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**SECOND REPORT SUBMITTED BY GEORGIA
PURSUANT TO ARTICLE 25, PARAGRAPH 2
OF THE FRAMEWORK CONVENTION FOR
THE PROTECTION OF NATIONAL MINORITIES**

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Second Report of the Government of Georgia

SUBMITTED UNDER ARTICLE 25, PARAGRAPH 2 OF THE COUNCIL OF EUROPE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES

This is the second report of the Government of Georgia submitted under Article 25, paragraph 2 of the Council of Europe Framework Convention for the Protection of National Minorities. The report contains information on the legislative, judicial, administrative and other measures carried out by Georgia since the submission of its first state report on the 1st March 2007 which give effect to the provisions of the Convention.

For the purposes of preparation of the present report the interagency working group was created by the Civic Integration and Tolerance Council under the President of Georgia on July 4, 2011. The key task of the group was to coordinate drafting process between different state agencies¹ and ensure involvement of minority representatives in preparation process.

Special training seminar to enhance capacity in drafting the present report was organized by the Office of the National Security Council in cooperation with the European Center for Minority Issues and the Council of Europe on 12-13 September 2011. The seminar participants were government officials, members of civil society and international organizations.

It was the first seminar organized by a State Party to FCNM, the purpose of which was to consult in advance with representatives of the Advisory Committee (AC).

To ensure the involvement of the civil society representatives, two NGOs² were invited to the working group to contribute to the drafting process. To provide even more inclusive engagement of minority organizations two other forms of cooperation were developed: a) direct consultations with regional and Tbilisi based NGOs, the Councils of Ethnic and Religious Minorities under the

¹ The Office of the National Security Council of Georgia, The Ministry of Foreign Affairs, The Ministry of Internal Affairs, The Office of the State Minister on Reintegration, The Ministry of Education and Science, The Ministry of Forcefully Displaced Persons from the Occupied Territories, Refugees and Accommodation of Georgia, The Ministry of Justice, The Ministry of Regional Development and Infrastructure, The Ministry of Sport and Youth Affairs, The Ministry of Culture and Monuments protection, The National Agency for Cultural Heritage Preservation of Georgia. The representatives of the Public Defender Office and of the Public Broadcaster were invited in the group.

² The United Nations Association of Georgia (UNAG- www.una.ge) and Civic Development Agency (CIDA- www.cida.ge).

Public Defender Office³ and b) written electronic submissions provided by the interested parties via web portal www.diversity.ge⁴.

The report covers information from 01 March 2007 to 01 May 2012 and is presented in two parts: the first one depicts general development on implementation of the Convention, while the second gives detailed information pursuant to the Convention's relevant articles.

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⁴ <http://diversity.ge/eng/news.php?id=321>

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Part I

General information

Introduction

1. The Government of Georgia attaches great importance to the protection of national minorities. The Constitution of Georgia guarantees the rights of persons belonging to national minorities and their full equality in social, economic, cultural and political life. Since, the “Rose Revolution”, full integration of minorities remains important priority of the Government of Georgia. Following the ratification of the European Framework Convention for the Protection of National Minorities on 13 October 2005, the Government of Georgia started to work on elaboration of the comprehensive state policy in the field of civil integration and protection of minority rights. On 8 May 2009 the Government of Georgia adopted the National Concept and Action Plan for Tolerance and Civil Integration (NCAP).

2. The actions taken by the Government in connection with the protection of national minorities have proved to be effective as demonstrated by the latest research by the Civil Development Agency (CIDA) carried out in Kvemo Kartli and Samtskhe-Javakheti regions that are predominantly populated by the ethnic minorities.⁵ According to the research:

- Georgia was named as the motherland by 74.5% of non Georgian respondents;
- 83.9% of respondents from Samtskhe-Javakheti and 89.1% of respondents from Kvemo Kartli associate the future of their families after 5 years with Georgia.
- Income of the 89.9% and 69.4% of interviewed respondents in Kvemo Kartli and Samtskhe- Javakheti regions respectively is linked with Georgia.
- In both regions respondents consider development of infrastructure as the most positive development for the last three years.

The research, furthermore, demonstrated stability of confidence in the state institutions: respondents mostly trust in the President (81, 7%), the army (79, 5%) and the police (79%).

⁵ Study of Multi-Ethnic Society in Kvemo Kartli and Samtskhe-Javakheti, the research has been implemented within the framework of “Multiethnic Confidence Building Network” project by the Civil Development Agency (CIDA), 2011. The project is being administered by the UNDP within the framework of the Confidence Building and Early Response Mechanism (COBERM) financed by the EU. Study is available at [<http://kvemokartli.ge/files/files/kvleva%20eng1.pdf>].

3. Following important developments were highlighted by representatives of minorities during meetings with interagency working group tasked to prepare the 2nd State Report on implementation of the FCNM:

3.1. Elaboration of the National Concept for Tolerance and Civil Integration and accompanying Action Plan; Amendments to the Criminal Code of Georgia⁶ providing for offences committed on the grounds of race, color, language, sex, sexual orientation, gender identity, age, religion, political or other views, disabilities, citizenship, social, national or ethnic belonging, origin, as well as property or class status, residence or any other discriminating ground containing a motive of intolerance to constitute an aggravating circumstance applicable to all relevant types of crimes; Amendments to the Civil Code of Georgia⁷ allowing registration of religious groups as religious associations; Elaboration of the new Election Code of Georgia that contains provisions guaranteeing availability of ballot papers, voter lists and other election material in minority languages; The possibility of regaining a historical surname under the new Law of Georgia on the Civil Acts⁸; Adoption of the Law on Protection of Personal Data⁹ providing safeguards for protection of personal information related to racial or ethnic origin, political opinion, religious or philosophical beliefs; Elaboration of the new Law on the Official Statistics¹⁰ of Georgia which replaced the Law on Census and abolished the compulsory character of the collection of the ethnic data; Adoption of the Code of Imprisonment guaranteeing the right to be informed on charges in understandable languages for an accused/convict; Prohibition of any form of discrimination in employment relations based on race, color, language, ethnic and social belonging, nationality, origin, property and position, residence, age, gender, sexual orientation, limited capability, membership of religious or any other union, marital status, political or other opinions under the new Labor Code.

⁶ Criminal Code of Georgia, Article 53.3¹

⁷ July 5, 2011.

⁸ December 20, 2011.

⁹ December 25, 2011.

¹⁰ December 11, 2009.

3.2. Judgment of the Constitutional Court of Georgia, declared null and void the relevant normative content of Article 2.2 of the Law of Georgia on Military Reserve Service¹¹ which imposed military reserve service on conscientious objector.¹²

3.3. New regulation¹³ introduced by the Minister of the Correction and Legal Assistance of Georgia made it possible for the accused/convict to meet with a representative of a registered religious organization or/and traditional confession upon the prior agreement with the Establishment of the respective religious organization. The regulation further aims to guarantee equal right to freedom of religion to all detainees in Penitentiary Institutions.

3.4. Amendments to the Law on Higher Education that introduced a new quota system and increased number of minority students admitted to Georgian State Universities. Armenian, Azerbaijani, Ossetian and Abkhazian language speakers are allowed to pass single test in their native languages;¹⁴; Implementation of the Multilingual Education Program; Translation of school textbooks in minority languages; expanding state language programs to pre-school education centers; Functioning of adult educational centers “Language Houses” established in Akhalkalaki and Ninotsminda of Samtskhe-Javakheti regions as well as in Kvemo Kartli region in 2007; Decision of the Ministry of Education to enlarge existing “Language Houses” network and establish 8 additional centers in Samtskhe-Javakheti, Kvemo-Kartli and Kakheti for 2012; Incorporation of the civil education course in the national curriculum of secondary public schools; Availability to train public servants in the Public Administration School of Zurab Zhvania.

3.5. Availability to receive information in Ossetian, Abkhazian, Armenian, Azeri, Russian languages on Public Broadcaster; Production of a weekly talk-show “Our Yard” on Public TV allowing minority representatives their voice to be heard; Adoption of Code of Conduct of Broadcasters¹⁵ promoting diversity, equality and tolerance in programming

¹¹ Law of Georgia on Military Reserve Service adopted in 27 December 2006.

¹² Judgment of the First Board of the Constitutional Court of Georgia No.1/1/477 of 22 December 2011.

¹³ December 30, 2010 the Order N 187.

¹⁴ Amendments to the law on Higher Education, November 2009.

¹⁵ The Georgian National Communication Commission, 2009.

and prohibiting all forms of discrimination based on race, language, gender, religious convictions, political opinions, ethnic origin, geographic location, or social background.

3.6. Decision of the President to declare Novruz Bayram as national holiday; Launching the Circassian Cultural Center at the Ministry of Culture and Monument Protection; Decision of the Ministry of Culture and Protection of Cultural Monuments to declare Akhaltsikhe Rabat as a cultural monument; Registration of monuments of cultural heritage by the National Agency for Cultural Heritage Preservation of Georgia; Launching of the “Unified Caucasus Electronic Library”¹⁶ containing the Caucasian literature, information on the literature events planned across the country as well as pieces of contemporary writers; Engagement of minority youth in the summer camp “Patrioti” and elaboration of special programs on multiculturalism and civil integration.

3.7. Setting up the resource centers in the regions of Georgia, including 4 resource centers in the regions, densely inhabited by ethnic minorities: Akhaltsikhe, Akhalkalaki, Bolnisi and Marneuli by the Central Election Commission in order to make election process inclusive; Institutionalization of cooperation between minority councils under the Public Defender Office and various ministries¹⁷ for the purpose to be involved in decision making process.

3.8. Infrastructural projects, including rehabilitation of the main north-south gas pipeline, construction of roads and etc., implemented in Samtske-Javakheti and Kvemo Kartli aimed at hastening social, political and economic integration of the local population with the rest of Georgia.

Historical Background

4. Georgia is unique country due to its ethnic, cultural, linguistic and religious diversity. Historical development of Georgia and its geographic location at the crossroads of Europe and Asia, has determined its diversity, with changing ethnic composition over centuries as a result of migration

¹⁶ www.lib.ge

¹⁷ The Civil Integration and Tolerance Council under the President of Georgia; the State Ministry of Reintegration; the Ministry of Culture and Monument Protection; the Ministry of Regional Development and Infrastructure; the Ministry of Justice; the Ministry of Internal Affairs; the Ministry of Education and Science.

politics in the neighboring countries. In XVIII and XIX centuries, Georgia has witnessed the increase in the number of different ethnic groups, including Armenians, Russians, Greeks and Germans coming from different countries, including Russia. In XIX, as a result of national policy of Russian Empire other nations were forcibly settled in the territory of Georgia.

