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18 May, 2011

Dear Minister,

OPEN LETTER RE: GEORGIA'S CANDIDACY FOR ELECTION TO THE UN HUMAN RIGHTS COUNCIL

We write on the occasion of Georgia's candidacy for membership of the UN Human Rights Council in the elections scheduled for 20 May 2011. We welcome your submission election pledges to promote and protect human rights at the national and international levels, as indicated in the Annex to the *note verbale* dated 14 April 2011 from the Permanent Mission of Georgia to the President of the General Assembly.

The Office of the UN High Commissioner for Human Rights has issued guidance in the form of a framework for voluntary pledges and commitments by Member States when presenting candidatures for the Human Rights Council, including that these should make specific, measurable and verifiable commitments.¹ We also recall that, according to General Assembly resolution 60/251, members of the Council shall uphold the highest standards in the promotion and protection of human rights and fully cooperate with the Council.² We take this opportunity to make some comments on Georgia's election pledges and to note some additional opportunities for your government to promote and protect human rights on the occasion of its candidature.

1. Commitments at the international level:

■ *Ratification of international human rights instruments*

We welcome your commitment to consider ratifying the Convention on the Rights of Persons with Disabilities and its Optional Protocol; the International Convention for the Protection from Enforced Disappearance; the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Migrant Workers Convention, and the European Charter for Regional or Minority Languages. We urge you to ratify these treaties without limiting reservations and providing for individual communications, for inquiry procedures where relevant and for inter-state complaints.

■ *Cooperation with the Special Procedures*

We welcome your commitment to maintain a standing invitation to the Special Procedures, to receive their visits constructively and cooperate in the follow up to their visits, and to contribute to the enhancement of the system of Special Procedures. In this regard, we would encourage you to facilitate without delay the visits requested by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (2004) and the Special Rapporteur on the independence of

¹ *Suggested Elements for Voluntary Pledges and Commitments by Candidates for Election to the Human Rights Council* prepared by the Office of the High Commissioner for Human Rights <http://www2.ohchr.org/english/bodies/hrcouncil/docs/pledges.pdf>

² Operative paragraph 9.

judges and lawyers (2008), as well as the upcoming visit by the Working Group on Arbitrary Detention in June 2011.

We also note that a number of Special Procedures have visited Georgia in recent years, including the Special Rapporteur on the human rights of internally displaced persons (in 2000, 2005, 2008 and 2009) the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (2005), and the Special Rapporteur on freedom of religion or belief (2005)

In line with the recommendations by the Special Rapporteur on the human rights of internally displaced persons (2009) Amnesty International calls the Georgian government:

- To ensure full participation of all segments of the internally displaced population in the planning and management of the resettlement plan;
- To render meaningful the right of the internally displaced persons to freely choose whether they want to return, integrate locally or resettle in another part of the country by raising awareness and creating economic opportunities allowing internally displaced persons to sustain themselves, irrespective of their choice of durable solutions;
- To ensure that the internally displaced persons are offered the resettlement opportunities in a non-discriminatory manner, giving priority to vulnerable cases;
- To ensure internally displaced persons' right to adequate housing and security of tenure and are protected from forced evictions;
- To take steps to develop a comprehensive integration policy encompassing the range of civil, cultural, economic, political and social rights of internally displaced persons to ensure that the durable solutions to the internally displaced persons are not exclusively focused on infrastructure. Such policies would not only address the question of accommodation, but would also facilitate access to education and health care, and would ensure the creation of economic opportunities, allowing internally displaced persons to sustain themselves.

Amnesty International also shares the concerns raised by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (2008) regarding shortcomings with excessive violence, prompt and impartial investigations of alleged acts of torture and ill-treatment, reparation for victims. Amnesty International joins the Special Rapporteur on torture in calling the Georgian authorities:

- To declare unambiguously that the culture of impunity must end and that torture and ill-treatment by public officials will not be tolerated and will be subject to prosecution;
- To investigate promptly and thoroughly all allegations of torture and ill-treatment by an independent authority with no connection to that investigating or prosecuting the case against the alleged victim;
- To take necessary measures and ensure the independence of the judiciary in the performance of their duties in conformity with international standards (e.g. the Basic Principles on the Independence of the Judiciary). The measures should also ensure respect for the principle of the equality of arms between the prosecution and the defence in criminal proceedings.

