



International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
14 December 2022

Original: English

Committee on the Elimination of Racial Discrimination 108th session

Summary record of the 2941st meeting

Held at the Palais Wilson, Geneva, on Wednesday, 23 November 2022, at 3 p.m.

Chair: Ms. Shepherd

Contents

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Combined ninth and tenth periodic reports of Georgia

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.



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

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Combined ninth and tenth periodic reports of Georgia (CERD/C/GEO/9-10; CERD/C/GEO/Q/9-10)

1. *At the invitation of the Chair, the delegation of Georgia joined the meeting.*
2. **Ms. Totladze** (Georgia), introducing her country's combined ninth and tenth periodic reports (CERD/C/GEO/9-10), said that the Committee's recommendations were incorporated into the national human rights action plans. In addition, Georgia had supported most of the recommendations issued during the third cycle of the universal periodic review. All relevant stakeholders participated in the preparation of periodic reports to the human rights treaty bodies, and all reports were currently subject to parliamentary scrutiny.
3. In its capacity as a member of the Human Rights Council from January 2023, Georgia would focus on the protection and promotion of the rights of vulnerable groups, particularly women and girls, children, persons with disabilities, minorities, internally displaced persons and persons affected by conflicts. Georgia had extended a standing invitation to all special procedure mandate-holders and had hosted several visits. The Special Rapporteur on the rights of persons with disabilities was scheduled to visit the country in the second half of 2023.
4. Georgia had acceded to the Optional Protocol to the Convention on the Rights of the Child on a communications procedure in 2016 and the Optional Protocol to the Convention on the Rights of Persons with Disabilities in 2021. It had ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence in 2017.
5. Civil society and international organizations had participated in the elaboration of the second National Strategy for the Protection of Human Rights (2022–2030), which had been adopted in September 2022. The Strategy laid special emphasis on protection of the rights of vulnerable groups, such as persons with disabilities, ethnic, sexual and religious minorities, women, children, migrants and internally displaced persons. It also focused on strengthening justice and the rule of law, protecting economic and social rights, ensuring equality and eliminating discrimination, and protecting the rights and freedoms of people affected by the illegal occupation of Georgian territories by the Russian Federation. In addition, the Strategy would promote a victim-oriented response to crimes committed on grounds of discrimination or intolerance. The National Action Plan would incorporate targeted activities to ensure the implementation of the Strategy.
6. The fourth National Action Plan on the Implementation of United Nations Security Council Resolutions on Women and Peace and Security, and the National Action Plan on Combating Violence against Women and Domestic Violence (2022–2024), both of which had been adopted in 2022, promoted gender equality in the public and private sectors, the elimination of discrimination and gender-based violence, and the political and economic empowerment of women. They also provided for raising the awareness of women of their rights, especially in regions with large ethnic minorities. Financial resources had been allocated for each activity under the action plans.
7. Measures were taken to raise awareness of human rights, including anti-discrimination laws, among civil servants, law enforcement officials, judges and the public at large. Continuous action was taken to promote effective monitoring of anti-discrimination legislation by the Office of the Public Defender. The Public Defender of Georgia had been authorized in 2019 to seek the enforcement of recommendations addressed by the courts to private-law entities. The Office's budget had also been considerably increased.
8. The Code of Criminal Procedure had been amended in September 2022 to allow covert investigative activities aimed at increasing the effectiveness of investigations of racial discrimination cases. The Human Rights Protection and Investigation Quality Monitoring Department of the Ministry of Internal Affairs monitored the investigation of hate crimes and crimes committed with discriminatory intent. Special training was provided to law

enforcement officials to enhance their capacity to investigate crimes committed on the grounds of discrimination and intolerance. The prosecution of hate crimes was entrusted solely to prosecutors and investigators who had undergone intensive training courses. There had been a considerable increase in such prosecutions.

