



Human Rights Council
Working Group on the Universal Periodic Review
Thirty-seventh session
18–29 January 2021

Compilation on Georgia

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies^{1, 2}

2. The Committee on the Elimination of Racial Discrimination encouraged the State to consider ratifying those international human rights treaties that it had not yet ratified, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.³

3. The Committee on the Rights of the Child recommended that the State consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance, and the Optional Protocol to the Convention on the Rights of Persons with Disabilities.⁴

4. The Independent Expert on the enjoyment of all human rights by older persons recommended that Georgia ratify the Optional Protocols to the International Covenant on Economic, Social and Cultural Rights and to the Convention on the Rights of Persons with Disabilities.⁵

5. The same Independent Expert noted that the State was not party to the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) or the Domestic Workers Convention, 2011 (No. 189).⁶

6. The Working Group on the issue of human rights and transnational corporations and other business enterprises encouraged Georgia to ratify the ILO Migration for Employment Convention (Revised), 1949 (No. 97) and the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143).⁷



7. The Office of the United Nations High Commissioner for Human Rights (OHCHR) recommended that the Government submit overdue reports to the United Nations treaty bodies.⁸

8. Georgia made financial contributions to OHCHR in 2016, 2018 and 2019.⁹

III. National human rights framework¹⁰

9. The Committee on the Rights of the Child urged the State to allocate the necessary human, technical and financial resources to institutions in charge of monitoring the implementation of the law on the elimination of all forms of discrimination, especially to the Office of the Public Defender.¹¹

10. The Independent Expert on older persons recommended that the Office of the Public Defender be empowered to issue binding opinions and to request initiation of legal proceedings.¹²

11. The Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity noted that the legislative framework regulating hate speech failed to explicitly prohibit hatred based on sexual orientation or gender identity.¹³

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination¹⁴

12. The Committee on the Elimination of Racial Discrimination was concerned about instances of physical attacks against members of ethnic and religious minorities, xenophobic and discriminatory statements by State officials and representatives of political parties, and racist hate speech in the media and on the Internet, and about the lack of completed investigations and prosecutions of perpetrators in respect of such acts.¹⁵

13. Based on many conversations during his visit to Georgia, the Independent Expert on sexual orientation and gender identity concluded that violence and discrimination based on sexual orientation and gender identity were pervasive in the State; beatings were commonplace, harassment and bullying constant, and exclusion from education, work and health settings appeared to be the norm.¹⁶

14. The Committee on the Elimination of Racial Discrimination, while welcoming the adoption of anti-discrimination legislation in May 2014, expressed concern at the low number of court cases invoking its provisions.¹⁷

15. OHCHR recommended that the Government step up efforts to combat discrimination, including on grounds of gender, sexual orientation, religion or belief, and disability, by combating stigma and hate speech and by pursuing human rights education and awareness-raising.¹⁸

16. The Committee on the Elimination of Racial Discrimination recommended that the State ensure that all instances of racist hate crimes were thoroughly investigated and that racist motivation was considered from the outset of judicial proceedings, that perpetrators were prosecuted and punished with appropriate sanctions, and that victims were provided with adequate and appropriate compensation.¹⁹

2. Development, the environment, and business and human rights

17. The Committee on the Rights of the Child recommended that the State examine and adapt its legislative framework (civil, criminal and administrative) to ensure the legal accountability of business enterprises and their subsidiaries operating in or managed from the State's territory, especially in the tourism industry. It also recommended that the State

undertake awareness-raising campaigns for the tourism industry and the public at large on the prevention of child sex tourism.²⁰

18. The Working Group on business and human rights remained concerned at the cumulative impact of all hydropower plant projects – whether implemented, halted or planned – on human rights and the environment.²¹

19. The same Working Group stated that proper and safe management of waste generated from mining sites remained a source of concern requiring urgent and more effective measures by Georgian Manganese and monitoring by the Government.²²

3. Human rights and counter-terrorism

20. The Committee on the Rights of the Child encouraged the State to initiate effective campaigns, involving the media and community and religious leaders, to prevent cases of radicalization and recruitment of children by terrorist groups, particularly in areas such as Pankisi Gorge.²³

B. Civil and political rights

1. Right to life, liberty and security of person²⁴

21. OHCHR noted that the establishment of the Office of the State Inspector, resulting from the adoption in 2018 of the Law on the State Inspector Service, reflected the will to address the long-standing issue of ineffective investigations into human rights abuses committed by the police, the Prosecutor's Office and penitentiary officials. The adoption of the Law was a significant step forward and underlined the need to allocate sufficient financial and human resources to the Office of the State Inspector to ensure its effective functioning, in accordance with the Law.²⁵

22. The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment recommended that, with regard to the backlog of past cases of torture and ill-treatment, the Government guarantee meaningful and effective investigation, prosecution, punishment and remedy of every case of torture, and ensure that processing the backlog did not have an impact on the capacity to respond swiftly to new cases.²⁶

23. The Committee on the Rights of the Child was concerned at reports of the arbitrary detention of children and of the torture and ill-treatment of children in police stations, including children diverted from the criminal system, and, in rare cases, juvenile detention centres.²⁷

