

In Focus:

Georgian government made its report for Universal Periodic Review (UPR) of UN Council of Human Rights public. Georgian NGOs found it had considerable space for improvement and send their recommendations.

In October the government of Georgia published a draft report for UPR on the website of Ministry of Foreign Affairs, aiming to receive a feedback from civil society.

Government's report was responded by Georgian human rights organizations. The evaluation of NGOs acknowledged that the report touches upon legislative and institutional situation concerning the human rights protection in Georgia. However, it was found too general and lacking critical insight.

"The report doesn't present government's evaluation about the concrete cases of human rights violations and systemic violations documented by NGOs and international organizations, perpetrators of which are still unpunished," – reads the response letter.

The response and recommendations presented to the government were prepared by:

- **Human Rights Center**
- **Article 42 of the Constitution**
- **Georgian Young Lawyers' Association**
- **Free Professional Union of Georgian Teachers and Scientists**



In July the above mentioned NGOs filed an alternative report concerning the defense of human rights in Georgia. The report was prepared with the support and active involvement of the Human Rights House Foundation.

Joint report presents the detailed information on the concrete facts of human rights violations and systemic problems that exist in Georgia, including, the problem of independence of judiciary; practices of illegal and disproportionate use of force by police leading to lethal consequences (the so called "killing on the spot" case); politically motivated arrests and persecutions; cases of torture, inhuman and degrading treatment; severe prison and medical conditions in penitentiary institutions; restriction of freedom of expression and information; restriction of freedom of association; shortcomings regarding protection of labor rights.

In this issue:

IDP from Abkhazia set herself on fire in front of the Ministry of Refugees and Accommodation

Human Rights Centre organized a roundtable with local NGOs, international organizations and diplomats



Thomas Hammarberg publishes his report on human rights issues after the 2008 conflict



Georgian government published its report for Universal Periodic Review

In October *Georgian government's national draft report for Universal Periodic Review (UPR) of UN Council of Human Rights was made public*. The draft report was published with the purpose of receiving relevant remarks and ideas from the representatives of civil society.

According to the evaluation of NGOs, the national draft report of Georgian government was general and touched only the legislative and institutional situation concerning the human rights protection in Georgia. The report did not present government's evaluation of well documented patterns and emblematic cases of serious human rights violations and said nothing about actions already taken by the government or their future plans to address these problems.



Both the report and the letter of NGOs specifically underlined the problem of impunity in the country, referring e.g., to:

- use of force during 2006 prison riot, which led to death of several inmates. Necessity and proportionately of the force used remains uninvestigated as to date.
- Majority of widely-known cases of “killing on the spot,” have not been effectively investigated and the offenders were not punished in accordance with the law;
- Dispersal of peaceful demonstrations by the representatives of Ministry of Internal Affairs on November 7th of 2007 and in the spring and summer of 2009, and in several cases omission of the police to protect demonstrators from violence of unidentified people;
- Also, the use of means, unauthorized by the law, against demonstrators by authorities, that was not effectively investigated and the offenders were not brought to justice,
- Tens of facts of pressure on journalists, illegal interference in their professional work that are not yet investigated.



The government report did not address government's plans to address pending human rights problems effectively e.g.:

- what concrete legislative or other type of activities are planned by the government to ensure transparency of media owners;
- whether government is planning to introduce the practice of publishing of the public information proactively for ensuring transparency of its work and improve the publicity;

It should be noted that on July 12th of 2010, the coalition of Georgia NGOs, namely, *Georgian Young Lawyers Association, Human Rights Center, Union article 42 of Constitution* and *Free Professional Union of Georgian Teachers and Scientists* filed an alternative report concerning the defense of human rights in Georgia.

To prepare a thorough report, an expert from HRHF, Florian Irminger was invited to conduct a workshop on UPR for NGOs. Representatives of 11 organizations benefited from the workshop organized by the Human Rights Centre. Photo on the right was taken on the UPR workshop, July 2010.



The report with recommendations from civil society actors was presented to the government.

Along with the joint report, on July 12th of 2010, **Georgian Young Lawyers Association** sent an individual report regarding the human rights situation in the occupied territories and the legal status of victims of conflict.