9. The Special Investigation Service, which had been established in 2022, investigated cases of ill-treatment by law enforcement officials in the performance of their duties, violent crimes committed by off-duty officials, and the persecution of persons based on their faith or their social or religious activities.

10. A Memorandum of Cooperation on Collection of Data on Crimes Committed on Grounds of Intolerance Based on Discrimination and Publication of a Joint Report had been signed in September 2020 by the Prosecution Service, the Ministry of Internal Affairs, the Supreme Court and the National Statistics Office of Georgia. Two joint reports on hate-crime data had been published in 2020 and 2021.

11. Georgia had established an Inter-Agency Governmental Commission on Implementation of the Convention on the Rights of the Child and had adopted a Code on the Rights of the Child. Measures were taken to protect, rehabilitate and reintegrate children in street situations. They were provided with identification documents to provide them with access to health care, education and other services.

12. The Law on the Rights of Persons with Disabilities, which had been adopted in 2020, incorporated the provisions of the Convention, and the Inter-Agency Coordination Committee had been established in 2021 to promote its implementation.

13. Measures to protect people's health and lives had been taken during the coronavirus disease (COVID-19) pandemic and social and economic assistance had been provided to the most vulnerable members of the population. Vulnerable groups, including ethnic minorities, were the prime beneficiaries of the National Strategy for the Labour and Employment Policy of Georgia 2019–2023. The Labour Inspection Service conducted planned or unplanned monitoring activities to identify and respond to forced labour and labour exploitation and direct and indirect discrimination.

14. The Unified National Strategy of Education and Science 2022–2030 was designed to ensure equal access to inclusive, equitable and quality education for all, including ethnic minorities and the Roma community. The State Strategy for Civic Equality and Integration 2021–2030 and its Action Plan for 2021–2022 aimed to guarantee equality of opportunity for all citizens, regardless of their ethnicity, and to promote cultural diversity, civic and political participation, social and economic integration, intercultural dialogue and the empowerment of women and young persons.

15. The Central Election Commission ensured equal and full participation of ethnic minority representatives in elections by raising awareness of the election process in regions with large ethnic minorities, training election administration officials and translating election-related documents into minority languages.

16. The legal aid system was being reformed to ensure access to high-quality free legal aid for ethnic minorities, internally displaced persons from the occupied territories of Georgia, asylum-seekers and stateless persons. Additional Legal Aid Service branch offices and consultation centres were being established in regions with ethnic minorities.

17. Legislative and institutional reforms had been adopted in recent years to reinforce the legal protection of asylum-seekers, refugees and persons with humanitarian status. The Law of Georgia on International Protection provided procedural safeguards at all stages of the asylum procedure. Asylum-seekers and persons entitled to international protection were provided with health-care, education, labour and other services. Asylum-seekers and stateless persons had access to free legal aid, including representation in court proceedings. Due account was given to the principles of non-refoulement, non-discrimination and confidentiality. Georgia used best practices to address statelessness, as had been recognized in the Council of Europe region and elsewhere.

18. Violations of the right to life, torture and ill-treatment, kidnappings, arbitrary detention, restrictions on freedom of movement, infringement of property rights, prohibition

of education in one's native language and blatant forms of ethnic discrimination had become part of everyday life for the inhabitants of Abkhazia and Tskhinvali regions, which were occupied by the Russian Federation. The ethnic Georgians Davit Basharuli, Giga Otkhзорia and Archil Tatunashvili had been brutally murdered, and Irakli Kvaratskhelia had died in illegal detention at the Russian military base in Abkhazia region. The installation of barbed-wire fences and artificial barriers and the lengthy closure of the occupation line separated families, restricted access to their houses, crops, property and religious sites, and deprived them of proper medical treatment, education and Georgian pensions. International human rights organizations were denied access to the occupied Abkhazia and Tskhinvali regions, and international organizations implementing humanitarian and confidence-building projects in Abkhazia region were subjected to pressure by the occupying regime. The European Court of Human Rights had ruled in 2021 that the Russian Federation bore full responsibility for human rights violations in the occupied territories of Georgia.