5. The process of migration continued after forcible unification in the Soviet Union resulting in people from different soviet republics coming and remaining in Georgia. In 40s of the XX century forcible deportation of Mesketians from the Samtskhe-Javakheti region to Central Asia by the Soviet Regime took place.

6. In the beginning of 90s, when Georgia regained its independence from the Soviet Union, ethnic composition of the country has changed. During this period, armed conflict in Abkhazia, Georgia and Tskhinvali Region/South Ossetia were triggered by the Russian Federation. Due to the armed conflicts of 1992-1993 that erupted in the said regions, Georgia lost the *de facto* control over the parts of those regions. All these, resulted in the fact that Georgia was not empowered to secure all freedoms and rights prescribed by the Convention.

Coupled with dire social and economic conditions and unemployment, under these circumstances many Georgian citizens, irrespective of ethnic origin emigrated. In addition to social and economic problems, collapse of the Soviet regime has resulted in communication problems for ethnic minorities, as Russian was no longer the language of information. For all these factors, the number of ethnic minorities decreased in Georgia. So, if according to the population Census of 1989 the national minorities in Georgia represented 30% of the total population, pursuant to 2002 Census, this figure dropped to 16% (excluding the data from the occupied territories of Tskhinvali Region/South Ossetia and Abkhazia, Georgia).

7. Important step for the protection of minority rights was taken in 1999, when Georgia joined the Council of Europe and signed Framework Convention for the Protection of National Minorities in 1999. The convention was ratified on the 13th of October 2005.

8. In November 2003, as a result of the “Rose Revolution” the new Government came into power under the President of Mikheil Saakashvili, resulting in fundamental political, economic, administrative and social reforms. The President announced the country’s determination towards integration into Euro Atlantic institutions. The Framework Convention on National

Minorities was ratified in 2005 and the decision to elaborate the civil integration strategy and action plan was made. The Office of the Ministry of Integration was created and the Minister for Reintegration was appointed. Civil Integration and Tolerance Council was created under the President. These bodies were charged to develop the civil integration strategy and action plan. The state policy in the areas covered by the Convention was determined by the Civil Integration and Tolerance Council.

In parallel to policy and institutional arrangements, the Government undertook the practical steps towards integration of minorities, including in the area of education, teaching of the state language, preservation of culture and national identity, access to media, political participation and infrastructure development to ensure engagement of the national minorities in social, economic, political and cultural life of the country.

9. The Government of Georgia has been consistently continuing its policy aimed at ensuring full enjoyment of the rights provided in the Convention for the entire State population. To this end, the obstacles of outstanding gravity were imposed by the armed conflict with Russian Federation in August 2008 and occupation of two regions of Abkhazia, Georgia and the Tskhinvali Region/South Ossetia, Georgia. From early summer 2008 these acts have gradually led to the unbearable living conditions for the ethnic Georgian population of the named regions still remaining there in spite of the foreign power-backed ethnic cleansing in early 1990s. These acts included, but were not limited to the occasional incidents of armed attacks on the ethnic Georgian villages, instances of arbitrary detention and ill-treatment of their residents, arbitrary restrictions on the freedom of movement, cutting the humanitarian access and the utility supplies to the villages, as well as their heavy shelling in the immediate lead up to the war. Consequently, the situation with regard to the protection of human rights on the occupied territories of Georgia has drastically exacerbated.

The events of August 2008 brought a new wave of massive ethnic cleansing of the Georgian population from the Tskhinvali region/South Ossetia. The widespread violence against Georgian civilians included acts of killings, torture, rape, looting and burning of their houses.¹⁸ The EU-mandated Independent International Fact-Finding Mission on the Conflict in Georgia concludes

¹⁸ See for example HUMAN RIGHTS WATCH, UP IN FLAMES: HUMANITARIAN LAW VIOLATIONS AND CIVILIAN VICTIMS IN THE CONFLICT OVER SOUTH OSSETIA (Human Rights Watch 2009), at 127-194; AMNESTY INTERNATIONAL, CIVILIANS IN THE LINE OF FIRE: THE GEORGIA-RUSSIA CONFLICT (Amnesty International Publications, 2008), at 34-45.

that “ethnic cleansing was indeed practiced against ethnic Georgians in South Ossetia both during and after the August 2008 conflict.”¹⁹

At present, Russia occupies both Georgian regions through the presence of a total of 11 000 Russian military and security personnel and the so-called FSB border guards. The Russian occupation forces have no legal mandate and are in stark violation of international law. As the Russian armed forces carry out de facto effective control of the territory, therefore, Russian Federation bears responsibility for protecting and ensuring right guaranteed by the Convention to persons that have been or remain under its effective control in Abkhazia, Georgia and Tskhinvali Region/South Ossetia, Georgia.

According to the figures indicated in the Parliamentary Assembly resolution, at least 192 000 persons have been displaced as a result of 2008 aggression in addition to 222 000 persons who have been displaced from the conflict in the beginning of 90s.²⁰ As stated in the report of Commissioner for Human Rights of the COE, the overwhelming majority of ethnic Georgians, who fled from south Ossetia, have been unable to return despite many efforts undertaken in the course of Geneva Talks.²¹

Demographic Information

10. Ethnic composition of Georgia is the following: Georgians 83.8%, Azerbaijanis 6.1%, Armenians 5.7%, Russians 1.5%, Ossetians 0.9%, Yezids 0.4%, Greeks 0.3%, Kists 0.2%, Ukrainians 0.2%, Jews 0.1%, Abkhazians 0.1%, Assyrians 0.1%, Kurds 0.1%, others 0.1%.²²

The State Coordination Commission on the Census of the Population was created by the governmental decree N157 of the 30 April 2012. The Commission is tasked to conduct the census by the year 2014.

¹⁹ IIFFMCG Report, Volume I, at 27 (available online at: <http://www.ceiig.ch/Report.html>, last visited May 15, 2011).

²⁰ Parliamentary Assembly of the Council of Europe, Resolution 1633 (2008) on the consequences of the war between Georgia and Russia, para 15.

²¹ Report on human rights issues following the August 2008 armed conflict in Georgia by Thomas Hammarberg Commissioner for Human Rights of the Council of Europe, 7 October 2010, page 2.

²² Results of country-wide population census conducted in 2002 by the Department of Statistics of Georgia, which excludes the Autonomous Republic of Abkhazia and Autonomous Region of South Ossetia.

General Economic Indicators

11. Georgia's economy is highly integrated with international markets. As a regional headquarters for international firms, Georgia provides direct access to more than 1 billion consumers. Georgia's government has implemented unparalleled economic reforms since the "Rose Revolution" in 2003 resulting in fundamental improvement of country's economy.

12. According to the World Bank "Georgia achieved remarkable results in reducing corruption in a short period of time. Transparency International's Global Corruption Barometer ranked Georgia first in the world in 2010 in terms of the relative reduction in the level of corruption and second in the world in terms of the public's perception of the government's effectiveness in fighting corruption. In 2010, only 2 percent of Georgia's population reported paying a bribe over the previous 12 months. Georgia also broke the connection between the state and organized crime. Crime rates fell sharply, to among the lowest in Europe, according to an international survey conducted by the Georgia Opinion Research Bureau International (GORBI) in 2011. In the 2012 Doing Business rankings, Georgia rose to 16th place—in the same group as many advanced countries in the Organisation for Economic Co-operation and Development (OECD). The successes led to what The Economist called a "mental revolution," exploding the widespread notion that corruption was a cultural phenomenon in Georgia (The Economist 2010)."²³ .

13. Georgia's pro-business legislation and liberal labor law have contributed to trade liberalization and a significant growth in local production and exports. 90% of the licenses that were necessary for businesses to operate have been abolished. Instead procedures have been simplified and one-stop shop has been launched to accelerate business-related administrative procedures.

14. The Government took effective measures in order to abandon shadow economy and contribute to an increase of revenues. According to UNDP, Human Development Report of

²³ Fighting Corruption in Public Services Chronicling Georgia's Reforms, 2012, page 7.

2008, “reforms in tax law, customs law, employment law, and licensing have made it vastly easier to start and run a business legally. The increase in tax receipts, privatization, and foreign investment have allowed the government to increase spending on key social services like healthcare, education, policing, and national defense, while at the same time increasing pensions four- fold and offering some targeted social assistance to those living in extreme poverty. From a human development perspective, these impressive achievements are part of a broader objective: to improve the lives of the Georgian people, not simply in monetary terms, but in terms of their opportunities and choices.”

15. By reason of successful Government reforms, in 2003-2011, Georgia's gross national disposable income increased 3 times, and so did its GDP per capita. Broad-based and resilient growth dynamics has been sustained, with average annual real growth rate of around 7%. The economy has performed well despite global economic challenges and Russian military aggression in 2008 and occupation of 20% of Georgia’s territories.

Legal Status of International Treaties in the Georgian Legislation

16. Legal status of international treaties within the legislation of Georgia is determined by the Constitution of Georgia. According to the Constitution, international treaties have priority over domestic laws, namely, Article 6 (2) of the Constitution stipulates that “the legislation of Georgia shall correspond to universally recognized principles and rules of international law. An international treaty or agreement of Georgia unless it contradicts with the Constitution of Georgia or with the Constitutional Agreement, shall take precedence over domestic normative acts.”

The provisions of an international treaty defining specific rights and obligations are directly applicable in Georgia and the national courts are bound by international treaties as part of the national law.

Unitary character of the State and major constitutional provisions

17. Georgia is an independent, unified and indivisible democratic state as confirmed by the Constitution of Georgia²⁴. The Constitution sets forth that the people are the source of the state

²⁴ The Constitution of Georgia, Article 1

authority which is exercised through referendum, other forms of direct democracy and their representatives²⁵.

18. Territorial integrity of Georgia and the inviolability of the state frontiers are confirmed by the Constitution²⁶. The Constitution stipulates that the territorial state structure of Georgia shall be determined by a Constitutional Law on the basis of the principle of separation of powers after the complete restoration of the jurisdiction of Georgia over the whole territory of the country.