Statement can be found on: -

More on the alternative report by Georgian NGOs can be found [here](#) (we should upload it on the web today later)

Report of Georgian Government to UPR can be found [here](#)

Georgian NGOs Gathered for Roundtable on Human Rights

On 12 October Human Rights Centre, a member of South Caucasus Network of Human Rights Defenders, organized a round table with International organizations and diplomats in Georgia on topic **“Human Rights protection in Georgia: challenges, setbacks and potential for improvements”**.



The round table provided a fact-based evaluation of human rights situation and broader democratic processes in Georgia. Public Defender of Georgia and non-governmental organizations working on the protection and promotion of human rights made short presentations on existing human rights practices in their respective fields of focus. It included recent legislative changes curtailing human rights and fundamental freedoms and jeopardizing protection of the rule of law in Georgia (e.g., Law on Police, New Criminal Procedure Code, Freedom of Information regulations, etc.). Challenges and abuses experienced by human rights defenders were also discussed at the meeting.



Video about the event can be found [here](#)

Source: humanrights.ge

Thomas Hammarberg Publishes Reports on Human Rights Issues Following the August 2008 Conflict

In the beginning of September **Council of Europe Commissioner Thomas Hammarberg** released the report on human rights situation concerning the 2008 August armed conflict. It covers the state of implementation of six basic principles of urgent human rights and humanitarian protection.

The Commissioner visited Georgia in November-December 2009, December 2009, February 2010 and May 2010 and has followed the developments thereafter. He has taken stock of the implementation of the six principles for urgent human rights and humanitarian protection which he formulated in the aftermath of the August 2008 conflict, and devoted further efforts towards the release of detainees held by the sides and the clarification of the fate of missing persons. The six principles analyzed in Hammarberg’s report include **the right to return, the right of displaced persons to care and support, the right to be protected from**



explosives and other remnants of war, the right to protection against lawlessness, the protection and releases of detainees and prevention of hostage-taking, international assistance and presence.

Report was released in three languages:

- [REPORT on human rights issues following the August 2008 armed conflict in Georgia](#)
- [მოხსენება ადამიანის უფლებათა საკითხებზე 2008 წლის აგვისტოს კონფლიქტის შემდგომ პერიოდში](#)
- [ДОКЛАД о вопросах прав человека в связи с вооружённым конфликтом в Грузии в августе 2008 года](#)

OMCT and FIDH Call the OSCE to Draw Attention on the Issue of Human Rights Defenders



The **World Organisation Against Torture (OMCT)** and the **International Federation for Human Rights (FIDH)**, within the framework of their joint programme, the **Observatory for the Protection of Human Rights Defenders** addressed the **OSCE** calling for drawing the attention of the organization on the situation of human rights defenders in several OSCE Participating States.

Cases of harrasment, illegal arrest and other forms of persecution were mentioned by the organization. Cases from the South Caucasus countries are brought up as well.

Threats and assaults against defenders were emphasized in regards to Georgia among other countries. The case of persecution of the leading investigative journalist, Vakhtang Komakhidze was also brought up in reference to Georgia.

The report reads:

“In Georgia, on February 10, 2010, Mr. Vakhtang Komakhidze, a well-known investigative journalist in Georgia and a member of the South Caucasus Network of Human Rights Defenders, reported to have received death threats from the authorities against him and his family members due to his professional activities. As reported, the threat comes as the Government’s reaction to Mr. Komakhidze’s visit to de facto South Ossetia in December 2009 and a documentary movie concerning the Russia-Georgia war of August 2008, on which Mr. Komakhidze had been working. On December 17, 2009, on the same day when Mr. Komakhidze came back to Tbilisi from South Ossetia, high ranking politicians harshly criticised him and his colleagues for this visit. Their criticism was broadcast in the news programmes by various media outlets. Several days later, a stranger stopped Mr. Komakhidze and said that he wanted to warn him against his activities, that it would be better for him and his family not to bother Georgian authorities. He added that the only way out for him and his family would be to leave the country and stop filming. On January 28, 2010, as Mr. Komakhidze was about to leave Georgia in order to film and interview representatives de facto government of South Ossetia outside the country, six to seven persons sat down next to him at the airport. One of them was the chief of security department. The men started having an aggressive conversation on Mr. Komakhidze, and one of them told him that it would be good for him that he was leaving the country. On February 9, 2010, Georgian TV channel Real-TV broadcast a report about Mr. Komakhidze’s private life and professional activities, with a clear aim to discredit Mr. Komakhidze and undermine his reputation” – states the report.