19. The Georgian Government was taking vigorous action to address human rights abuses in the occupied regions. It spared no effort to find durable solutions for the humanitarian and human rights needs of the conflict-affected people through the Geneva International Discussions. Its continuous programmes aimed at improving their humanitarian and socioeconomic conditions had included the provision of unmitigated support during the COVID-19 pandemic. Action was being taken to provide for long-term housing and improve the socioeconomic conditions of persons who had been expelled from their homes since the early 1990s as a result of ethnic cleansing by the Russian Federation in the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia. The hundreds of thousands of internally displaced persons should be guaranteed the safe and dignified return to their homes.

20. **Mr. Balcerzak** (Country Rapporteur) said that the political history of Georgia over the past 30 years had been marked by armed conflicts over the Abkhazia and South Ossetia, regions that belonged to Georgia but were currently outside its effective control, and with the Russian Federation more recently, in 2008. Those conflicts were pertinent to the discussion with the Committee as they affected the State party's effective implementation of international law, including the Convention.

21. Although the State party had recognized the Committee's competence under article 14 of the Convention to receive and consider individual communications, no such communications had been received to date. He therefore wished to know whether the Georgian population had been informed of the possibility of submitting complaints. Georgia had invoked article 22 of the Convention in 2008 when it had instituted proceedings against the Russian Federation in the International Court of Justice. In its judgment of 1 April 2011, the International Court of Justice had found that it lacked jurisdiction owing to the failure of Georgia to engage in negotiations and to trigger the inter-State procedure provided for in articles 11 to 13 of the Convention.

22. He noted that the periodic report had been prepared in cooperation with numerous governmental, parliamentary and judicial bodies and had been submitted for suggestions to the Public Defender, non-governmental organizations (NGOs) and international organizations. It would be useful to know which international organizations and NGOs had been consulted.

23. The Law of Georgia on the Elimination of All Forms of Discrimination enacted in 2014 included a definition of direct and indirect discrimination and an extensive list of prohibited grounds for discrimination. According to the report, amendments to the Law adopted in 2019 prohibited discrimination in employment, health care, education, social services and service delivery. Noting that additional amendments had been adopted in 2020, he would welcome information concerning their content. The Committee would also welcome information regarding the practical implementation of the Law.

24. The 2017 amendment to the Criminal Code had added racial discrimination as an aggravating factor to be taken into account in sentencing. He appreciated the detailed statistics provided in the report concerning cases involving the motive of hatred between 2016 and 2019. However, they referred solely to the initiation of proceedings and failed to provide information on the outcome. The Committee would welcome information concerning crimes based on ethnic or racial hatred that had led to convictions, and cases involving the

application of relevant provisions of the Criminal Code that had been referred to the highest judicial authorities, including the Supreme Court.

25. He wished to know how many times the Public Defender of Georgia had appeared in court as a plaintiff in recent years in cases concerning legal persons that had failed to respond to or adopt the Public Defender's recommendations. He would also be interested in hearing about the types of cases in which the recommendations had been judicially enforced. He asked whether the State party intended to expand the Public Defender's mandate to enable him or her to demand the submission of information by private individuals.

26. The Public Defender had recommended that the Code of Administrative Offences should be amended to prescribe an aggravated administrative penalty for offences committed with a discriminatory motive. He wished to know whether the State party intended to act on the recommendation.

27. As already noted, the International Court of Justice had refrained from addressing the merits of the case brought by the State party regarding the occupied territories. He asked whether the claims brought under the Convention were now mainly being pursued within a European framework, including the European Court of Human Rights.

28. **Mr. Guissé** (Country Task Force) said that he wished to know whether there were any training programmes on the prohibition and prevention of hate speech for members of the judiciary and, if so, what their impact had been. He wondered what measures had been taken to address discriminatory attitudes toward different ethnic groups in the light of a 2018 study by the Caucasus Research Resource Center, which had found that such attitudes were prevalent in the State party, and how effective those measures had been.