24. The Special Rapporteur on torture recommended that the Government ensure regular and programmed medical check-ups by medical and laboratory staff of all inmates in all detention facilities.²⁸

25. The same Special Rapporteur also recommended that the Government consider alternatives to prolonged or indefinite solitary confinement in "safe cells".²⁹

26. He further recommended that the Government take steps, in law and in practice, to increase the number of hours all categories of inmates were allowed access to open areas, and to improve the physical spaces in which such access was enjoyed.³⁰

27. In addition, he recommended that the Government take measures to provide juveniles who broke the law with alternatives to detention, and, in cases where alternatives to detention were not available, guarantee that children were kept separate from adults at all times.³¹

28. The Independent Expert on older persons noted that acts of violence by family members against older persons seemed to be frequent in the country and that there seemed to be no dedicated programme to prevent and address abuses against older persons.³²

2. Administration of justice, including impunity, and the rule of law³³

29. OHCHR took note of information received from the Public Defender of Georgia indicating that internal checks and balances within the judiciary were lacking and that the

Office of the Public Defender was advocating for institutional reforms to strengthen the independence of the judiciary.³⁴

30. OHCHR recommended that the Government pursue the reform of the judiciary to enhance its independence, and implement the recommendations of regional organizations to ensure that the legislative framework and procedures governing the appointment of judges to the Supreme Court complied with international human rights standards.³⁵

31. The Special Rapporteur on torture recommended that any judicial decision to remand defendants to pretrial detention be carefully justified, in each case, and under strict criteria, including the likelihood of the defendant absconding or repeating the offence allegedly committed.³⁶

32. The same Special Rapporteur recommended that the Government take steps to eliminate all coercion in plea bargaining, including by revising the restrictive and prolonged nature of the current pretrial detention regime.³⁷

33. The Independent Expert on sexual orientation and gender identity recommended that Georgia establish a dedicated hate crime investigation unit at the law enforcement level in order to strengthen the investigation and prosecution of hate-motivated crimes based on sexual orientation and gender identity.³⁸

34. The United Nations country team recommended that the Government strengthen the capacity of the justice system to provide access to justice for children in contact with the law, and establish an effective crime prevention mechanism and alternatives to deprivation of liberty for children.³⁹

3. Fundamental freedoms and the right to participate in public and political life⁴⁰

35. The United Nations Educational, Scientific and Cultural Organization (UNESCO) noted that Georgia should ensure that journalists and media workers were able to practise their profession in a free and safe environment as part of their fundamental human rights, in accordance with international standards. The Government was encouraged to investigate all attacks on journalists and media workers and to ensure full implementation of the rule of law.⁴¹

36. OHCHR noted that Muslims in Batumi had had no other choice than to pray in the open air due to the small-sized mosque there. On 30 September 2019, Batumi City Court had established that the decision of Batumi City Hall to deny the application by the New Mosque Building Foundation for construction of a new mosque was discriminatory. Batumi City Hall had appealed against that decision to Kutaisi Court of Appeals.⁴²

37. OHCHR noted that the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe had assessed the 2018 presidential elections as competitive and well administered. Nevertheless, it had held that the gathering of voter data and mapping of political preferences, together with tracking voters on election day, raised concerns about the potential for intimidation and the ability of voters to vote free of fear of retribution.⁴³

4. Prohibition of all forms of slavery⁴⁴

38. The Special Rapporteur on the sale of children, child prostitution and child pornography regretted the low level of prosecutions and convictions for trafficking in children.⁴⁵

39. The ILO Committee of Experts on the Application of Conventions and Recommendations encouraged the Government to continue taking measures to ensure that victims of trafficking were provided with appropriate protection and services and to provide information on the number of persons benefiting from those services.⁴⁶

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work⁴⁷

40. The Working Group on business and human rights stated that occupational safety and health of workers was one of the most serious human rights concerns, resulting from a

labour market that had been almost completely deregulated until 2015. Particularly challenging was the situation in the construction and infrastructure sectors, particularly in Batumi and Tbilisi.⁴⁸

41. OHCHR had received several reports indicating that workplace safety and other worker protections were weak in Georgia, while investigations into workplace incidents rarely led to accountability. Workers in the mining and construction industries were particularly affected.⁴⁹

42. The Working Group on business and human rights noted that monitoring and implementation of the Labour Code remained a challenge in the absence of an effective labour inspection mechanism with a mandate to cover all labour rights, including labour conditions and discrimination at the workplace.⁵⁰

43. The ILO Committee of Experts noted that the Georgian Trade Unions Confederation had indicated that it was an established practice that agencies charged jobseekers fees amounting to one or two monthly wages.⁵¹

44. The same Committee noted that, according to the Georgian Trade Unions Confederation, employers had used short-term contracts as a means of discriminating on the basis of sex, trade union activities and political views.⁵²

45. The same Committee noted that women's economic activity and employment rates remained low compared to those of men. It noted that the Georgian Trade Unions Confederation had emphasized the linkages between women's low economic activity rate, the feminization of poverty and the high rate of violence against women.⁵³