²⁷According to the Constitution, the Autonomous Republics of Adjara and Abkhazia are part of Georgia and the status of these republics is defined by the Constitutional Law.²⁸

19. Legislative power is exercised by the Parliament of Georgia, which is the highest representative body of the state. The Parliament of Georgia determines the principle directions of domestic and foreign policy, exercises control over the activity of the Government within the framework determined by the Constitution and discharges other powers (Article 48). According to the amendments of 2008, the Parliament consists of 75 members elected according to a proportional system, and 75 members elected through a majority system on the basis of universal, equal and direct suffrage by secret ballot²⁹. In addition to main legislative powers, the Parliament ratifies and denounces international treaties and agreements³⁰, annually adopts the Law on the State Budget³¹. Under the circumstances defined by the Constitution, the Parliament is entitled to raise the question of the dismissal of the President³².

20. The President of Georgia is the head of a State empowered to lead and exercise the internal and foreign policy of the state, to ensure the unity and integrity of the country and the activity of the state bodies in accordance with the Constitution. The President of Georgia is the highest representative of Georgia in foreign relations and the Commander-in-Chief of the armed forces of Georgia (Article 69). The President of Georgia shall be elected on the basis of universal, equal and direct suffrage by secret ballot for a term of five years. The same person may be

²⁵ Article 5

²⁶ The Constitution of Georgia, Article 2.1

²⁷ Article 2.3.

²⁸ Article 3. 3 & 4.

²⁹ Article 49

³⁰ Article 65

³¹ Article 92

³² Article 63

elected the President only for two consecutive terms³³. Pursuant to the Constitution, the President is empowered to conclude international agreements and treaties, negotiate with foreign states; appoint and dismiss ambassadors and other diplomatic representatives of Georgia with the consent of the Parliament; accredit ambassadors and other diplomatic representatives of foreign states and international organizations; appoint the Prime Minister, give the Prime Minister consent to appoint a member of the Government – a Minister; to dissolve the Government on his/her own initiative or in other cases envisaged by the Constitution; dissolve the Parliament in accordance with a procedure and in the cases established by the Constitution; with the consent of the Parliament, to suspend the activity of the institutions of self-government or other representative bodies of territorial units or dismiss them if their activity endangers the sovereignty, territorial integrity of the country or the exercise of constitutional authority of state bodies; to suspend or abrogate acts of the Government and the bodies of the executive power, if they are in contradiction with the Constitution of Georgia, international treaties and agreements, laws and the normative acts of the President; to appoint members of the National Security Council, and appoints and dismisses the Chief of the General Staff of the Armed Forces of Georgia, other commanders and to exercise other powers determined by the Constitution. The President is authorized to address the people and the Parliament. Once a year he/she shall submit a report to the Parliament on the most important state issues³⁴.

21. The Government is empowered to exercise the executive power, implement the internal and foreign policy of the state in accordance with the legislation of Georgia. The Government shall be responsible before the President and the Parliament of Georgia. The Government is composed by the Prime Minister and the Ministers. The Government and the members of the Government withdraw the authority before the President of Georgia³⁵.

22. The Constitution provides that the judiciary shall be independent and exercised exclusively by courts. Decisions of the courts shall be obligatory for all state bodies and persons throughout the whole territory of the country³⁶. The Constitutional Court of Georgia is a body exercising constitutional review while other cases are examined by general courts. Creation of either

³³ Article 70.1

³⁴ Article 73

³⁵ Article 78

³⁶ Article 82

extraordinary or special courts is prohibited³⁷. The Constitution guarantees independence of the judges and stipulates that any pressure upon the judge or interference in his/her activity with the view of influencing his/her decision is prohibited and punishable by law³⁸.

The Constitution sets forth that the cases before a court shall be examined at an open sitting. The examination of a case at a closed sitting shall be permissible only in the circumstances provided for by law. A court judgment shall be delivered publicly. Legal proceedings are conducted in the state language. An individual not or having insufficient command of the state language shall be provided with an interpreter. In the districts, where the population does not have a command of the state language, teaching of the state language and solution of the issues related to the legal proceedings shall be ensured. The legal proceedings shall be exercised on the basis of equality of parties and the adversarial nature of the proceedings³⁹.

In order to promote civic education and ensure wider public participation in the implementation of justice the amendments to the Constitution of February 6, 2004 introduced Jury Trial system. The new Criminal Procedure Code of Georgia, establishing jury trials came into force on 1 October 2010⁴⁰.

23. On October 15, 2010, the Parliament of Georgia adopted the amendments to the current Constitution of Georgia which shall come into effect from the moment of taking the oath by the newly elected President as a result of the Presidential elections scheduled in October 2013. These amendments will significantly transform the structure of the Georgian government and the balance of powers among the various branches of government; enhance the protection of private property; strengthen the independence of the judiciary and local governments; and increase the role of political parties in decision-making. The amendments reshape the structure of government to balance state institutions by shifting a number of significant powers from the President to the Parliament and the Government, which will be led by the Prime Minister. The

³⁷ Article 83

³⁸ Article 84

³⁹ Article 85

⁴⁰ First hearing of Jury Trial was held on 9 November, 2011 at Tbilisi City Court. Before it, juror selection session was conducted on 7 November, where as prescribed by the CPC, 12 juror and three spare jurors were selected. The defendant was alleged in intentional murder committed in aggravating circumstances and group robbery. The hearings were public. The guilty verdict was announced by the jurors on 17 November 2011.

Second jury trial against three defendants was initiated on 6 December 2011 at Tbilisi City Court. The trial was related to the commission of intentional murder committed in aggravating circumstances, committed by a group. The guilty verdict was reached on 14 December 2011.

amendments introduce a so-called “mixed system” of governance—a strong Parliament, a Government formed by and directly accountable to the Parliament, and a directly elected President acting as arbiter but also as the representative of the state. Through a clearly defined system of checks and balances, the different branches balance each other to avoid the concentration of power in any one branch. Council of Europe Commission for Democracy through Law (the Venice Commission) concluded: “the constitutional amendments provide for several important improvements and significant steps in the right direction, which the Venice Commission welcomes⁴¹”.

Protection of minorities under the national legal system

24. Universally recognized human rights and freedoms are guaranteed by the Constitution of Georgia. Article 7 of the Constitution stipulates that “the state shall recognize and protect universally recognized human rights and freedoms as eternal and supreme human values. While exercising authority, the people and the state shall be bound by these rights and freedoms as directly applicable law”.

Separate Chapter II of the Constitution of Georgia is devoted to basic human rights and freedoms. This Chapter enumerates essential human rights and freedoms and at the same time underscores that Georgia does not deny other human rights and freedoms, not mentioned in the Constitution. Namely, pursuant to Article 39 “the Constitution of Georgia shall not deny other universally recognized rights, freedoms and guarantees of an individual and a citizen, which are not referred to herein but stem inherently from the principles of the Constitution.”

25. Apart from the Constitution and international treaties of Georgia, the protection of minorities forms integral part of Georgian legislation. Specific rights guaranteed to national minorities in Georgian legislation are enforceable in courts. There is no separate legal act specifically on minorities in Georgia. Instead of developing separate law on national minorities Georgian

⁴¹ Venice Commission Final Opinion on the draft Constitutional Law on Amendments and Changes to the Constitution of Georgia adopted on its 84th Plenary Session, 15-16 October 2010.

Government incorporates special measures to ensure equality of all citizens in various pieces of legislation.

Along these lines, the relevant provisions concerning minority protection are contained in the various normative acts and codes of conduct, including, the Criminal Code of Georgia, the Code of Criminal Procedure of Georgia, the General Administrative Code of Georgia, the Code of Administrative Offences of Georgia, the Civil Code of Georgia, the Code of Civil Procedure of Georgia, the Elections Code of Georgia, the Code on Imprisonment of Georgia, the Labor Code of Georgia, the Law of Georgia on Public Service, the Law of Georgia on Local Self-Governance, Law of Georgia on Political Union of Citizens, Law of Georgia on Broadcasting, Law of Georgia on Advertising, Law of Georgia on the Electric Communications, Law of Georgia on Freedom of Expression, Law of Georgia on Assembly and Manifestations, Law of Georgia on Police, Law of Georgia on the Procedures of Execution of Non-imprisonment Sentences and Probation, Law of Georgia on Fighting against Trafficking, Law on Protection of Personal Data, Law of Georgia on General Education, Law of Georgia on Higher Education, Law of Georgia on Culture, Law of Georgia on the Patient's Rights, Law of Georgia on Protection of Health, Decree of the Government of Georgia on "State Medical Insurance Program for Persons below the Poverty Line", Decree of the Government of Georgia on "State Program of Assistance to Voluntary Health Insurance of Population", Code of Conduct for Broadcasters, Code of Conduct of Public Broadcaster, Professional Code of Ethics for Teachers, Code of Ethic for Prosecutors, Code of Ethics of Police, Code of Ethics of Employees of Penitentiary System.

The National Concept for Tolerance and Civic Integration and the Action Plan

26. On May 8, 2009, the basic document which forms the Government's policy in relation to national minorities - "National Concept for Tolerance and Civic Integration" and its five-year Action Plan (2009-2014) have been approved by a governmental decree. Accompanying Action Plan (NCAP) specifies activities and programs, which are to be implemented over the five years in accordance with the following strategic directions of the Concept: the rule of law, education and the state language, media and access to information, political integration and civil participation, social and regional integration, culture and the preservation of identity.

The NCAP specifies objectives achievement of which is planned through conducting diverse activities, such as ensuring effective protection of national minorities against discrimination; raising awareness of public officials on the rights of minorities and anti-discrimination legislation; support multilingual education as well as access of minorities to all levels of education; supporting establishment of tolerance and cultural pluralism in the media; promoting Framework Convention for the Protection of National Minorities; promoting the formation of civil consciousness; implementation of various infrastructure development projects; encouraging tolerance spirit and support intercultural dialogue and contacts etc. Detailed information on the concrete measures undertaken in pursuance to NCAP is given in the report below.

27. Pursuant to the Government Decree of 2009, the implementation of the Action Plan is coordinated by the Office of the State Minister for Reintegration Issues, while monitoring over its implementation is carried out by the Civil Integration and Tolerance Council under the President of Georgia.⁴² On 10th December of every year the Office of the State Minister for Reintegration Issues presents its report on the implementation of the Action Plan by the relevant governmental bodies to the Government of Georgia and Civil Integration and Tolerance Council. It should be noted, that minority representatives are engaged actively in monitoring of NCAP implementation. Memorandums of cooperation are signed between the Ethnic Minority Council at the Office of the Public Defender⁴³ and the Tolerance and Civil Integration Council under the President and various state agencies. Each year the Action Plan is revised taking into account the alternative report and recommendations of the Council operating under the PDO office.