29. He would be interested to learn about plans to amend the Criminal Code to establish a specific legal basis for prosecuting hate crimes and speech and the current status of a draft amendment that was reportedly under discussion. He wished to hear whether there were any legal instruments for dealing with hate speech or incitement to hatred by high-level officials, including members of parliament. It would be useful to know whether any awareness-raising campaigns had been conducted to address the problem of racial hatred on the Internet and, if so, whether the impact of any such campaigns had been assessed. He wondered how the State party had assessed the impact of the work undertaken by the Human Rights Protection and Investigation Quality Monitoring Department since its creation in 2018 and whether it intended to grant the Department the authority to conduct investigations itself.

30. **Mr. Kut** (Follow-up Coordinator) said that the State party had failed to provide information on stateless Roma persons in response to the Committee's request in the follow-up letter of May 2018. He would appreciate further details regarding the outcome of the State party's commitment to reduce the residency requirement for stateless persons who wished to acquire Georgian citizenship from 10 years to 5 years. He would welcome statistics to show that the problem had been addressed, including the number of former stateless persons who were now Georgian citizens.

31. **Ms. Stavrinaki** said that she wished to know what specific measures the Prosecutor's Office had taken in 2019 to combat hate crimes. She wondered how the quality and effectiveness of those measures had increased and whether civil society had played a role.

32. **Ms. Tlakula** said that she would be interested to learn how the public defender was appointed and whether the selection process was transparent. She would appreciate confirmation as to whether the Criminal Code contained specific provisions on hate crimes or hate speech. She asked whether the State party was aware of allegations of hate speech by politicians and other public officials that had been submitted to the Public Defender's Office and, if so, whether those allegations had been investigated.

33. **Mr. Diaby** said that he wished to know what the outcome of the National Strategy for the Protection of Human Rights for the period 2014–2020 had been and what challenges for the new strategy covering the period 2022–2030 had been taken into account. He would welcome additional information on reports that members of NGOs dealing with acts of discrimination had been subjected to intimidation. He would be interested to learn how many such NGOs had been consulted during the drafting of the State party's report and whether there was a law to protect human rights defenders in Georgia.

34. **Mr. Rayess** said that he would like to know how the legal system worked in Georgia, including how it was organized, how judges were appointed and what remedies and appeals were available against court decisions.

35. **Mr. Balcerzak** said that he wondered whether judges were trained on dealing with matters concerning racial discrimination. He would like to hear about the aspects of the national action plan for the protection of human rights, which was currently being developed, that related to the implementation of the Convention. He would be interested to learn which civil society organizations had been consulted in the development of the plan and what consultation methods had been used.

36. He wished to know whether the enforcement of criminal law or awareness-raising campaigns had proved more effective in tackling racial discrimination in the State party. He would appreciate information on the State party's reaction to the recent use of racial stereotypes and blackface by a mayoral candidate in Tbilisi to impersonate a fellow candidate of Nigerian descent and attract more media attention.

The meeting was suspended at 4.20 p.m. and resumed at 4.40 p.m.

37. **A representative of Georgia** said that the National Human Rights Strategy for the period 2022–2030 had been developed not out of obligation but because of a strong political will to do so. The Strategy, which was highly sophisticated and established duties for all three branches of government, had been approved by the Government on 5 September 2022 and had since been submitted to the parliament for its consideration. Work on the Strategy had begun in early 2019, had stalled because of the COVID-19 pandemic and had resumed in November 2021. The Government had requested a team of independent experts from the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Programme to prepare a draft of the Strategy for it to discuss. All the priorities identified by the experts had been retained in the version of the Strategy sent to the parliament. The Strategy was the first of its kind in Georgia to include indicators, which would enable progress to be measured on an annual basis. The draft had been discussed with State agencies and then shared with over 100 non-governmental human rights organizations and individuals via email on 22 August 2022, with a 13-day window for responses. During that time, the Government had held a meeting to discuss the draft with a broad range of partners. An invitation had been extended to the Public Defender's Office, which, unfortunately, had decided not to attend.