46. The same Committee noted that the gender pay gap remained high in nearly all sectors of activity.⁵⁴

47. The Working Group on business and human rights recommended that the Government adopt effective measures to implement the principle of equal pay for work of equal value and to consistently review the wages of men and women in all sectors.⁵⁵

48. The Independent Expert on older persons stressed the need to prohibit discrimination based on age alone in the hiring, retention, promotion and training of employees.⁵⁶

2. Right to social security

49. The same Independent Expert stated that, even though the old-age pension had been gradually raised, it remained too low to ensure an adequate standard of living.⁵⁷

50. The Special Rapporteur on sale of children noted that all of her interlocutors had conceded that the social service system was very weak, owing partly to the situation of social workers who were overburdened, poorly paid and lacked the means and conditions to work effectively. Standards of social work were missing, as was training of social workers, including on how to detect and report child abuse.⁵⁸

51. The United Nations country team noted that the main assistance for persons with disabilities was a set amount of cash assistance, which took no account of any special need. Provision of social protection depended on local municipalities, some of which had no social services whatsoever for persons with disabilities.⁵⁹

3. Right to an adequate standard of living⁶⁰

52. The United Nations country team noted that about 20 per cent of the rural population lived below the poverty line and that rural poverty significantly impacted the food security of vulnerable populations.⁶¹

53. The Independent Expert on older persons stated that the highlands of Georgia were characterized by, inter alia, extreme poverty, poor infrastructure and poor access to health care.⁶²

54. The Committee on the Rights of the Child reiterated its recommendation that the State allocate sufficient funds to counteract persistent inequality, effectively reduce the disparities and improve the extremely low standard of living of, inter alia, families with several children, refugee and internally displaced families and families living in rural and remote areas.⁶³

55. The Independent Expert on older persons stated that despite comprehensive reforms, many older persons remained affected by severe poverty.⁶⁴

56. The Working Group on business and human rights encouraged the Government to establish a periodic review of the minimum wage, to be indexed to the cost of living and sufficient to ensure a decent living for workers.⁶⁵

57. The United Nations country team noted that access to safe drinking water sources and hygiene in households remained challenging and that 41 per cent of 2- to 7-year-olds suffered high blood lead levels.⁶⁶

58. The Committee on the Rights of the Child reiterated its recommendation that the State take steps to improve the standard of living of children as a matter of priority, paying particular attention to housing, water and sanitation.⁶⁷

59. The Committee on the Elimination of Racial Discrimination recommended that the State take comprehensive measures to improve the socioeconomic situation of the Roma community, particularly with regard to access to employment, social services, health care and adequate housing.⁶⁸

60. The Independent Expert on older persons stated that, as there were no unemployment benefits, older workers who became unemployed were left without any income.⁶⁹

61. The same Independent Expert also stated that the State should have a coherent and sustainable housing policy, and be active in providing social and affordable housing to older persons.⁷⁰

4. Right to health⁷¹

62. The United Nations country team recommended that the Government place greater emphasis on strengthening the quality and efficiency of primary health care and that it prioritize investments in quality and accessible mental health services for all.⁷²

63. The United Nations country team noted that the maternal mortality rate continued to be high, at 25 per 100,000 live births.⁷³

64. The Committee on the Rights of the Child remained concerned at the high rates of infant mortality and stillbirth and the low technological capacity of prenatal and postnatal health care.⁷⁴

65. The Independent Expert on older persons stated that quality management in residential care, abuse prevention and the case management system should be strengthened. She stressed the need to ensure quality control in all settings, including through the establishment of monitoring mechanisms to ensure adequate care of older persons and to be able to effectively address violations of their rights.⁷⁵

66. The Independent Expert on sexual orientation and gender identity recommended that Georgia raise health professionals' awareness about sexual orientation and gender identity and make sure that lesbian, gay, bisexual, trans and gender diverse persons could access stigma-free treatment at health centres, including HIV/AIDS testing and counselling services.⁷⁶

67. The Special Rapporteur on torture recommended that the Government take steps to ensure that inmates who showed signs of mental disability or illness were removed from prisons and received adequate treatment in mental health hospitals.⁷⁷

68. The United Nations country team recommended that the Government ensure universal access to quality reproductive and sexual health services, including family planning services and the provision of selected modern contraception methods to vulnerable groups of women, including those living with HIV/AIDS, and young people, free of charge. It also recommended that the Government ensure public awareness-raising and education on sexual and reproductive health issues, including on family planning.⁷⁸

69. The Committee on the Rights of the Child urged the State to combat the practice of sex-selective abortion.⁷⁹

5. Right to education⁸⁰

70. The same Committee recommended that the State take the necessary measures to improve the accessibility of education and focus on creating the conditions to increase access for children from vulnerable groups, such as children in situations of poverty, those from ethnic minorities and those with disabilities, as well as young mothers after childbirth.⁸¹

71. The Committee on the Elimination of Racial Discrimination recommended that the State take comprehensive measures to ensure that Roma children enrolled and stayed in school at all levels of education.⁸²

72. The Committee on the Rights of the Child recommended that the State take the necessary measures to improve the quality of education and strengthen quality training for teachers, with particular emphasis on rural areas.⁸³

73. The same Committee recommended that the State further develop and promote quality vocational education to enhance the skills of children as an alternative for those who left school early.⁸⁴

