

Criminal Procedure Code; the restructuring of the Prokuratura so as to limit its role to that of a prosecuting body, stripping it of prerogatives formerly used to interfere in judicial decisions; the decrease in discrimination against women before the law and in education; and, the efforts made to give minorities more active human rights protection aimed at guaranteeing them free expression for their cultures and the use of their languages.

The principal subjects of concern identified by the Committee were: the absence of remedies which would enable victims of the events of 1992, 1993 and 1994 to seek redress for violations they suffered; the fact that the ICCPR cannot be invoked before the courts; the failure to nominate anyone to the post of Ombudsman, created in May 1996; the fact that women continue to be the victims of unequal treatment and discrimination in the political, economic and social spheres; the difficulty in obtaining methods of contraception other than abortion; the broad range of crimes for which the death penalty remains applicable; the fact that some capital sentences were imposed in cases where confessions were obtained under torture or duress or following trials where various due process rights were violated, including the right to appeal; the fact that torture is still used, particularly to secure confessions, and perpetrators go unpunished; abuse of pre-trial detention and police custody; the disastrous prison situation including overcrowding, poor sanitary conditions and lack of medical care; the continuing close relationship between the procurator and the judges, impeding guarantees of the independence of the judiciary; continuing obstacles to freedom of movement and the corruption in this area; the fact that vague and overly general characterizations of crime have allowed political opponents of the government to be prosecuted; the absence of legislation on freedom of association which has made it impossible to establish trade unions; and, the increase in the number of children affected by poverty and social dislocation, which has resulted in an increase in the number of street children, delinquents and drug addicts.

The Committee recommended that the government:

- ▶ provide all individuals under its jurisdiction with an effective remedy and compensation for violations that have occurred since 1991;
- ▶ appoint an ombudsman as soon as possible and establish procedures to give effect to the decisions of the Human Rights Committee under the Optional Protocol;
- ▶ ensure the legitimacy and authority of the Committee for Human Rights and Ethnic Relations and define its relationship with the Ombudsman;
- ▶ continue the moratorium on executions and efforts towards abolition of the death penalty;
- ▶ undertake systematic and impartial investigations into all complaints of torture and ill-treatment; bring to trial those charged and compensate the victims;
- ▶ exclude confessions obtained under duress from judicial proceedings and review all past convictions based on confessions allegedly made under torture;
- ▶ ensure that all persons arrested have immediate access to counsel, are examined by a doctor without delay, and are

able to submit promptly an application to a judge to rule on the legality of the detention;

- ▶ take urgent steps to improve the situation in prisons, cut down on the use of imprisonment as punishment for minor violations, and reduce pre-trial detention for excessive periods;
- ▶ end, once and for all, restrictions on freedom of movement within the country and on the right to leave the country;
- ▶ enact a law guaranteeing the independence of the judiciary and providing total autonomy vis-à-vis the procurator and executive;
- ▶ remedy deficiencies in the protection of the right to defence and the right to appeal and create an independent legal profession;
- ▶ repeal provisions in the Penal Code which make it possible, under cover of upholding the law, to prosecute political opponents for their beliefs;
- ▶ enact laws to permit the establishment and free functioning of trade unions;
- ▶ draw up education and training programmes aimed at developing a culture of respect for human rights for all sectors of the population, including, for example, for judges, the security forces and prison personnel; and,
- ▶ ensure that education and training programmes emphasize that women are entitled to full enjoyment of their fundamental rights.

Optional Protocol: Acceded: 3 May 1994.

Discrimination against Women

Acceded: 26 October 1994.

Georgia's initial report was due 25 November 1995.

Torture

Acceded: 26 October 1994.

Georgia's second periodic report is due 24 November 1999.

Rights of the Child

Acceded: 2 June 1994.

Georgia's initial report (CRC/C/41/Add.4) has been submitted and is pending for consideration at the Committee's May/June 1999 session; the second periodic report is due 1 July 2001.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Arbitrary detention, Working Group on: (E/CN.4/1997/4, para. 17)

The report notes that an urgent appeal was sent to the government, concerning two persons, but provides no details on the cases.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, paras. 15, 28; E/CN.4/1997/60/Add.1, para. 181)

The report refers to an urgent appeal sent to the government related to a former commander of the pro-Gamsakhurdia troops, who was reportedly sentenced to death for treason by the Supreme Court in June 1996. The information received