State institutions and other specialized bodies combating discrimination

28. The Parliament of Georgia - Human Rights and Civil Integration Committee of the Parliament of Georgia (HRCIC) works in two directions: human rights protection and civil integration. It aims to elaborate new legislative acts, develop existing ones and monitor their implementation. The purpose of HRCIC is to facilitate creation of a democratic society based on respect for human rights, as well as to improve the legal framework in the area of human rights and civil integration. It cooperates with representatives of national minorities, as well as

⁴² Decree No.348 of 8 May 2009 of the Government of Georgia on the Approval of The National Concept on Civil Integration and the Action Plan.

⁴³ Uniting more than 90 non-governmental organizations of the national minorities.

international and non-governmental organizations working in human rights and civil integration sphere.

29. The Office of the State Minister for Reintegration – The Office of the State Minister for Reintegration (SMR) was created by the Decree No. 23 of the Government of Georgia, on 8 February 2008. Mission statement of the Office for the Reintegration is to contribute to the restoration of the territorial integrity of Georgia, reintegration of residents of Abkhazia and Tskhinvali Region/South Ossetia into the unified state of Georgia, and contribute to safe and dignified return of all refugees and internally displaced persons and their descendants. SMR is tasked with promoting civil integration of all ethnic minorities residing in Georgia, coordinating the implementation of the National Concept for Tolerance and Civil Integration and its Action Plan by relevant state agencies. For this purpose, the inter agency Commission has been established by Decree No. 14 of the State Minister for Reintegration on July 3, 2009.⁴⁴ Employees of the SMR, relevant state officials as well as representatives of the Office of the Public Defender of Georgia participate in the work of the Commission. It should be noted that official representatives of the Office of the State Minister for Reintegration have been appointed in Samtskhe-Javakheti and Kvemo-Kartli regions.

30. Civil Integration and Tolerance Council - In accordance with Presidential Decree No. 348, the Civil Integration and Tolerance Council (CITC) was created on 8 August 2005. It consists of representatives from the executive and legislature, the Office of the Public Defender, civil society organizations and national minorities. The functions of CITC includes: achievement of wide national consensus on tolerance and civil integration, development of a civil participation and monitoring mechanism of the National Integration Strategy and Action Plan; development of a package of legal amendments.

CITC has developed the National Concept for Tolerance and Civil Integration as well as its respective Action Plan with broad participation of national minorities in elaboration process.

31. The Office of the Public Defender – The Office of the Public Defender (PDO) supervises the protection of human rights and freedoms on the territory of Georgia. The responsibilities of the

⁴⁴ Decree No.14 was replaced by the Decree No.7 of 24 January 2011 of the Vice-Prime Minister/the State Minister of Georgia for Reintegration.

Public Defender are defined by the Constitution of Georgia⁴⁵ and the Organic Law on the Public Defender⁴⁶. The Public Defender monitors protection of human rights and freedoms on the basis of submitted applications and appeals, and on his/her own initiative; takes decisions following review of the facts⁴⁷. Based on verified evidence, the Public Defender makes recommendations to the bodies and/or relevant public authorities having infringed human rights for the restoration of the violated rights.

Aiming to improve the accessibility, the Office of Public Defender of Georgia runs regional offices on the territory of Georgia, including in Samtskhe-Javakheti and Kvemo-Kartli region which have been operating since 2009. The operation of regional offices strengthens the monitoring capacities and ensures the effective coordination of the complaints on the territory of Georgia.

The Tolerance Center supported by USAID, United Nations Development Program (UNDP) and European Centre for Minority Issues (ECMI)⁴⁸ operates under the PDO. The Tolerance Center coordinates two Councils: the Council of National Minorities (CNM) and the Council of Religions (CR).

CNM was founded in 2005. It unites over ninety minority organizations and its main function is to act as a platform for on-going dialogue and consultation between national minorities and governmental structures. CNM also aims at offering recommendations and feedback in the process of elaboration of minority-related governmental policies and programs; giving timely response in cases involving breaches of minority rights and/or emergence of conflict situations, developing recommendations for the Public Defender and other officials, supporting national minorities in the preservation of their cultural heritage.

CR was established in 2005 on the basis of Memorandum concluded between the Public Defender and representatives of various confessions, where religious associations are unified voluntarily. The main goal of the CR is to facilitate creation of a tolerant, just, equal, peaceful environment and civic integration of the representatives of religions and confessions existing within Georgia. For that purpose, CR promotes increasing participation of religious associations

⁴⁵ Article 43

⁴⁶ 16 May 1996

⁴⁷ Articles 12, 16

⁴⁸ The European Centre for Minority Issues (ECMI) is a non-partisan institution founded in 1996 by the Governments of the Kingdom of Denmark, the Federal Republic of Germany, and the German State of Schleswig-Holstein. The ECMI field office in Georgia was established in 2003.

in social life and decision making through multilateral dialogue. Currently, 23 confessions and organizations are united under the CR.

32. Public Boards at the Public Broadcaster – for the purposes of representation of public interests public board has been established. Public board unites representatives of different interest groups including ethnic and religious minorities. It studies relevant problematic issues and elaborate recommendations for the board of trustees of the Public Broadcaster in order to reflect public interests in the annual program priorities of the three TV and two radio channels.

Promotion measures in relation with the Convention

33. The Framework Convention for the Protection of National Minorities and related instruments have been translated for the purposes of their implementation and better information of the society of the purposes of this Convention. The translated Convention is available at official web portals of the Ministry of Reintegration and the joint web-site of the Council on Tolerance and Civil Integration under the President Office and UN Association of Georgia⁴⁹.

34. Starting from 2008 the Civic Integration and Tolerance Council under the President of Georgia launched series of meetings with various minority organizations aimed at informing them on the rights envisaged in the Council of Europe Framework Convention for the Protection of National Minorities.

35. With the financial support of the European Center for Minority Issues the brochure “Framework Convention for the Protection of National Minorities-in questions and answers” was elaborated. The brochure is being distributed by the relevant ministries during their meetings with minority organizations.

Application of the Convention in the Occupied Territories of Georgia

36. As mentioned above, the occupied regions of Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia are under the military occupation of the Russian Federation. The Government of Georgia as well as the legitimate authorities of these regions currently in exile

⁴⁹ <http://diversity.ge/geo/resources.php?coi=0|14|11|12|12>

are unable to exercise effective control of the territories to give effect to the provisions of the Convention.

37. While Georgia fully undertakes its obligation to take all possible measures for implementing the provisions of the Convention, preventing its possible breaches and terminating its ongoing violations in light of its positive obligations under the human rights law, at the same time, it contends that the primary responsibility for non-compliance with the provisions of the Convention as well as their violation in these regions rests with the Russian Federation.

Russian Federation bears responsibility for of racial discrimination, including the Russian Federation's responsibility for its direct participation in all of these forms of racial discrimination through acts perpetrated by its armed forces and security and intelligence services, as well as its border guards, police forces, and civilian administrators, as well as other persons under its authority and/or control. In addition, Russian Federation is responsible for violations as a consequence of its support for, toleration of, and unlawful failure to prevent, acts of racial discrimination perpetrated by the military, paramilitary, border and police forces, and civilian administrators of the *proxy regimes*.

Human Rights Situation in the Occupied Territories of Georgia

38. Human rights situation in the Georgia's occupied territories of Tskhinvali Region/South Ossetia and Abkhazia, Georgia remains alarming. The human rights violations of various forms of discriminatory measures taken against ethnic Georgians in these territories include:

38.1. **Violation of right to education.** Georgian citizens residing in the occupied territories have been limited or unable to exercise their right of schooling in their mother tongue. Since 2003 ethnic Georgians living in the Gali district of Abkhazia, which is predominantly populated by ethnic Georgians (amounting 80% of the inhabitants) had no or limited access to education in their native language⁵⁰. "Schools and teachers in the lower Gali region are coming under increasing pressure to stop teaching in Georgian and to stop using Georgian textbooks. In the upper Gali region, it appears that such teaching

⁵⁰ Human Rights Watch, Living in Limbo, The Rights of Ethnic Georgian Returnees to the Gali District of Abkhazia, 2011, page 9

has already been stopped.”⁵¹ Education follows Russian curricula and programs. In Georgian language schools, education is provided in Russian and Georgian is thought only as a subject.⁵² Russia, through its military forces and the proxy regimes under its control, deprive the population of Akhlagori district, South Ossetia/Tskhinvali Region of the right to get education in their native language.⁵³

38.2. Violation of right to freedom of movement. IDPs and refugees who were forcibly expelled from the occupied regions during ethnic cleansing campaigns in early 1990s and 2008 have been denied right to return. Their unconditional right to safe and dignified return has been reaffirmed in the UN General Assembly resolutions. In addition to impeding the return of displaced persons to their former places of residence, “the *de facto* authorities in South Ossetia, including Russian military authorities, have placed undue restrictions on movement across the administrative boundaries, in contravention of OSCE commitments and other international obligations.”⁵⁴ In Gali District, “the Administrative boundary is guarded by Russian troops who strictly enforce the closure”, describes the OSCE report.⁵⁵ Residents are prohibited from crossing the occupation line without permission; severe sanctions are incurred on those, arrested during the crossing. Arbitrary detentions by Russian FSB border guards for so-called “illegal border crossing” are very frequent, in most of the cases detainees are kept for certain period of time and released after ransom (fines) is paid. In order to render the freedom of movement practically impossible from other routes, Russian military and local proxy regime have destroyed all the bridges on Enguri River that used to connect Gali District with the rest

⁵¹ Parliamentary Assembly of the Council of Europe, Resolution 1648 (2009) on the consequences of the war between Georgia and Russia, para 13.

⁵² Report on the human rights situation in the areas affected by the conflict in Georgia, First report, Document presented by the Secretary General, 16 April 2009, page 12.

⁵³ OSCE Review Conference - Human Dimension Session, Warsaw, 30 September - 8 October 2010, Working Session 6, Human Rights in the Occupied Territories of Georgia Information Note Distributed by the Delegation of Georgia, page 5-6.

⁵⁴ OSCE/ODIHR, Human Rights in the War-Affected Areas Following the Conflict in Georgia, Warsaw, 27 November 2008, p.72.