74. The Independent Expert on sexual orientation and gender identity recommended that Georgia ensure that mechanisms to address bullying based on sexual orientation and gender identity were available and accessible in educational settings.⁸⁵

75. UNESCO noted that the Government should be encouraged to prohibit corporal punishment in all education institutions and to eradicate violence and discrimination in school based on sexual orientation or gender identity.⁸⁶

D. Rights of specific persons or groups

1. Women⁸⁷

76. The Special Rapporteur on violence against women, its causes and consequences, noted that gender stereotypes and patriarchal attitudes remained deeply entrenched and prevalent in society, especially in rural areas.⁸⁸

77. The same Special Rapporteur also noted that domestic violence, including physical, sexual and psychological abuse, was still considered a private matter. The incidence of domestic violence was still underreported, partly owing to the lack of public awareness about that societal problem, fear of retaliation and stigmatization, a lack of trust in law enforcement agencies and the low quality of existing services and protection mechanisms for victims of violence.⁸⁹

78. She had been informed about difficulties in initiating criminal proceedings without the victim's complaint, as there was no ex officio prosecution of perpetrators of domestic violence.⁹⁰

79. She was concerned that the free, 24-hour hotline for women victims of violence was not yet available in all the languages spoken by ethnic minorities, thus preventing them from reporting cases of violence and seeking adequate protection.⁹¹

80. The Committee on the Elimination of Discrimination against Women remained concerned about the lack of sufficient numbers of shelters and crisis centres available to effectively assist victims of violence, and the lack of awareness among the public of the existence of the types of assistance and services that were available.⁹²

81. OHCHR recommended that the Government intensify efforts to combat gender-based violence, including domestic violence and femicide.⁹³

82. The Committee on the Elimination of Discrimination against Women was concerned that women continued to be underrepresented in political and public life, especially at the senior and decision-making levels.⁹⁴

83. The United Nations country team noted that there was no political will in the State to improve women's participation in decision-making.⁹⁵

2. Children⁹⁶

84. The Committee on the Rights of the Child recommended that the State ensure that all acts and activities referred to in the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography were fully covered under its criminal law, including all forms of the sale of children.⁹⁷

85. The same Committee remained concerned that the insufficient social protection rendered children living in poverty, children in street situations, children with disabilities, children belonging to minority groups, children affected by or subjected to migration and domestic violence, among others, at risk of becoming victims of offences under that same Optional Protocol.⁹⁸

86. The Special Rapporteur on sale of children stressed that the sexual exploitation of children in travel and tourism constituted a new risk factor that should be addressed by national authorities through adequate prevention and protection measures.⁹⁹

87. The Committee on the Rights of the Child recommended that the State ensure that all cases of sexual and labour exploitation, sale, abduction and trafficking were investigated and that the perpetrators were charged and punished.¹⁰⁰

88. The same Committee recommended that the State ensure that child victims of sexual exploitation, sale, abduction and trafficking were protected and that they were provided with adequate recovery and social reintegration services and programmes.¹⁰¹

89. It also recommended that the State set a realistic timeline for effective birth registration throughout the country and address administrative obstacles, with special attention paid to minority groups, refugees, stateless persons and families living in high mountain areas.¹⁰²

90. The Committee on the Elimination of Racial Discrimination recommended that the State adopt concrete and time-bound measures to protect children living and working on the streets and ensure their rehabilitation and social integration.¹⁰³

91. The Committee on the Rights of the Child recommended that the State take all necessary measures to combat all forms of child labour, including in the informal sector, and urged it to restore the labour inspectorate.¹⁰⁴

92. The Special Rapporteur on sale of children noted that child marriage persisted among certain ethnic and religious minorities and in some rural areas. She also noted that child marriage in Georgia was linked to poverty and lack of education, traditions and social norms that justified that harmful practice, the lack of information about sexual and reproductive health, and the lack of integration of some ethnic and religious minorities.¹⁰⁵

93. The Committee on the Elimination of Racial Discrimination recommended that the State ensure that the prohibition on child and/or forced marriage was implemented effectively in practice.¹⁰⁶

94. The United Nations country team stated that concerns remained regarding the use of residential institutions for children with disabilities, unregulated private residential institutions, the quality of alternative care and the scarcity of services to support families with children.¹⁰⁷

95. The Committee on the Rights of the Child noted the reform of the childcare system and the process of deinstitutionalization of children, but remained seriously concerned by the insufficient human, technical and financial resources allocated to the social protection system, especially when supporting or replacing a family environment, and the limited geographical coverage of the social protection system.¹⁰⁸

96. The same Committee urged the State to accelerate the deinstitutionalization process in rural areas, ensure sufficient alternative family- and community-based care options for children deprived of a family environment, in particular for children with disabilities, and reinforce reintegration services.¹⁰⁹

97. The United Nations country team recommended that the Government enhance the capacity of the child protection system to deliver programmes that provided a more protective environment for children, minimized family separation, provided an effective response to any form of violence against children and ensured quality alternative care.¹¹⁰

