



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Georgia and welcome the constructive engagement of your Government during the 37th session of the UPR Working Group in January 2021.

As the final outcome report on the review of Georgia has been recently adopted by the Human Rights Council at its 47th session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Georgia - the Compilation of United Nations information and the Summary of Stakeholders' submissions - which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and/or recommendations made by 104 delegations and the presentation made and responses provided by the delegation of Georgia. I have also considered the actions taken by the Government of Georgia to implement the 191 recommendations supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I welcome the creation in 2019 of the State Inspector's Service for the independent and effective investigation of specific crimes committed by law enforcement officers and civil servants. I also take positive note of the opening of an office of the Service in the Adjara region.

I welcome the 2018 amendments to the Criminal Code making gender discrimination an aggravating criminal circumstance. I also welcome the training as of this year of investigators and prosecutors on the crime of sexual violence.

I welcome the adoption of the Code on the Rights of the Child and the Law on the Rights of Persons with Disabilities. I also take positive note of the efforts deployed by the Government to fight trafficking in persons, and the provision of free services to victims of trafficking, tailored to children.

I welcome the adoption of the second human rights strategy for 2021–2030 and encourage Georgia to implement it effectively in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate preparations for the fourth cycle of the UPR. My advice to all Member States is to implement national action plans in close consultation and cooperation with all stakeholders, in particular the national human rights institution and all civil society organizations and, where necessary, with the support of international organizations, including my Office and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

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H.E. Mr. David ZALKALIANI
Minister of Foreign Affairs
Georgia

I encourage Georgia to further strengthen the Human Rights Inter-Agency Council for comprehensive reporting and follow-up in relation to recommendations received from all international and regional human rights mechanisms and to treaty obligations, while linking these to the Sustainable Development Goals. To this end, I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:

http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf

Please note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. One important measure that can positively contribute to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I welcome the practice of Georgia of submitting mid-term reports and encourage the Government to continue with this practice on follow-up to the third cycle of the review, by 2023).

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *“The Human Rights Council’s universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council’s recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals.”*

I look forward to discussing with you ways in which my Office may assist Georgia in relation to the areas identified in this letter and its annex.

Please accept, Excellency, the assurances of my highest consideration.



Michelle Bachelet
High Commissioner for Human Rights

cc: H.E. Ms. Khatunna TOTLADZE
Deputy Minister of Foreign Affairs
Georgia

Ms. Sabine MACHL
United Nations Resident Coordinator
Georgia

Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- 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, the Optional Protocol to the Convention on the Rights of Persons with Disabilities, and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.
- Ratifying the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) and the ILO Domestic Workers Convention, 2011 (No. 189).

National human rights framework

- Allocating the necessary human, technical and financial resources to the Office of the Public Defender.

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

A. Cross-cutting issues

Equality and non-discrimination

- Combating hate speech and xenophobia.
- Ensuring that all instances of racist hate crimes are thoroughly investigated, that perpetrators are prosecuted and punished with appropriate sanctions, and that victims are provided with adequate and appropriate compensation.
- Combating social stigmatization, hate speech, discrimination and violence based on gender identity and sexual orientation.

B. Civil and political rights

Right to life, liberty and security of person

- Guaranteeing meaningful and effective investigation, prosecution, punishment and remedy of every case of torture.
- Ensuring prompt and impartial investigations into all incidents of excessive use of force by law enforcement authorities against protesters and journalists.
- Strengthening the State Inspector's Service both institutionally and functionally to enable it to effectively investigate human rights abuses by all types of State employees.

Administration of justice, including impunity, and the rule of law

- Continuing justice reform efforts to strengthen the independence and impartiality of the judiciary and transparency of judicial procedures.

Fundamental freedoms

- Ensuring freedom of expression and media pluralism, including taking the necessary steps to allow journalists and media professionals to work in a safe and free environment.
- Ensuring a safe environment for human rights defenders and ensuring that attacks on human rights defenders are effectively investigated.
- Guaranteeing the protection of the right to freedom of assembly for the lesbian, gay, bisexual, transgender and intersex community.

Prohibition of all forms of slavery

- Continuing combating trafficking in persons, especially of women and children, and ensuring that victims are provided with appropriate protection, legal services and remedies.

C. Economic, social and cultural rights

Right to work and to just and favourable conditions of work

- Ensuring the right to just and fair conditions of work and strengthening the Labour Inspectorate

Right to an adequate standard of living

- Reducing poverty and increasing food security, particularly among rural populations.
- Establishing a periodic review of the minimum wage to be indexed to the cost of living and sufficient to ensure a decent living for workers.
- Improving the socioeconomic situation of the Roma community, particularly with regard to access to employment, social services, health care and adequate housing.

Right to health

- Ensuring universal access to quality sexual and reproductive health and rights services.
- Developing and implementing a comprehensive curriculum on sexual and reproductive health and rights.
- Ensuring that inmates who show signs of mental disability or illness are removed from prisons and receive adequate treatment in mental health hospitals.

Right to education

- Continuing efforts to improve the access to and quality of education and to eradicate discrimination in schools.
- Taking measures to increase the school enrolment of children with disabilities and children belonging to ethnic minorities.

D. Rights of specific persons or groups

Women

- Continuing efforts to combat gender-based violence, including domestic violence, and to ensure the protection of victims.
- Continuing efforts to ensure gender equality and women's economic empowerment.
- Continuing taking measures to ensure women's representation at the decision-making level in the political and public life.

Children

- Undertaking awareness-raising campaigns for the tourism industry and the public at large on the prevention of child sex tourism
- Combating all forms of child labour, including in the informal sector.
- Ensuring that the prohibition on child and/or forced marriage is implemented effectively in practice.
- Accelerating the process of deinstitutionalization of children in rural areas and ensuring sufficient alternative family- and community-based care options for children deprived of a family environment, in particular for children with disabilities.

Persons with disabilities

- Establishing a national mechanism for the rights of persons with disabilities.
- Combating the stigmatization of and prejudice against children with disabilities
- Ensuring access to quality education and employment to persons with disabilities

Minorities

- Taking measures to promote the representation of minorities in political and public life.

Refugees and asylum seekers

- Ensuring that all persons in need of international protection have access to a fair and efficient asylum procedure.

E. Specific regions or territories

- Continuing with the efforts to ensure unrestricted access by international human rights and humanitarian organizations to Abkhazia and South Ossetia.