⁵⁵ OSCE/ODIHR, Human Rights in the War-Affected Areas Following the Conflict in Georgia, Warsaw, 27 November 2008, p.63.

of Georgia.⁵⁶ The arbitrariness on the occupation line – whether in the form of illegal crossing fees, informal bribes or occasional closures – considerably limits local residents’ freedom of movement.

38.3. There are numerous reports of ethnic Georgians being persecuted on ethnic or political grounds, being beaten and physically abused by Russian occupying forces, or proxy authorities. In Gali district, Abkhazia, Georgia crime is rampant and it is usually targeted against ethnic Georgians who are under constant fear of being subject to robbery, extortion or kidnapping, most frequently during or after harvest season. Besides, young men living in the Gali District are exposed to forced conscription.

38.4. **Property rights** in the occupied regions are violated on a massive scale which takes form of deliberate and targeted destruction, illegal appropriation and acquisition of the property of IDPs and refugees as well as that of the Georgian State by Russian forces and local proxy regimes.

IDPs and refugees are continuously prevented from returning to their permanent places of residence and from exercising their property rights. In addition to their physical prevention to return to their homes, the policy of destruction of property on massive scale has been documented by international organizations. Number of ethnic Georgian villages and settlements were systematically destroyed and pillaged in the aftermath of the armed conflict. During and after the Russian invasion in 2008 villages almost exclusively inhabited by ethnic Georgians have been completely destroyed to make impossible the former inhabitants’ return in the future.⁵⁷

38.5. Ethnic Georgians are subject to forced “passportization” as they are pressurized to renounce Georgian citizenship and to receive either Russian or Ossetian and Abkhazian

⁵⁶ OSCE Review Conference - Human Dimension Session, Warsaw, 30 September - 8 October 2010, Working Session 6, Human Rights in the Occupied Territories of Georgia Information Note Distributed by the Delegation of Georgia, page 7-8.

⁵⁷ Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, Human Rights Council, A/HRC/13/21/Add.3, 14 January 2009, para 10-15; See also, Humanitarian consequences of the war between Georgia and Russia: follow-up given to Resolution 1648 (2009), Report, Committee on Migration, Refugees and Population. Rapporteur: Mrs Corien W. A. Jonker, Netherlands, Group of the European People’s Party, para 28-29.

documents upon threat of expulsion.⁵⁸ Report of Independent International Fact-Finding Mission on the Conflict in Georgia concluded that this mass conferral of citizenship is not legally binding under international law and “runs against the principles of good neighborliness and constitutes an open challenge to Georgian sovereignty and an interference in the internal affairs of Georgia.”⁵⁹ Georgians who have been forced to take Russian or de-facto passports are pushed to vote in the local de-facto and Russian “elections”. Parliamentary Assembly of the Council of Europe called on Russia and proxy regimes not to force the local population to acquire Abkhazian or South Ossetian passports.⁶⁰

38.6. Georgian cultural identity and cultural heritage are also under threat. According to the information submitted by the Secretary General of the Council of Europe, Georgian monks and nuns were expelled from the St. George Monastery in Azgara (Kodori Gorge) by Abkhazian proxy regime since they refused to pledge allegiance to the Abkhazian Orthodox Church.⁶¹ A number of churches, including the Saint George’s Ilori Church in the Ochamchire district and the Bedia Monastery, are subject to such works that damage their medieval frescoes and distort their original architectural structure with the aim apparently being to obliterate the elements of Georgian cultural identity. The Ilori Church has been whitewashed and its traditional Georgian-style dome changed into a Russian style. Historic frescos and the image of King Bagrat III in the Bedia Monastery (10–13th c.) have been covered with paint as a result of similar ‘restoration’ works. In addition to the Ilori Church and the Bedia Monastery, the following architectural monuments have been vandalized with the intent to erase the Georgian trace: the church in village Beslakhuba (5th c.), Kamani monastery (11th c.), Drandi Dome Monastery (6–7th c.), Likhni Temple (10–11th c.), and Mokvi Monastery (10th c.) have been painted; the

⁵⁸ See Parliamentary Assembly of the Council of Europe, Resolution 1664 (2009) on Humanitarian consequences of the war between Georgia and Russia: follow-up given to Resolution 1648 (2009), para 10 and 12.

⁵⁹ Independent International Fact-Finding Mission on the Conflict in Georgia, Report of September 2009, volume I p. 18.

⁶⁰ *Id.* 16.4.4. and 17.4.

⁶¹ Report on the human rights situation in the areas affected by the conflict in Georgia Second report (April – June 2009) Document presented by the Secretary General, 30 June 2009, para 56.

inscriptions in old Georgian alphabet on the Tamari Bridge (12–13th c.) have been intentionally erased.

Intentional distortion and destruction of cultural monuments is also present in Tskhinvali Region/South Ossetia, Georgia. The Georgian trace is being intentionally erased in the 13th century Tiri Fathers' Monastery, located several kilometres from Tskhinvali. The monastery has been robbed, unique stone ornaments have been stolen, and paintings have been defaced. In occupied Tskhinvali, a 10th century church has been painted in full. The Saint George Church located in the center of Tskhinvali has been transformed into the Virgin Mary's Cathedral, with the Georgian paintings having been completely erased. Saint George's Monastery Complex as well as the Virgin Mary's Temple in village Kanchaveti have been seriously damaged due to Russian military exercises.

Part II

INFORMATION ON THE IMPLEMENTATION OF THE CONVENTION BY ARTICLES

Article 1

The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international cooperation.

40. Georgia is a party to major international instruments protecting rights and freedoms of every individual, including those belonging to national minorities. As it was submitted in paragraph 16, pursuant to the Constitution, international treaty, unless it contradicts the Constitution of Georgia or the Constitutional Agreement, shall take precedence over domestic normative acts.

Georgia is a party to the following international human rights instruments:

- The International Convention on the Suppression and Punishment of the Crime of Genocide;⁶²
- The International Covenant on Civil and Political Rights;⁶³
- The Additional Protocol to the International Covenant on Civil and Political rights;⁶⁴
- The International Covenant on Economic, Social and Cultural Rights;⁶⁵
- The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment;⁶⁶
- The Additional Protocol to the Convention against Torture or other Cruel, Inhuman or Degrading Treatment or Punishment (the UN);⁶⁷
- The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment;⁶⁸
- The International Convention Concerning Discrimination in Respect of Employment and Occupation;⁶⁹
- The Employment Policy Convention;⁷⁰
- The European Cultural Convention;⁷¹
- The Convention on the Elimination of all Forms of Racial Discrimination;⁷²
- The International Convention on the Suppression and Punishment of the Crime of Apartheid;⁷³

⁶² In force for Georgia as of 11 October 1993.

⁶³ In force for Georgia as of 3 August 1994.

⁶⁴ In force for Georgia as of 3 August 1994.

⁶⁵ In force for Georgia as of 3 August 1994.

⁶⁶ In force for Georgia as of 25 November 1994.

⁶⁷ In force for Georgia as of 8 July 2005.

⁶⁸ In force for Georgia as of 10 October 2000.

⁶⁹ In force for Georgia as of 22 June 1997.

⁷⁰ In force for Georgia as of 22 June 1997.

⁷¹ In force for Georgia as of 25 April 1997.

⁷² In force for Georgia as of 2 July 1999.

⁷³ In force for Georgia as of 20 April 2005.

- The Additional Protocol to the Convention against Torture, Inhuman or Degrading Treatment or Punishment;⁷⁴
- The European Convention for the Protection of Human Rights and Fundamental Freedoms, including 4th, 6th, 7th and 12th Additional Protocols;
- The European Convention for the prevention of Torture and Inhuman or Degrading Treatment or Punishment, including its first and second Additional Protocols;⁷⁵
- The Convention on the Political Rights of Women;⁷⁶
- The Convention on the Elimination of all Forms of Discrimination Against Women;⁷⁷
- The Framework Convention for the Protection of National Minorities.⁷⁸

41. Harmonisation of the Georgian legislation with international standards and integration of Georgia into European legal community remains one of the priorities of the Government of Georgia. Georgia continues to co-operate with international organizations for the protection of national minorities. ECRI (European Commission against Racism and Intolerance), FCNM Advisory Committee, CERD (Committee on the Elimination of Racial Discrimination), UPR (Universal Periodic Review), UN Special Rapporteur recommendations have given background to numerous legislative and institutional changes in Georgia.

Several steps have been taken during the reporting period to bring Georgian legal system in compliance with recommendations of the abovementioned international mechanisms (see paragraph 44, 48, 71, 127, 128, 133, 138).

Article 3

1 Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.

⁷⁴ In force for Georgia as of 22 June 2006.

⁷⁵ In force for Georgia as of 1 March 2002.

⁷⁶ In force for Georgia as of 4 October 2005.

⁷⁷ In force for Georgia as of 25 November 1994.

⁷⁸ In force for Georgia as of 1 April 2006.

2 Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others.

42. Article 14 of the Constitution of Georgia recognizes equality of all before the law - Everyone is free by birth and is equal before law regardless of race, colour, language, sex, religion, political and other opinions, national, ethnic and social belonging, property and title, place of residence. Chapter 2 of the Constitution of Georgia enshrines civil and political, as well as social and economic rights of individuals. Political rights and freedoms envisage the right to participation of citizens in governing the country through electoral rights, right to association, right to information, right to gathering and manifestations, freedom of thought, and right to petition.

43. *The National Concept on Tolerance and Civic Integration* recognizes “right of minorities to choose whether to be or not to be treated as such or use the rights provided accordingly”. Acknowledging fundamental principle of self-identification the concept explicitly indicates that nobody may - either directly or indirectly - be forced, against his/her will, to identify him/herself as a member of a national minority. The National Concept on Tolerance and Civic Integration states that the document is based on the principle of freedom of rights of minorities to use the rights and freedoms provided by the Georgian Constitution and legislation individually as well as collectively.

44. Following to the recommendations of the Advisory Committee and European Union several amendments were made to the Georgian legislation, namely *the Law on Protection of Personal Data* and *the Law on the Official Statistics of Georgia* were adopted:

44.1. In order to provide sufficient safeguards for protection of personal data while collecting and retaining relevant information, as it was recommended by the Advisory Committee and EU, *the law on Protection of Personal Data* was adopted by the Parliament of Georgia on 28th of December 2011. Provisions of the Directive 95/46/EC⁷⁹ on the protection of individuals with regard to the processing of personal data and on the free movement of such data were incorporated in the Georgian legislation.