98. The Committee on the Rights of the Child recommended that the State provide the Child's Rights Centre with unhampered access to all institutions caring for children, including institutions led by religious groups, and strengthen the capacities of the Centre to effectively receive, examine and address complaints by children in a child-sensitive manner.¹¹¹

99. The same Committee urged the State to carry out a comprehensive study to assess the scope, nature and root causes of the presence of children in street situations in the country in order to develop a national prevention policy.¹¹²

100. The Special Rapporteur on sale of children was deeply concerned by international commercial surrogacy arrangements that had proliferated in Georgia. Upon submission of a surrogacy contract, a birth certificate was issued with the names of the commissioning parents as the legal parents of the child. It did not contain the name of the surrogate mother and no reference to the surrogacy arrangement was recorded on it.¹¹³

3. Persons with disabilities¹¹⁴

101. OHCHR stated that the challenges to implementing the Convention on the Rights of Persons with Disabilities included the lack of a coordinating mechanism and of sufficient resources, the absence of comprehensive legislation compliant with the Convention, a lack of reliable and duly disaggregated statistics, the persistence of a medical approach towards persons with disabilities and prevailing negative stereotypes and stigmatization of persons with disabilities.¹¹⁵

102. The United Nations country team noted that policy formulation concerning persons with disabilities relied on figures derived from administrative sources on recipients of disability pension, which significantly underestimated the number of persons with disabilities.¹¹⁶

103. The Working Group on business and human rights noted that, in practice, significant challenges remained with regard to integrating and retaining persons with disabilities in the labour market. Persons with disabilities faced discrimination in all spheres of life, including in accessing educational institutions and other services, which increased their precarious position in the labour market. The Working Group also noted the weak enforcement of court decisions in dismissal cases involving persons with disabilities.¹¹⁷

104. The United Nations country team recommended that the Government ensure delivery to persons with disabilities of quality and stigma-free sexual and reproductive health services and services to address gender-based violence.¹¹⁸

105. The Special Rapporteur on sale of children noted that an estimated 34,000 children with disabilities were still unregistered, owing partly to a lack of early identification and referral mechanisms.¹¹⁹

106. The Committee on the Rights of the Child urged the State to develop a monitoring system for children with disabilities and their participation in health and education systems.¹²⁰

107. The United Nations country team stated that services for children with disabilities remained insufficient. It recommended that the Government guarantee the equal rights of children with disabilities to health, education, protection, justice, participation and family life.¹²¹

108. The Committee on the Rights of the Child urged the State to undertake awareness-raising campaigns aimed at government officials, the public and families, to combat the stigmatization of and prejudice against children with disabilities, promote a positive image of such children and strengthen knowledge of the specific services available.¹²²

4. Minorities¹²³

109. The ILO Committee of Experts asked the Government to step up its efforts to promote equality of opportunity and treatment of ethnic minorities in employment and occupation, including through targeted measures to increase their representation in governance institutions and improve their educational opportunities.¹²⁴

110. The Committee on the Elimination of Racial Discrimination was concerned about the low level of knowledge of Georgian as a second language among national or ethnic minorities, which hindered their integration into society, and their representation in public and political life and in decision-making positions, particularly at the level of the central Government, as well as their access to education and employment.¹²⁵

111. The same Committee recommended that the State intensify its efforts to ensure full enjoyment of economic, social and cultural rights by ethnic minorities in rural areas, such as the Pankisi Valley, including with regard to access to education and employment.¹²⁶

5. Refugees, asylum seekers and internally displaced persons¹²⁷

112. The Committee on the Elimination of Racial Discrimination recommended that the State ensure that all persons in need of international protection had access to a fair and efficient asylum procedure that was free of charge, and that the decision not to grant asylum, including on the basis of national security concerns, was properly justified and was communicated to the individuals concerned.¹²⁸

113. The Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that the Government ensure that the principle of non-refoulement was observed and that penalties for irregular entry were not imposed on individuals applying for asylum, in line with the provisions of article 31 of the Convention relating to the Status of Refugees.¹²⁹

114. UNHCR stated that rejection of asylum applications on national security grounds remained an issue of serious concern.¹³⁰

115. UNHCR recommended that the Government enhance efforts to include all persons of concern to UNHCR in development projects for vocational skills training, job qualification enhancement and employment support, coupled with free language courses, as those efforts were expected to strongly facilitate the integration process in Georgia.¹³¹

116. UNHCR had observed a recent trend of non-issuance or non-extension of identity cards for newly registered asylum seekers or asylum seekers already in the procedure, for reasons not provided to them, in contravention of national legislation. The lack of identity cards left them in a very precarious situation, including potential refoulement.¹³²

117. The Secretary-General of the United Nations stated that by the end of 2019, only 45 per cent of all households of internally displaced persons had been provided with a durable housing solution. There remained an urgent need to continue to improve the living conditions of internally displaced persons in both collective centres and private accommodation. In addition, there was a continuing need for sustained efforts to provide internally displaced persons with access to employment and livelihoods.¹³³

118. UNHCR noted that the Government was expected to initiate the reform of the internally displaced persons' allowance in 2019 by shifting from "status-based" to "needs-based" assistance. Nevertheless, progress had yet to be seen due to continuous government reorganization.¹³⁴