Full statement could be found [here](#)

Call for support of the right to freedom of association and peaceful assembly in the South Caucasus

Human Rights House Foundation and members of the **South Caucasus Network of Human Rights Defenders**, concerned about the restrictions on the freedom of assembly and association in the South Caucasus, called upon the **Organisation for Security and Co-Operation in Europe (OSCE)** and its Member States to give priority to strengthen mechanism, ensuring that the right to freedom of association and peaceful assembly are respected.



In light of the alarming trends in South Caucasus, we call upon the OSCE member states to:

- Provide the newly established United Nations (UN) Special Rapporteur on Freedom of Assembly and Association with the financial and logistic support so it is able to operate effectively;
- Urge the UN Special Rapporteur on Freedom of Assembly and Association to pay attention to the restrictions of these rights in the South Caucasus;
- Encourage OSCE institutions, including the Panel of Experts on Freedom of Peaceful Assembly, to establish contact and coordinate their tasks with the UN Special Rapporteur on Freedom of Assembly and Association.

In addition, we urge the authorities in the South Caucasus to:

- Establish appropriate conditions for each and every citizen without any discrimination to realize their rights and freedoms, particularly the right to peaceful assembly, without unnecessary restrictions and fear of violence;
- Carry out prompt, thorough, impartial and independent investigations into all the cases of violence against those realizing their rights to freedom of peaceful assembly, including the cases from the previous years, bring perpetrators to justice and ensure appropriate reparations to victims of such violence;
- Ensure that the legislation on the freedom of assembly and association is in accordance with European Convention on Human Rights, Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, the recommendation of the Venice Commission of the Council of Europe and the concluding observation of the UN Human Rights Committee.



[Full statement can be found here.](#)

Georgia Declines in RSF Press Freedom Index

Georgia has declined in an annual press freedom index released by the Paris-based media rights group, *Reporters Without Borders (RSF)*, on October 20.

Georgia is ranked 99th in the table of 178 countries with 27 points in the survey covering the period between September 2009 and September 2010. Georgia was ranked 81st with 18.83 points in last year's similar survey. More points indicate on the worse media situation.

RSF compiles its annual survey based on 43 criteria measuring, among other violations, attacks and violence against journalists, as well as censorship and impunity enjoyed by those responsible for press freedom violation. RSF says that assessments based on these criteria are made through questionnaire sent to its partner organizations, or other independent sources in the countries which are surveyed.



[Source: civil.ge](http://civil.ge)

IDP attempted to burn herself in protest

Nana Pipia, an IDP from Abkhazia attempted to burn herself to death. On October 27, a 46-year-old woman **set herself on fire in front of the Ministry of Refugees and Accommodation**. She was trying to draw attention to the grave situation that IDPs in Georgia are facing.

Witnesses said Nana Pipia poured petrol on herself and set herself on fire in protest against the authorities' refusal to provide dwelling in the capital city. A group of IDPs are camped outside the Ministry of Internally

Displaced Persons from the Occupied Territories, Accommodation and Refugees, demanding to provide them with dwelling space in Tbilisi, instead of provincial regions.

According to IDPs, Pipia burnt herself after her conversation with the head of social department of the ministry Grigol Tughushi. He was recalled to have told her: “We will give you accommodation in Potskhoetseri.” Pipia complained –“What shall I do there, how can I earn my living there?” and Tughushi replied to her – “You can eat grass.”



Between July 26 and August 16 hundreds of the registered IDPs have been evicted from public buildings in Tbilisi, with no other alternatives but settlement in rural areas, where living conditions are difficult: there is a lack of job opportunities, social services, and some of the housing facilities are not suitable for living.

Many of persons who have been displaced as a result of 2008 South Ossetia conflict still do not have an IDP status, which is a prerequisite for entitlement to the IDP allowance and other benefits, as well as being an explicit recognition of the right to return. This situation is a result of inaccuracies and delays with

registration of new IDPs.

Source: civil.ge



The Newsletter has been prepared by the **Human Rights Center** (Network Coordinator in Georgia) with the assistance of the **Armenian Helsinki Association** (Network Coordinator in Armenia), **Legal Education Center** (Network Coordinator in Azerbaijan) and **Human Rights House Foundation** (International Partner of the Network, Norway).

We thank our member organizations who contributed to this newsletter with their valuable information.

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