38. In 2019, the Government had adopted a decree establishing rules for the drafting of strategic documents, which provided that all such documents had to include indicators and that the related action plans of State agencies had to be linked to the State budget. The National Human Rights Strategy for the period 2022–2030 had four main pillars, one of which addressed discrimination issues. The goal of the pillar was to strengthen the protection of minority rights and promote equality.

39. Work on the Strategy's action plan was already under way with the active involvement of NGOs and other stakeholders. As with the Strategy, the Government intended to bring in a team of independent experts to prepare a draft. Meanwhile, two stand-alone action plans with separate budgets and monitoring and reporting mechanisms had been adopted on women and peace and security, and on domestic violence and violence against women, in recognition of the importance of those issues, which were also addressed in the Strategy itself.

40. In 2018 and 2019, some 200 members of the Ministry of Internal Affairs had received training on hate crime and hate speech, which continued to be provided. On 23 September 2020, a memorandum of understanding had been signed by the Ministry, the Office of the Supreme Court, the National Statistics Office and the Prosecutor's Office to establish a unified data system on crimes committed on the grounds of intolerance.

41. In 2020, for the first time, a chapter on equality and non-discrimination had been included in a national human rights action plan, with a focus on combating discrimination based on sexual orientation and gender identity and on improving the social and health-care services available to victims.

42. Each year, the Council of Europe Office in Georgia, together with various State agencies, organized Equality Week to raise awareness of the importance of diversity and

equality, and of the legal mechanisms available to victims of discrimination. The Office of the State Minister for Reconciliation and Civic Equality regularly carried out large-scale door-to-door campaigns to provide information to members of ethnic minorities in their native languages on State programmes and services, legal aid, human rights, non-discrimination, gender equality, domestic violence, disinformation and propaganda, and relations between Georgia and the European Union, among other matters.

43. **A representative of Georgia** said that fighting hate crime was one of the strategic priorities of the action plan adopted by the Prosecutor's Office for the period 2021–2027. Under the plan, the Office would focus on continuing to provide prosecutors and investigators with specialized training to combat hate crime, continuing to monitor hate crime investigations and prosecutions through its human rights department, collecting and analysing data and improving coordination with other State agencies and NGOs. In 2016, the Office had issued a recommendation calling on investigators and prosecutors to treat hate as an aggravating factor that justified the imposition of harsher punishments in accordance with article 53 of the Criminal Code.

44. To date, 90 prosecutors, 7 investigators, 35 managers and 18 victim and witness coordinators within the Office had received specialized training in hate crimes and discrimination. The Office had signed a memorandum of cooperation on the collection and publication of hate crime statistics, pursuant to which two joint reports had already been published.

45. There was no specific article of the Criminal Code prohibiting hate crimes. Instead, Georgia had criminalized racial discrimination under article 142 (1) and public incitement to violence under article 239 (1). There had been 253 prosecutions and 50 convictions for hate crimes in the last three months of 2020, 834 prosecutions and 321 convictions in 2021, 798 prosecutions in the first nine months of 2022 and 230 convictions in the first six months of the year. Concerning racially motivated crimes in particular, there had been 1 conviction in the last three months of 2020 and five convictions in 2021.

46. **A representative of Georgia** said that, since 1 March 2022, the Special Investigation Service had been looking into allegations of violence and ill-treatment by off-duty as well as on-duty law enforcement officials. In 2023, in anticipation of the increased workload that would result from the recent expansion of the Service's investigative jurisdiction, the human, financial and infrastructure resources allocated to the Service were set to double. The Service was working actively to create a network of investigators specialized in crimes motivated by hate or intolerance. Moreover, it had plans to increase public awareness of the principles of equality and non-discrimination, including through large-scale media campaigns and the proactive publication of new information. The Service, together with partner agencies, intended to join efforts to introduce a unified data-collection mechanism on hate crimes and, more generally, was seeking to enhance its data-collection methodology.