6. Stateless persons¹³⁵

119. The Committee on the Elimination of Racial Discrimination recommended that the State take effective measures to reduce the risk of statelessness and ensure that all stateless persons, including children born in the State who would otherwise be stateless, were granted nationality without undue administrative obstacles.¹³⁶

120. The same Committee encouraged the State to strengthen its efforts to provide identification documentation to Roma individuals living on the State's territory.¹³⁷

121. The Committee on the Rights of the Child recommended that the State amend the law on the legal status of aliens and stateless persons to fully comply with the provisions of the Convention relating to the Status of Stateless Persons, and establish an effective and efficient identification and referral mechanism for children who were undocumented and at risk of statelessness.¹³⁸

E. Specific regions or territories¹³⁹

122. The Committee on the Rights of the Child noted that Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia, remained outside the effective control of the State, which was a serious obstacle to the implementation of the Convention on the Rights of the Child in those regions.¹⁴⁰

123. OHCHR noted that the continued process of so-called “borderization” had been enforced periodically along the administrative boundary lines concerning Abkhazia and South Ossetia. It involved, among other measures, the installation of barbed wire fences, “border signs” and trenches, combined with surveillance and strict controls. According to the Government, since July 2019, that process had affected around 50 villages in and around the two regions, which had exacerbated tensions and worsened the already poor socioeconomic conditions in the villages concerned. Many households had been unable to access their main sources of livelihood, including their agricultural lands, water supplies and markets.¹⁴¹

124. The Secretary-General was concerned about the continued detention of the civilian population residing along the Abkhazia and South Ossetia administrative boundary lines for so-called “illegal crossing” and, in particular, about the reported death in custody of Georgian nationals.¹⁴²

125. OHCHR noted that the frequent and lengthy closures of crossing points especially affected those individuals in need of prompt and/or regular medical assistance that was available only in Tbilisi-controlled territory.¹⁴³

126. OHCHR had received information indicating that there were continued restrictions on the use of Georgian as a language of instruction in Abkhazia and South Ossetia. Restrictions on freedom of movement and frequent closures of crossing points had reportedly further hampered access to education by children who had to regularly cross the administrative boundary lines.¹⁴⁴

127. OHCHR noted that no progress had been reported with respect to the restitution of, or compensation for, property lost or left behind by displaced persons.¹⁴⁵

128. OHCHR reiterated the call for immediate and unimpeded access for OHCHR and international and regional human rights mechanisms to Abkhazia and South Ossetia.¹⁴⁶

Notes

¹ Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Georgia will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/GEIndex.aspx.

² For relevant recommendations, see A/HRC/31/15 and Corr.1, paras. 116.1–116.19, 116.23, 117.1–117.6, 117.31 and 118.1.

³ CERD/C/GEO/CO/6-8, para. 24. See also A/HRC/44/43/Add.1, para. 70.

⁴ CRC/C/GEO/CO/4, para. 45.

⁵ A/HRC/39/50/Add.1, para. 90.

⁶ *Ibid.*, para. 12.

⁷ A/HRC/44/43/Add.1, para. 70.

⁸ A/HRC/42/34, para. 91 (i).

⁹ OHCHR, “Funding”, in *OHCHR Report 2016*, p. 79, *United Nations Human Rights Report 2018*, p. 77, and *United Nations Human Rights Report 2019*, p. 91.

¹⁰ For relevant recommendations, see A/HRC/31/15 and Corr.1, paras. 117.8, 117.10–117.14, 117.20, 117.22–117.30, 117.32–117.34, 117.37, 117.45–117.46, 117.48–117.49, 117.70, 118.2–118.8, 118.14–118.15, 118.17–118.18, 118.36 and 119.1.

¹¹ CRC/C/GEO/CO/4, para. 15 (a). See also A/HRC/39/50/Add.1, para. 19.

¹² A/HRC/39/50/Add.1, para. 89.

¹³ A/HRC/41/45/Add.1, para. 54. See also United Nations country team submission for the universal periodic review of Georgia, p. 7.

¹⁴ For relevant recommendations, see A/HRC/31/15 and Corr.1, paras. 117.7, 117.41–117.44, 117.47, 117.92–117.93, 117.114, 118.9–118.10, 118.32, 118.34 and 119.5.

¹⁵ CERD/C/GEO/CO/6-8, para. 8.

¹⁶ A/HRC/41/45/Add.1, para. 31. See also United Nations country team submission, p. 7.