Cooperation with the treaty monitoring bodies

We welcome your commitment to cooperate fully with the treaty bodies, to submit national reports in a timely manner and to take into account the relevant concluding observations and recommendations. We note that periodic reports are due to the Human Rights Committee, Committee on Economic, Social and Cultural Rights, and to the Committee on the Rights of the Child under the Optional Protocol on the sale of children, child prostitution and child pornography, and urge you to submit these without further delay.

■ *Engagement with the Universal Periodic Review*

We welcome your commitment to actively cooperate with and contribute to the effectiveness of the Universal Periodic Review mechanism, and to submit a mid-term report on follow up to accepted Universal Periodic Review recommendations. We consider of particular importance the following recommendations, made to the Georgia during the review:

- Implement the recommendations made by the Representative of the Secretary-General on the human rights of internally displaced persons following his visit to Georgia on the eviction of internally displaced persons and their relocation;
- Intensify efforts to ensure that collective centres and resettlement zones for internally displaced persons that are still in operation meet adequate living standards, in particular access to drinking water and basic sanitation. Forced evictions should be exceptional, proceed in compliance with due process and respect the right to adequate housing for the affected population;
- Implement the recommendations made by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in its September 2010 report;
- Carry out effective and independent investigations on excessive use of force by law enforcement officials in order to bring to justice those responsible;
- Take necessary measures with the aim of ensuring that each case of abuse of power by law enforcement officers is properly investigated and perpetrators brought to justice.

■ *Participation in the deliberations of the Human Rights Council*

We note your willingness, expressed in your election pledges, to fully cooperate with the Council and to promote its work, including in conflict areas worldwide, and to strengthen respect for and implementation of human rights and fundamental freedoms for all, especially the most vulnerable groups. In this regard, we urge you to work towards better use of the Council's broad range of working methods and practices to address situations that require its attention and to improve the follow up by the Council of initiatives, including by its expert mechanisms and subsidiary bodies.

2. Commitments at the national level:

■ *National human rights policy*

We note your commitments to further the protection of children's rights and to support the implementation of the National Action Plan on the Welfare of Children; to promote legislative harmonization of national laws with international human rights standards; to sustain efforts in the prevention, protection against and prosecution of human trafficking; to collaborate with the Public Defender's Office to effectively address cases of ill-treatment and to eradicate maltreatment in all detention facilities; to promote gender equality, the rights of women and the eradication of domestic violence; to continue to strengthen the protection and promotion of minority rights, including through implementation of the five year National Action Plan on the National Concept of Tolerance and Civil Integration.

We also note your commitment under the National Action Plan on Internally Displaced Persons to assist the integration of internally displaced persons in their host communities and to provide them with durable housing solutions. However, these integration and assistance measures should ensure full and informed choice and participation of the internally displaced persons in the decision making process as well as prioritization of the most vulnerable groups.

Further we note your commitment to eradicate the culture of impunity among the public and law enforcement officials. We call you to ensure open, prompt, thorough and independent investigations into the allegations of ill-treatment or excessive use of force and to ensure that persons responsible will be brought to justice in accordance with the international law. We also welcome your commitment to take necessary measures and ensure the independence of the judiciary in the performance of their duties in conformity with international standards.

We welcome the pledges and commitments already made by Georgia and encourage your government to use this opportunity to further strengthen its pledges and commitments by including the additional elements listed above. We encourage your government to announce the steps it will take to fulfil its electoral pledges, whether it is successful in gaining a seat on the Council or not, and to regularly inform the Council of progress in implementing these commitments. This could, for example, be done in the form of an oral or written statement to the Council.

We would be pleased to receive your comments and responses to the issues raised in this letter.

A copy of this letter has been sent to your country's permanent missions in Geneva and New York.

Yours sincerely,

A handwritten signature in black ink that reads "Steve Crawshaw". The signature is written in a cursive, flowing style.

Steve Crawshaw
International Advocacy Director
Amnesty International