47. **A representative of Georgia** said that, pursuant to the May 2019 amendments to the Public Defender Act, the obligations described in paragraph 31 of the report, which had previously applied only to public entities, had been extended to private entities, which were thus required, upon request, to provide the Equality Department of the Public Defender's Office with all the information needed to investigate claims of discrimination.

48. The Public Defender had referred a case to court in 2018 when the local authorities in Kobuleti had failed to comply with her recommendation to ensure a water supply to a building intended to be used as a school for Muslim children. The court had concluded that there was sufficient evidence of direct discrimination and had upheld the Public Defender's request and ordered the municipality to supply water to the school. The decision of the court of first instance had been appealed to the Court of Appeal and the Court of Cassation, both of which had upheld the decision.

49. Before bringing a case before the courts, individuals who believed that they had been discriminated against could refer the matter to the Public Defender. Prior to 2019, the Public Defender had had only three months in which to study the case and issue recommendations, but that period had been extended to one year. The aggrieved individual could then file a complaint with the court and attach the Public Defender's recommendation, thus increasing the prospects of a successful outcome.

50. Upon receipt of the Public Defender's annual report and recommendations, the parliament issued a decree outlining the recommendations to State agencies, which had an obligation to report back to the parliament on the implementation status of the recommendations. The number of cases of discrimination being studied by the Public Defender was increasing every year. The Public Defender's budget had increased steadily from 6.4 million lari in 2019 to 8.8 million lari in 2022. Under the Organic Law on the Public Defender, the salaries of the staff of the Office of the Public Defender could not be reduced without the prior consent of the Public Defender.

51. Awareness-raising campaigns and meetings on State programmes and services, education programmes and issues such as the country's European and Euro-Atlantic integration and disinformation and anti-Western propaganda had been conducted in the regions densely populated by ethnic minorities, including in their native languages. Under the Law on the Elimination of All Forms of Discrimination, awareness-raising was one of the main functions of the Public Defender and was being performed very well.

52. The Law on the Elimination of All Forms of Discrimination had been amended in 2019 to classify harassment and sexual harassment as forms of discrimination. A new provision had been added to the Law in 2020 establishing that the Government was obliged to take all measures to ensure reasonable accommodation for persons with disabilities and that unjustified denial of reasonable accommodation would be considered a form of discrimination. In the same year, certain NGOs had been granted special status to be able to bring cases of discrimination before international bodies. Under that procedure, a Georgian NGO had submitted a communication to the Committee on the Rights of the Child. The Government had responded to the Committee's Views and considered the procedure to have been very useful.

53. The domestic courts were increasingly applying the Law on the Elimination of All Forms of Discrimination in their judgments. In the first nine months of 2022, the district courts had issued 37 judgments in civil and administrative cases related to discrimination; discrimination had been confirmed in six cases, mainly involving workplace discrimination.

54. **A representative of Georgia** said that, under article 53¹ of the Criminal Code, the commission of offences on the basis of racial or other forms of discrimination was an aggravating factor for punishment. Fixed-term prison sentences handed down for offences committed in aggravating circumstances must be at least one year longer than the minimum term established for the offence in the Criminal Code. Article 53¹ was duly applied by the courts when adjudicating cases if it was established during the proceedings that the offence had been committed with discriminatory motives.

55. In 2021, that article had been applied against a total of 198 persons, the large majority of whom had committed offences of gender-based discrimination. Ten cases of racially motivated offences involving 12 defendants had been heard by courts of first instance in 2021; one of the cases had been dismissed on the basis of the amnesty law and another was still pending. The courts had found that four of the defendants had not committed their offences based on racial motives but that six others had, and it had aggravated their sentences accordingly. Aggravated sentences had been handed down against two individuals for offences committed on the basis of religious intolerance in 2021.