- 17 CERD/C/GEO/CO/6-8, para. 6.
- 18 A/HRC/42/34, para. 91 (b).
- 19 CERD/C/GEO/CO/6-8, para. 9 (a).
- 20 CRC/C/GEO/CO/4, para. 14 (a) and (c).
- 21 A/HRC/44/43/Add.1, para. 41.
- 22 Ibid., para. 46.
- 23 CRC/C/OPAC/GEO/CO/1, para. 19.
- 24 For relevant recommendations, see A/HRC/31/15 and Corr.1, paras. 117.50–117.57, 117.78–117.81, 117.84, 118.11, 118.28–118.31 and 119.2.
- 25 A/HRC/42/34, para. 17.
- 26 A/HRC/31/57/Add.3, para. 114 (a).
- 27 CRC/C/GEO/CO/4, para. 20.
- 28 A/HRC/31/57/Add.3, para. 115 (l).
- 29 Ibid., para. 115 (f).
- 30 Ibid., para. 115 (a).
- 31 Ibid., para. 115 (e).
- 32 A/HRC/39/50/Add.1, paras. 31 and 35. See also United Nations country team submission, p. 8.
- 33 For relevant recommendations, see A/HRC/31/15 and Corr.1, paras. 117.75–117.77 and 118.19–118.27.
- 34 A/HRC/42/34, para. 15.
- 35 A/HRC/45/54, para. 76 (a).
- 36 A/HRC/31/57/Add.3, para. 117.
- 37 Ibid., para. 113 (c).
- 38 A/HRC/41/45/Add.1, para. 99.
- 39 United Nations country team submission, p. 13.
- 40 For relevant recommendations, see A/HRC/31/15 and Corr.1, paras. 117.18, 117.21, 117.40, 117.87, 117.91, 117.94–117.102, 118.35, 118.37 and 119.6.
- 41 UNESCO submission for the universal periodic review of Georgia, para. 9.
- 42 A/HRC/45/54, para. 27.
- 43 A/HRC/42/34, para. 5.
- 44 For the relevant recommendation, see A/HRC/31/15 and Corr.1, para. 117.74.
- 45 A/HRC/34/55/Add.1, para. 22.
- 46 See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3955788:NO.
- 47 For relevant recommendations, see A/HRC/31/15 and Corr.1, paras. 117.111 and 118.39.
- 48 A/HRC/44/43/Add.1, para. 18.
- 49 A/HRC/39/44, para. 30.
- 50 A/HRC/44/43/Add.1, para. 55.
- 51 See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3280364:NO.
- 52 See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3342186:NO.
- 53 See www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:3342182.
- 54 See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3957950:NO.
- 55 A/HRC/44/43/Add.1, para. 99 (e).
- 56 A/HRC/39/50/Add.1, para. 97.
- 57 Ibid., para. 58.
- 58 A/HRC/34/55/Add.1, para. 60.
- 59 United Nations country team submission, p. 4.
- 60 For relevant recommendations, see A/HRC/31/15 and Corr.1, paras. 118.40 and 118.53.
- 61 United Nations country team submission, p. 9.
- 62 A/HRC/39/50/Add.1, para. 38.
- 63 CRC/C/GEO/CO/4, para. 35 (b).
- 64 A/HRC/39/50/Add.1, para. 36.
- 65 A/HRC/44/43/Add.1, para. 56.
- 66 United Nations country team submission, pp. 12–13.
- 67 CRC/C/GEO/CO/4, para. 35 (a).
- 68 CERD/C/GEO/CO/6-8, para. 15 (c).
- 69 A/HRC/39/50/Add.1, para. 29.
- 70 Ibid., para. 43.
- 71 For relevant recommendations, see A/HRC/31/15 and Corr.1, paras. 117.104–117.105 and 118.41–