⁷⁹ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data.

The purpose of the Law is to protect human rights and freedoms, including the right to privacy in connection with personal data processing. One of the fundamental principles of the law is that personal data must be adequate, relevant and not excessive in relation to the purposes for which they are collected and/or further processed. The law establishes the rights of the data subjects in details.

Under the law, personal data related to racial or ethnic origin, political opinion, religious or philosophical beliefs is classified as special category of data⁸⁰. Article 6 of the same law provides that processing of data of special category is prohibited except in cases when: data subject has given written consent to processing such data ; data is processed in accordance with the law for the purpose of protection of important public interest; data subject has made his/her personal data public, without explicitly prohibiting the usage of this data; data is processed by a medical institution (employee) for the purposes of protection of public or individual's health; or if data processing is necessary for management and functioning of healthcare system.

According to the law, for the protection of personal data independent institution headed by the Data Protection Inspector will be formed. The main task of the data protection inspector will be promoting implementation of the data protection legislation and supervising protection of the requirements of the Law on the territory of Georgia.

44.2. The Law on the Census of 2001 was abrogated. Under the new Law on the Official Statistics of Georgia, which replaced the Law on Census and which was adopted by the Parliament on 11th December 2009, it is not compulsory any more to collect data about ethnic origin during census.

45. *The Law of Georgia on the Rules of Registration, Issuing of ID (Residence) Cards and the Georgian Passports for the Citizens of Georgia and for the Aliens Living in Georgia* defines the list of data requirements, which the ID cards and Passports should contain. The information on nationality or ethnic origin of the applicant is not included in any of the identity documents. They only bear the name and surname in their original form.

46. State authorities do not register person's affiliation with a national minority on account of the right of self-identification. State agencies do not collect personal data on ethnic affiliation of

⁸⁰ Article 2.b

public servants and only estimated figures are available based on self-identification and different surveys, studies and researches conducted by local and international organizations.

Article 4.

1. The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.

2. The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.

3. The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.

Legislation

47. The principle embodied in this provision is guaranteed by Article 14 of the Constitution of Georgia (See paragraph 42 of the present report). Furthermore, the Constitution guarantees that “Citizens of Georgia shall be equal in social, economic, cultural and political life irrespective of their national, ethnic, religious or linguistic belonging. In accordance with universally recognized principles and rules of international law, they shall have the right to develop freely, without any discrimination and interference, their culture, to use their mother tongue in private and in public.⁸¹

The principle of equality of all citizens of Georgia is also embodied in various legislative acts and codes of conducts:

⁸¹ Article 38.1 of the Constitution

48. One of the most prominent amendments strengthening the protection of rights of religious minorities was introduced on July 5, 2011. This time, *the Civil Code of Georgia* was amended to allow registration of religious groups as religious associations. In particular, religious groups recognized as religious organizations in member states of the Council of Europe or having close historic ties with Georgia are able to acquire the status of religious association.

49. *The Law of Georgia on Freedom of Expression* grants everybody the right of freedom of expression, including the right not to be forced to express opinion about belief, religion, conscience and ideology, ethnical, cultural and social belonging, origin or any other circumstance which may be the basis of infringement of his/her rights and freedoms⁸². The same article guarantees also the right to speak any language and use any writing.

Furthermore, under Article 4.2 of *the Law of Georgia on Freedom of Expression*, an incitement shall cause liability envisaged by law only when a person commits an intentional action that creates clear, direct and substantial danger of an illegal consequence.

50. Under the articles 62, 63 and 70 of the new *Elections Code of Georgia* adopted by the Parliament of Georgia on 27th December 2011, record books, summary protocols and ballot paper shall be produced in Georgian language, and if necessary - in any other language understandable for the local population.

51. The participation of national minorities in decision making at the local levels is secured by the *Law of Georgia on Local Self-Governance*. According to Article 2 of the Law on Local Self-Governance, the engagement of all citizens in decision making at the local level is secured through right to elect and be elected in the local self-governance bodies; Possibility to occupy any position in the local self-governance bodies if the requirements under the Georgian law are met; Right to obtain public information from local self-governance bodies and public officials; Right to obtain advance information about the draft decisions of the local self-governance bodies, to participate in discussions and to demand publication and public discussion of those drafts; Right to appeal to the local self-governance bodies and public officials etc.

⁸² Article 3.2

52. The *Law of Georgia on Public Service* defines that the main principle of Public Service in Georgia is, among others, the equal accessibility of public service to all citizens of Georgia, based on their abilities and professional competency⁸³.

53. The *General Administrative Code*, which regulates activities of the administrative bodies in Georgia, stipulates that every person is equal before the law and an administrative organ⁸⁴. The Code furthermore states that in their communication with administrative bodies, persons belonging to national minorities applying or appealing in other language than the State Language, are allowed extra time in obtaining legalized translation of the required documents. In such cases, the established deadlines are regarded as being respected⁸⁵.

Pursuant to *the General Administrative Code*, State or local self-government agency is under duty to compensate for substantial damage caused to a person or group of persons as a result of administrative-legal act infringing the principle of equality⁸⁶.

54. *The Law of Georgia on General Education* maintains that “The citizens of Georgia, whose native language is not Georgian, have the right to receive complete general education in their native language, according to the national curriculum and in accordance with the law”. The same law guarantees freedom of faith and stipulates that “A pupil, parent or teacher has the right to freedom of faith, religion and conscience, the right to choose or change any faith or viewpoint or not to choose any; A pupil, parent or teacher can’t be obliged to fulfill duties, which contradict to their faith, confession or conscience, if it doesn’t substantially infringe the rights of others or doesn’t hinder mastering of the level of achievements stipulated by the national curriculum.

55. *The Law of Georgia on Culture* underlines that the citizens of Georgia are equal in cultural life without distinction of their national, ethnic, religious or linguistic belonging⁸⁷. Under article 9

⁸³ Article 13.d

⁸⁴ Article 4.1

⁸⁵ Article 73

⁸⁶ Article 209

of the same law it is forbidden to interfere in the creative process, censor the creative work, except in circumstances where it violates another person's rights and legal interests and kindles national, ethnical, religious, racial hatred.

Moreover, *the Law on Culture* guarantees the equality of all citizens of Georgia in enjoying cultural values⁸⁸, receiving unlimited artistic education⁸⁹, enjoying the right of property in cultural domain⁹⁰, etc.

56. The *Law on Broadcasting* establishing the Public Broadcaster of Georgia stipulates that the obligation of the Public Broadcaster shall include reflection of ethnic, cultural, linguistic, religious, age and gender diversity in programs⁹¹. Furthermore, the Public Broadcaster is under duty to broadcast appropriate proportion of programs prepared by minority groups, in their language⁹². To reinforce this requirement, in 2009, the Law on Broadcasting has been amended to include the obligation of the Public Broadcaster to annually create one or more regular program product in at least in 4 languages, including in Abkhazian and Ossetian.⁹³

The Code of Conduct of Public Broadcaster adopted in 2006, which based on the principle of equality, contains a separate chapter regarding ethnic and religious minorities. It states that the Public Broadcaster must reflect in its programs representatives of all minorities and social groups living in Georgia and their real life. The Public Broadcaster should aim at comprehensive and fair covering of all peoples living in Georgia and their cultures, pay respect for the right of ethnic and religious minorities and contribute to their development.

57. In 2009, the Georgian National Communications Commission approved the *Code of Conduct for Broadcasters* pursuant to the Law on Broadcasting. Among the basic principles of the Code of Conduct for Broadcasters along with impartiality, equality, diversity and tolerance, is

⁸⁷ Article 6

⁸⁸ Article 11.1

⁸⁹ Article 12.1

⁹⁰ Article 13.2

⁹¹ Article 16. "h"

⁹² Article 16. "l"

⁹³ Article 33, Amendments No. 2471 of 25.12.2009.

the principle that the broadcasters shall accommodate interests of various social groups regardless of their political affiliation, cultural, ethnic, religious and regional backgrounds, language, age or gender⁹⁴.

58. The principle of equality is enshrined in the *Criminal Code of Georgia*, which criminalizes acts of infringement of the equality of individuals due to their race, color of skin, language, sex, religious belonging or confession, political or other opinion, national, ethnic, social, rank or public association belonging, origin, place of residence or material condition⁹⁵.

59. In order to guarantee equality, accessibility to free interpretation services is once more reinforced in readopted the *Georgian Code of Criminal Procedure*, which forms a basis of strong procedural guarantees for minorities. Newly adopted Criminal Procedure Code of Georgia safeguards right to interpreter when the person concerned does not know or has no sufficient knowledge of the state language during the criminal proceedings. Newly revised Criminal Procedure Code⁹⁶ provides for the possibility to have interpreter in court proceedings and during person's arrest.

60. Newly adopted the *Code of Georgia on Imprisonment*⁹⁷ stipulates that Imprisonment and deprivation of liberty shall be performed in accordance with principles of legality, humanity, democracy, equality before the law and individualization of punishment. The Code on Imprisonment contains number of articles dealing with language issues of people who are not able to communicate on State language.

61. According to the *Law of Georgia on the Procedures of Execution of Non-imprisonment Sentences and Probation*, the employee of the National Probation Service is obliged to protect human rights and freedoms regardless of nationality, property, race, social and ethnic belonging, gender, age, education, language and religion, political or other opinions⁹⁸.

⁹⁴ Article 3

⁹⁵ Article 142

⁹⁶ Criminal Procedure Code of Georgia, Articles 3, 11, 53 and 54.

⁹⁷ Entered into force on 1st October 2010

⁹⁸ Article 6.2

62. The *Code of Administrative Offences of Georgia* contains provision on the examination of administrative cases based on equality of citizen⁹⁹. According to this Article, cases related to administrative offences are considered on the basis of equality of all citizens regardless of their origin, social and material condition, racial and ethnic origin, sex, education, language, religious affiliation, nature and content of their activity, place of residence or any other grounds.

63. *The Civil Procedure Code of Georgia*, among others, guarantees administration of justice by courts on the basis of the principle of equality of citizens: “a court shall administer justice in civil matters only on the principle of equality of all citizens before the law and the court”¹⁰⁰.

64. According to the *Law of Georgia on Police*, the police shall protect human rights and freedoms regardless of nationality, property, race, social and ethnic belonging, gender, age, education, language and religion, political or other opinions¹⁰¹.

