the spatial scope of the Convention in the case of one State occupying or having jurisdiction over the territory of another. Georgia likewise considered that the Committee had uniformly addressed jurisdictional issues when a reporting State had territory that was either occupied or beyond its jurisdictional control, and when a reporting State occupied or exercised effective control over the territory of another State. That was relevant to the question of liability in Abkhazia and Tskhinvali Region/South Ossetia.

69. Georgia believed that the preconditions for referring disputes to the International Court of Justice, as laid down in article 22 of the Convention, were alternative not cumulative, and that fulfilment of any one of them was sufficient. ICJ had not decided to the contrary. The Government of Georgia was currently considering all possible peaceful measures to ensure full respect of the Convention in Abkhazia and Tskhinvali Region/South Ossetia.

70. Reports that Armenian military forces had crossed the Georgian border in an area populated by Azeris were inaccurate.

71. The Kist people were a small Muslim ethnic minority, related to the Chechens. They had lived in Georgia for centuries, spoke Georgian and considered themselves to be Georgian. Many Chechen refugees in Georgia had taken refuge in the area inhabited by the Kists.

72. **Mr. Prosper** enquired whether Georgia was invoking article 11 of the Convention or whether it was saying that it would find other means to deal with the question of applying the Convention in occupied territory.

73. **Mr. Kut** said he had been surprised to hear the mention of northern Cyprus because he could recall no United Nations document stating that northern Cyprus was occupied territory.

74. He requested further information about whether the policy of changing place names was ongoing and, if it was, what plans there were to discontinue it.

75. **Ms. Tomashvili** (Georgia) said that Georgia was chiefly concerned with the application of the Convention in Abkhazia and Tskhinvali Region/South Ossetia. It had taken note of the recent ICJ judgment and was not excluding any possibility.

76. **Mr. Tchiaberashvili** (Georgia) said that there had been isolated cases of place-name changes in the early 1990s but none since the ratification of the Framework Convention for the Protection of National Minorities. The current procedure was to consult the local people.

77. **Mr. Diaconu** said that Georgia had made a lot of progress but much remained to be done.

78. Ill-treatment was not the same thing as torture, it was a much broader concept. Georgia had not been asked to criminalize racist organizations but to ban them. Current Georgian legislation on hate speech did not correspond to article 4 (a) of the Convention.

79. The Government had taken measures to foster reconciliation and to build a multicultural and multi-ethnic society. It was paying more attention to the problems faced by ethnic minorities, to the economic development of the regions, to education and to participation in public life. The Government had strategies and policies for implementing the Convention, but it was important to put them into effect.

80. **Mr. Tchiaberashvili** (Georgia) thanked the members of the Committee. Georgia would continue its efforts, taking the sometimes-unfavourable political context into account as it sought to achieve its legislative goals.

The meeting rose at 1 p.m.