- 118.43.
- ⁷² United Nations country team submission, p. 13.
- ⁷³ *Ibid.*, p. 9.
- ⁷⁴ CRC/C/GEO/CO/4, para. 31 (a).
- ⁷⁵ A/HRC/39/50/Add.1, para. 116.
- ⁷⁶ A/HRC/41/45/Add.1, para. 116.
- ⁷⁷ A/HRC/31/57/Add.3, para. 113 (g).
- ⁷⁸ United Nations country team submission, p. 10.
- ⁷⁹ CRC/C/GEO/CO/4, para. 15 (c).
- ⁸⁰ For relevant recommendations, see A/HRC/31/15 and Corr.1, paras. 117.106–117.109, 117.115 and 118.44–118.46.
- ⁸¹ CRC/C/GEO/CO/4, para. 36 (a).
- ⁸² CERD/C/GEO/CO/6-8, para. 15 (b).
- ⁸³ CRC/C/GEO/CO/4, para. 36 (b). See also United Nations country team submission, p. 13.
- ⁸⁴ CRC/C/GEO/CO/4, para. 36 (c).
- ⁸⁵ A/HRC/41/45/Add.1, para. 121.
- ⁸⁶ UNESCO submission, para. 8.
- ⁸⁷ For relevant recommendations, see A/HRC/31/15 and Corr.1, paras. 117.9, 117.35–117.36, 117.38–117.39, 117.58–117.64, 117.66–117.69, 117.71–117.73, 117.82–117.83, 118.12–118.13 and 118.16.
- ⁸⁸ A/HRC/32/42/Add.3, para. 75.
- ⁸⁹ *Ibid.*, para. 10.
- ⁹⁰ *Ibid.*, para. 94.
- ⁹¹ *Ibid.*, para. 83.
- ⁹² Letter dated 26 April 2017 from the Committee on the Elimination of Discrimination against Women addressed to the Permanent Representative of Georgia to the United Nations Office and other international organizations in Geneva, p. 3. Available at https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/GEO/INT_CEDAW_FUL_GE_O_27290_E.pdf.
- ⁹³ A/HRC/45/54, para. 76 (e).
- ⁹⁴ Letter dated 26 April 2017 from the Committee on the Elimination of Discrimination against Women addressed to the Permanent Representative of Georgia to the United Nations Office and other international organizations in Geneva, p. 4. Available at https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/GEO/INT_CEDAW_FUL_GE_O_27290_E.pdf.
- ⁹⁵ United Nations country team submission, p. 6.
- ⁹⁶ For relevant recommendations, see A/HRC/31/15 and Corr.1, paras. 117.15–117.17, 117.65, 117.85–117.86 and 117.90.
- ⁹⁷ CRC/C/OPSC/GEO/CO/1, para. 11. See also A/HRC/34/55/Add.1, para. 36.
- ⁹⁸ CRC/C/OPSC/GEO/CO/1, para. 20.
- ⁹⁹ A/HRC/34/55/Add.1, para. 30.
- ¹⁰⁰ CRC/C/GEO/CO/4, para. 42 (c).
- ¹⁰¹ *Ibid.*, para. 42 (d). See also CRC/C/OPSC/GEO/CO/1, paras. 31–32.
- ¹⁰² CRC/C/GEO/CO/4, para. 18 (a).
- ¹⁰³ CERD/C/GEO/CO/6-8, para. 15 (b).
- ¹⁰⁴ CRC/C/GEO/CO/4, para. 40. See also A/HRC/34/55/Add.1, para. 84 (e).
- ¹⁰⁵ A/HRC/34/55/Add.1, paras. 11–12.
- ¹⁰⁶ CERD/C/GEO/CO/6-8, para. 15 (d). See also A/HRC/36/65, para. 24, and United Nations country team submission, pp. 10–11.
- ¹⁰⁷ United Nations country team submission, p. 12.
- ¹⁰⁸ CRC/C/GEO/CO/4, para. 26 (a)–(b).
- ¹⁰⁹ *Ibid.*, para. 30 (b).
- ¹¹⁰ United Nations country team submission, p. 13.
- ¹¹¹ CRC/C/GEO/CO/4, para. 11 (b)–(c).
- ¹¹² *Ibid.*, para. 41 (c).
- ¹¹³ A/HRC/34/55/Add.1, paras. 15 and 17.
- ¹¹⁴ For relevant recommendations, see A/HRC/31/15 and Corr.1, paras. 117.110 and 117.112–117.113.
- ¹¹⁵ A/HRC/42/34, para. 25.
- ¹¹⁶ United Nations country team submission, p. 3.
- ¹¹⁷ A/HRC/44/43/Add.1, paras. 65 and 67.
- ¹¹⁸ United Nations country team submission, p. 5.
- ¹¹⁹ A/HRC/34/55/Add.1, para. 28.
- ¹²⁰ CRC/C/GEO/CO/4, para. 30 (d).
- ¹²¹ United Nations country team submission, pp. 3 and 5.

- ¹²² CRC/C/GEO/CO/4, para. 30 (e).
- ¹²³ For relevant recommendations, see A/HRC/31/15 and Corr.1, paras. 117.88–117.89, 117.103, 117.116, 118.33, 118.38, 118.47–118.52, 119.4 and 119.7.
- ¹²⁴ See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3342186:NO.
- ¹²⁵ CERD/C/GEO/CO/6-8, para. 12 (a).
- ¹²⁶ *Ibid.*, para. 13 (d).
- ¹²⁷ For relevant recommendations, see A/HRC/31/15 and Corr.1, paras. 117.117–117.119 and 118.54.
- ¹²⁸ CERD/C/GEO/CO/6-8, para. 21 (b)–(c).
- ¹²⁹ UNHCR submission for the universal periodic review of Georgia, p. 3.
- ¹³⁰ *Ibid.*, p. 5.
- ¹³¹ *Ibid.*, p. 4.
- ¹³² *Ibid.*, p. 5.
- ¹³³ A/74/878, para. 29.
- ¹³⁴ UNHCR submission, p. 4.
- ¹³⁵ For relevant recommendations, see A/HRC/31/15 and Corr.1, paras. 117.88–117.89, 118.33 and 118.52.
- ¹³⁶ CERD/C/GEO/CO/6-8, para. 23.
- ¹³⁷ Letter dated 17 May 2018 from the Committee on the Elimination of Racial Discrimination to the Permanent Representative of Georgia to the United Nations Office and other international organizations in Geneva. Available at https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/GEO/INT_CERD_FUL_GEO_31251_E.pdf.
- ¹³⁸ CRC/C/GEO/CO/4, para. 19 (c)–(d).
- ¹³⁹ For relevant recommendations, see A/HRC/31/15 and Corr.1, paras. 116.20–116.22 and 119.3.
- ¹⁴⁰ CRC/C/GEO/CO/4, para. 4.
- ¹⁴¹ A/HRC/45/54, para. 47.
- ¹⁴² A/74/878, para. 26.
- ¹⁴³ A/HRC/45/54, para. 54.
- ¹⁴⁴ *Ibid.*, paras. 59 and 61.
- ¹⁴⁵ *Ibid.*, paras. 62 and 64.
- ¹⁴⁶ *Ibid.*, para. 78. See also A/74/878, para. 11.
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