65. According to the *Code of Ethics of Police*, the police shall protect human rights and freedoms¹⁰², perform its functions impartially and ensure the equality of all before the law regardless of race, sex, language, religion, political or other opinion, national, ethnic and social belonging, opinion, education, property and position, residence or any other personal condition¹⁰³.

Measures to promote equality

66. In order to ensure access to justice, Legal Aid Service (LAS), a state funded organization ensuring free legal aid to socially vulnerable population was established in July 2007. Currently it covers the whole territory of Georgia with its LAS bureaus and consultation centers. Legal aid includes legal consultations on any legal problems; Drafting of legal documents (applications, motions and other legal documents); legal representation in court on criminal cases for accused and convicted persons; Legal representation on the cases of compulsory psychiatric defense; lawyer’s assistance on the cases of administrative offence that may be followed by arrest. Apart

⁹⁹ Article 233

¹⁰⁰ Article 5

¹⁰¹ Article 4.1

¹⁰² Article 3.2

¹⁰³ Article 3.3

from the legal consultation and representation in the courts, the legal aid offices carry out mobile consultations for population.

The renewed Free Legal Aid Strategy stressed importance to pay attention to minorities; the legal aid offices exist in regions densely populated with the national minorities - i.e. Samtskhe-Javakheti and Kvemo Kartli. The LAS is cooperating with the United Nations Development Program (UNDP) to open bureaus throughout Georgia, including the ethnic minority regions. New consultation center opened in Tsalka in 2011. In 2012 LAS will commence an initiation process for opening a new consultation center in Marneuli.

67. In order to ensure awareness rising of multicultural society of the country as well as their integration in political processes, the Office of the State Minister for Reintegration, has translated and published main legislative acts into Armenian, Azeri and Russian languages. Translated documents were distributed in regions densely populated with ethnic minorities – Kvemo Kartli and Samtske -Javaketi. Translated laws also available at the electronic database www.diversity.ge jointly created by the President’s Council for Tolerance and Civil Integration and the UN Association of Georgia and at the official site of the Ministry of Reintegration <http://smr.gov.ge/> . The new edition of the Constitution of Georgia with recent amendments was prepared, published and widely disseminated in Azerbaijani, Armenian and Russian Languages by the Office of the State Minister for Reintegration.

68. It is important to mention, that apart from legislative and other special measures, the President of Georgia Mr. Mikheil Saakashvili constantly makes statements regarding the equality of all citizens of Georgia despite of their ethnic, religious or other affiliation. Several abstracts from the statements of the President of Georgia in this respect is given in the Annex 1.

Prohibition of discrimination

69. According to the *Constitution of Georgia*, in accordance with universally recognized principles and rules of international law, citizens of Georgia shall have the right to develop freely, without any discrimination and interference, their culture, to use their mother tongue in private and in public”¹⁰⁴.

¹⁰⁴ Article 38.1

Prohibition of discrimination of citizens of Georgia is also embodied in various legislative acts and codes of conducts described below:

70. Discrimination as a criminal offence is included as a separate Article 142¹ in the *Criminal Code of Georgia*. This provision prohibits racial discrimination, i.e. any action committed for the purpose of instigating animosity or conflict on ethnic or racial grounds, as well as direct or indirect limitation of human rights based on race, skin, color, social origin, national or ethnic identity, or favoritism of any individual on the above mentioned grounds. Such crimes are punishable by up to three years of imprisonment. Similar actions committed with the use of force, by threatening to use force, by threatening the life or health of individuals, or by use of official capacity, shall be punishable by up to five years imprisonment.

71. Pursuant to ECRI recommendations,¹⁰⁵ the amendments were introduced on 27.03.2012 to the *Criminal Code of Georgia*¹⁰⁶ providing for offences committed on the grounds of race, colour, language, sex, sexual orientation, gender identity, age, religion, political or other views, disabilities, citizenship, social, national or ethnic belonging, origin, as well as property or class status, residence or any other discriminating ground containing a motive of intolerance to constitute an aggravating circumstance applicable to all relevant types of crimes. Before introduction of these amendments racial, religious, national or ethnic grounds were regarded as aggravating circumstances in connection of certain offences, namely, premeditated murder¹⁰⁷, severe intentional damage to health¹⁰⁸, assault¹⁰⁹, disrespect to the deceased¹¹⁰, torture¹¹¹, degrading or inhuman treatment¹¹².

72. Article 147 of the *Criminal Code of Georgia* prohibits genocide. Genocide is defined as “an action committed to implement an agreed plan for the purpose of full or partial elimination of any national, ethnic, racial, religious or any other group, effected through mass killing, grave health

¹⁰⁵ ECRI report on Georgia, (forth monitoring cycle), Adopted on 28 April 2010, available at [www.coe.int], para 11.

¹⁰⁶ Article 53.3¹ of the Criminal Code of Georgia

¹⁰⁷ Article 109

¹⁰⁸ Article 117

¹⁰⁹ Article 126

¹¹⁰ Article 258

¹¹¹ Article 144¹

¹¹² Article 144³

injury, intentional placement in poor living conditions, forced reduction of birth or forced removal of a child from one ethnic group to another.”

73. Crimes against humanity proscribed by Article 408 of the *Criminal Code*, includes elements to racism and intolerance and is defined as follows; "any of the following acts when committed as part of a widespread or systematic attack directed against civilian population or persons, including murder, extermination, grave injury to health, deportation, illegal deprivation of liberty, torture, rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, persecution against any identifiable group *on political, racial, national, ethnic, cultural, religious or other grounds, apartheid or other inhuman acts* which cause serious physical or mental harm to a person".

74. Anti-discrimination guarantees are given in the *Criminal Procedure Code of Georgia* in the section dedicated to the jury: it is forbidden to discriminate among the candidates for jury on the basis of race, color, language, sex, belief, ideology, political opinion, membership of any union, ethnical, cultural and social belonging, origin etc¹¹³.

75. The *General Administrative Code* proscribes any discriminatory measures, including taking different decisions in respect of persons in analogous situations¹¹⁴. This clause covers decisions of administrative bodies, inter alia, on the provision of housing, social protection and public goods and services.

76. According to the newly amended article 11 of the *Law of Georgia on Assembly and Manifestations*, during organizing or holding an assembly or manifestation, it is prohibited to appeal for subversion or forced change of the constitutional order of Georgia, infringement of independence or violation of the territorial integrity of the country, or to make appeals which constitute propaganda of war and violence and trigger national, ethnic, religious or social confrontation which creates clear, direct and present danger of such act.

77. The *Elections Code of Georgia* prohibits instigation of national, ethnic or religious hatred or conflict in the course of pre-election campaign¹¹⁵.

¹¹³ Article 223.6

¹¹⁴ Article 4.2 and 4.3

¹¹⁵ Articles 45.3

78. The *Law of Georgia on Political Union of Citizens* states that it is prohibited to restrict the membership of a political union on the basis of national, ethnic, religious and sexual belonging¹¹⁶.

79. The *Law of Georgia on Broadcasting* proscribes for holders of broadcasting license from broadcasting programs containing material that incites hatred or discrimination and is offensive to any person or group on the basis of ethnic background, religion, opinion, age, gender, sexual preference or disability, or any other feature or status. Special emphasis on these features or statuses is only permissible within the context of a program that aims merely to illustrate such hatred or discrimination¹¹⁷.

80. The *Code of Conduct for Broadcasters* contains separate chapter on diversity, equality and tolerance. Based on the principle of diversity, equality and tolerance “the broadcaster shall refrain from publishing any material likely to incite hatred or intolerance on the grounds of race, language, gender, religious convictions, political opinions, ethnic origin, geographic location, or social background”¹¹⁸.

81. Under *the Code of Conduct of Public Broadcaster*, when preparing reports and programs on ethnic and religious minorities, GPB should: treat minorities without discrimination of any kind as to race, color, sex, language, religion, political or other opinion, cultural or social origin, family, property, birth or other status, residence, state of health, age, as well as any other sign; not use such words, statements or pictures that might lead to discrimination of an individual or a part of community by any of the signs listed above; name ethnic and religion background of a suspect or accused individual only when it is of essential significance for the plot; not describe such physical data which might fully erroneously link criminal behavior to ethnic origin; not draw ungrounded parallels between minorities and social problems; differentiate activities of an individual representative of minority from those of the minority; not identify an individual with a minority as a whole; facilitate societal integration of minorities.

¹¹⁶ Article 11

¹¹⁷ Article 56.3

¹¹⁸ Article 31

The code indicates that GPB should not cover wrongdoings or violence committed by minority representatives in a manner that is known under the name of “media panic”, should avoid too frequent presentation of a religious or ethnic group in criminal chronicles, for this will be conducive to the establishment of a negative stereotype, should cover matters related to ethnic/religious minorities objectively, comprehensively and in a respective historical context. A material prepared on such a matter should contain the background of confrontation, its causes, all parties to the conflict and neutral opinion so that to enable the audience to make out the fact of the matter.

Special emphasis in the Code is made on the issue of terminology. The code stipulates that terminology that may be offensive to representatives of a specific ethnic or religious minority should be avoided. According to the Code, the Public Broadcaster should react to words which belittle and offend an individual because of its ethnic origin and religious belief and make it clear to contributors who directly use such words on air that the public broadcaster disagrees with the statements made by them and the way of their expression.

82. In addition, *the Law of Georgia on Advertising* prohibits placement and distribution of improper advertising¹¹⁹. Improper advertising is defined by the Law to include unethical advertising that is “advertising that uses offensive language and comparisons with regards to physical persons’ nationality, race, occupation, social standing, age, sex, language, religious, political and philosophical affiliation, violates universally recognized human and ethical norms, impairs artworks and artifacts of history and architecture of national and world cultural heritage, insults state symbols (flag, emblem, anthem), national currency, religious symbols, natural or legal persons of Georgia and other countries, their activity, occupation or commodity.” According to the Law, placement and distribution of improper advertising is subject to the sanctions established under the Georgian legislation commensurate with committed action, degree and nature.

83. The *Law of Georgia on General Education* prohibits any kind of discrimination during school admissions¹²⁰. Amendments of 15.12.2010 N 4042 strengthened non-discrimination provisions

¹¹⁹ Article 4.8

¹²⁰ Article 13.3

of the Law of Georgia on General Education, namely pursuant to Article 13 “no form of discrimination shall be allowed at the school; a school shall not use its powers and resources in a way that may directly or indirectly result in any discrimination of a pupil, parent or teacher or their associations; shall observe and encourage establishing of tolerance and reciprocal respect between pupils, parents or teachers, irrespective of their social, ethnic, religious, lingual and world outlook belonging; on the base of equality shall provide individual and collective right of members of minorities to use their native language, preserve and express their cultural values”; “Using of the study process in a public school for the purposes of religious indoctrination, proselytism and forced assimilation shall not be allowed”.