56. Training on discrimination issues had always been a priority for the High School of Justice, which was responsible for providing continuous training to judges and court staff. The training module on the prohibition of discrimination covered relevant domestic legislation and international human rights instruments, including the Convention and the Convention on the Elimination of All Forms of Discrimination against Women. Eight training sessions on the module had been conducted in recent years. Judges and court staff also received training on the collection of statistical data on discrimination cases. A new system had been introduced in 2020 for the collection of data in civil and administrative as well as criminal cases of discrimination. When adjudicating on discrimination cases, judges applied national legislation, particularly the Law on the Elimination of All Forms of Discrimination, and also reflected in their decisions the anti-discrimination provisions of international treaties, including the Convention.

57. **A representative of Georgia** said that the parliament was currently working on a new Code of Administrative Offences, with the participation of the Legal Issues Committee and the Human Rights and Civil Integration Committee. The new code would provide for the same aggravating circumstances as those established in the Criminal Code.

58. **Mr. Balcerzak** said that he would be grateful for a response to his question on efforts to implement the Convention in the occupied territories.

59. **Mr. Guissé** said that he would welcome an update on the status of the draft legislative provisions on hate speech. He would also like to know whether minority students have also been offered courses on the new subjects entitled “Society and me” and “Our Georgia” that had been introduced to the school curricula.

60. **A representative of Georgia** said that the grave human rights and humanitarian situation in the occupied regions of Georgia had deteriorated even further since the submission of the periodic report. Hundreds of thousands of internally displaced persons and refugees who had been forced to leave their homes due to ethnic cleansing of Georgians were still deprived of their right to return and their property rights. Several Georgian villages had been completely destroyed in the occupied regions and houses continued to be destroyed. There had also been brutal cases of ethnically motivated torture and murder of Georgian citizens, and the Russian Federation continued to hamper the investigations. Georgians in the Abkhazia region had been forced to register as foreigners since 2016. They were unable to exercise their rights on an equal basis with others if they did not register as foreigners, and were deprived of many rights even if they did register, including the right to work. There were very strict criteria for registering as a foreigner; many students who studied in Georgian Government-controlled territory did not fulfil those criteria. Only half of the 40,000 Georgians living in Gali district were registered as foreigners. Russia and its occupation regimes used restriction of freedom of movement as one of the tools for ethnic discrimination. As education in the Georgian language was prohibited in both occupied regions, many schoolchildren had previously crossed occupation lines to study in Government-controlled territory. The occupation regime had now closed those occupation lines, thus impeding Georgian children’s right to an education in their native language. The closure of the occupation lines had had a particularly severe impact during the COVID-19 pandemic, when medical evacuations had been denied or delayed on several occasions on the grounds of ethnicity, leading to a number of deaths.

61. **Mr. Rayess** said that, under article 4 of the Convention, States parties had an obligation to declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin. That meant that the Criminal Code of Georgia should include a specific article on discrimination. Article 53, which provided only for aggravating circumstances, was not sufficient to fulfil that obligation. The State party needed to adopt a law that criminalized the offence of discrimination. The fact that victims of racial discrimination filed complaints with the Public Defender rather than with the police hindered direct access to justice and was contrary to the Convention.

62. **A representative of Georgia** said that all forms of discrimination were in fact already prohibited under the Criminal Code. The new article 53 of the Criminal Code was intended simply to cover any gaps in the event that a criminal act was committed that did not fit any of the offences established in the Code. The delegation could provide the Committee with a translation of the relevant articles of the Criminal Code so that it could see that all forms of discrimination were included.

63. **Mr. Amir** asked whether there had been any cases of victims of racial discrimination having to wait to have their complaints processed and referred to the courts.

The meeting rose at 6 p.m.