84. *The Professional Code of Ethics for Teachers* reaffirms the role of teachers to propagate rights-based values and principles and thus becomes the role-models for their students and forbids any type of discrimination of students, including ethnic origin or religious background.

According to the *Professional Code of Ethics for Teachers*, discrimination against pupils based on religious identity can be a basis for dismissing a teacher from the school. Herewith, it should be noted that the Ministry of Education and Science of Georgia developed monitoring mechanisms in order to avoid any kind of discrimination at schools. One member in the Board of Trustees of schools is a representative of educational resource center (ERC), which gives an opportunity to ERCs to have an access to internal school evaluation. As a member of the Board of trustees, a representative of ERC is authorized to inform the Ministry of Education and Science of Georgia about the cases of discrimination at schools for further response.

85. The *Law of Georgia on Higher Education* prohibits discrimination in the field of higher education, including based on ethnic or religious belonging, social origin or other grounds¹²¹.

86. The *Civil Code of Georgia* prohibits discrimination when entering into a marriage and in domestic relations. Namely, according to Article 1153 “when entering into a marriage and in domestic relations no direct or indirect restriction of rights shall be allowed and there shall be no direct or indirect preference based on origin, social and property status, racial and ethnic

¹²¹ Article 3.2

background, sex, education, language, attitude to religion, kind and nature of activities, place of residence and other factors”.

87. The *New Labor Code* has been adopted in 2010 with strong guarantees against discrimination. Namely, the Labor Code prohibits any discrimination in employment relations based on race, color, language, ethnic and social belonging, nationality, origin, property and position, residence, age, gender, sexual orientation, limited capability, membership of religious or any other union, marital status, political or other opinions¹²².

88. According to the *Law of Georgia on Fighting against Trafficking*, Article 5 (2) “state activity in the field of trafficking prevention includes elaboration and implementation of short-term and long-term programs aiming at reduction of poverty and elimination of all forms of discrimination.”

89. The *Law of Georgia on the Patient’s Rights* prohibits discrimination of the patient based on race, color, language, gender, genetic inheritance, belief and confession, political and other opinions, national, ethnic and social belonging, origin, property and position, residence, disease, sexual orientation or personal negative attitude¹²³.

90. *The Law of Georgia on Protection of Health* prohibits discrimination against patient based on race, color, language, gender, confession, political and other opinions, national, ethnic and social belonging, origin, property and position, residence, disease, sexual orientation or personal negative attitude.

In 2007 provision against discrimination in access to state health program has been introduced in the Law on Protection of Health. Holders of state insurance vouchers are entitled to medical services on equal conditions and without any discrimination¹²⁴. In addition, under the Law on the Protection of Health, holders of state insurance vouchers, within the state health program, are entitled to medical services on equal conditions and without any discrimination.

In addition, under the Law on the Protection of Health, holders of state insurance vouchers, within the state health program, are entitled to medical services on equal conditions and without

¹²² Article 2.3

¹²³ Article 6.1

¹²⁴ Article 19

any discrimination. The decree of the Government of Georgia on “State Medical Insurance Program for Persons below the Poverty Line” (19 February 2009) states that private insurance companies must provide equal access to insurance for program beneficiaries. The Decree of the Government of Georgia on “State Program of Assistance to Voluntary Health Insurance of Population” (26 February 2009) stipulates that equal access must be ensured to medical services provided for by the “basic” insurance policy.

91. According to *the Code of Ethics of Employees of Penitentiary System*, the employee shall perform his/her official duties impartially without discrimination based on ethnic, religious, sexual or other grounds¹²⁵.

92. *The Code of Ethics of Police* pays particular attention to the prohibition of discrimination. Specific provisions stipulate that officers shall perform their functions fairly and shall not commit discrimination¹²⁶.

93. According to *the Codes of Ethic of Prosecutors*, a prosecutor must protect human rights and freedoms protected under the Constitution, International treaties and domestic legislation. A prosecutor is under duty to facilitate the elimination of any discrimination¹²⁷.

Issuing of IDs to Roma people

94. In 2011 an interagency working group on Roma documentation was established by the Civic Integration and Tolerance Council under the President of Georgia. The working group was tasked to elaborate policy towards Roma population lacking ID documents and incorporate relevant activities in the annual Action Plan on Tolerance and Civil Integration. This action plan on Tolerance and Civic Integration for 2012 already contains relevant activity on Roma documentation.

The interagency working group is composed of the representatives of the Office of the National Security Council of Georgia, the Ministry of Justice of Georgia, the Civil Registry Agency (CRA) of the Ministry of Justice, the Office of the State Minister for Reintegration, Tolerance Center

¹²⁵ Article 2.4

¹²⁶ Article 3.21

¹²⁷ Article 5

under the Ombudsman of Georgia and the Ministry of Education and Science of Georgia. Local NGOs, having expertise in Roma issues¹²⁸ are invited to take part in the workgroup and contribute to the process.

Based on the survey conducted in 2010 by the European Center for Minority Issues (ECMI), there are up to 780 Roma in Georgia.¹²⁹ They are populated in both, western and eastern parts of Georgia. At this point Roma are densely populated in Tbilisi, Kutaisi, Batumi, Rustavi, Telavi, Leninovka (Tchoeti), Gachiani, and Kobuleti.

As a result of systematic research on Roma in Georgia conducted in 2007, lack of official documentation was revealed as one of the main problems of the Romani community in Georgia.¹³⁰ Since 2007, the Government of Georgia has taken proactive actions in issuing identity documents to Roma.

To implement the activity under the Action Plan on Civil Integration 2012, the Government of Georgia closely cooperates with civil society organizations. As a result of intensive cooperation between the Civil registry Agency of Ministry of Justice and ECMI, two villages – Leninovka (Tchoeti) and Gachiani - have been identified as most problematic in terms of Roma not having documentation: it turned out that out of 265 Roma living in these villages, 78 persons had problems with documentation. In order to issue documents to those 78 Roma in need, CRA in cooperation with local NGOs¹³¹ has implemented field projects to register these individuals. CRA issues three types of documentation to Roma: birth registrations, granting citizenship and issuing IDs.

¹²⁸ Innovations and Reforms Center and the UN Association of Georgia

¹²⁹ Sordia G., ECMI, 'Roms and Moldovan Ethnic Groups in Georgia – Problems of Integration and Civil Participation', 2010, Tbilisi, p. 9.

¹³⁰ David Szakonyi, "No Way Out: An Assessment of the Romani Community in Georgia", European Centre for Minority Issues, Working Paper #39, February 2008; Giorgi Sordia, A Way Out? Initial Steps Towards Addressing Romani Issues in Georgia, ECMI Issue Brief # 21, May 2009.

¹³¹ Innovations and Reforms Centre (IRC) and Roma Women Community (RWC). While implementing this project RWC is responsible to mobilize certain number of individuals from those 78 who have no documentation and informing CRA and IRC about the date and place when they should arrive for registrations. IRC and representative of CRA are visiting Roma at their places and assisting them in filling out application forms, collecting all the necessary information and documentation needed for registration and receiving IDs. Completed application package is sent to the territorial unit of the CRA for registration.

For now CRA and IRC have conducted 4 visits to Gachiani and Rustavi and prepared applications for birth registration for 7 people. These applications have been already sent to CRA for registration. This process is ongoing.

Article 5

1 The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.

2 without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.

Legislation

95. Pursuant to Article 34 of the *Constitution of Georgia*, the government facilitates and promotes free participation of all citizens in cultural development, and their involvement in cultural life, as well as promotion of cultural identity and its enrichment, recognition of national and universal values and enhancement of international cross cultural relationships. Article 38 stipulates that every citizen shall have the right to develop his/her culture, use his/her mother tongue in private and public life freely, without any discrimination or interference, in accordance with universally recognized principles of international law.

The freedom of intellectual creation is secured by the Constitution as well¹³². The Constitution bans interference and censorship in creative activities. Limitations to artistic works may be imposed if their dissemination violates the basic rights of other persons.

96. The *Law of Georgia on Culture* underlines that the citizens of Georgia are equal in cultural life without distinction of their national, ethnical, religious or linguistic belonging¹³³. Under Article

¹³² Article 23

¹³³ Article 6.

9 of the same law, it is forbidden to interfere in the creative process, censor the creative work, except in circumstances where it violates another person's rights and legal interests and incites national, ethnical, religious, racial hatred.

Moreover, the Law on Culture guarantees the equality of all citizens of Georgia in enjoying cultural values¹³⁴, receiving unlimited artistic education¹³⁵, enjoying the right of property in cultural domain¹³⁶ ...etc.

In accordance with Article 10 of the *Law on Culture*, everyone shall have the right to protection of his/her cultural identity and to protection of artistic and aesthetic orientation. The Law also defines culture and cultural heritage as priorities, and encourages the promotion and enrichment of the cultural identity of the people and each citizen, as well as moral enrichment and humanization of the entire society.

97. According to Article 34.2. of the Constitution, every citizen of Georgia shall be obliged to care for the protection and preservation of the cultural heritage. The state shall protect the cultural heritage by law.

98. The *Law of Georgia on Cultural Heritage* defines conditions of granting the status of a cultural heritage monument to an object. Under Article 15 of the mentioned law the ground for granting an object the status of a cultural heritage monument is its historical or cultural value, connected to its ancient, unique character or its authenticity.

The monuments are classified under different categories. The criteria of classification are defined by Article 19 of the Law on Cultural Heritage. These are the typology of the monument, its historical, cultural, artistic, esthetical, memorial, spiritual, scientific and other values. The types of monuments include, among others, archeological, architectural, urban, paleographic, monumental artistic, memorial, ethnographical, documentary and other types. The type of the monument is defined following the criteria elaborated in the respective sphere.

Practice

¹³⁴ Article 11.1

¹³⁵ Article 11.2

¹³⁶ Article 13.2

The culture of ethnic minorities residing in Georgia has a centuries-old history of coexistence with Georgian culture. Jewish, Russian, Armenian, Azerbaijani and representatives of other nationalities in Georgia have professional and community theatres, folk ensembles, periodical publications, libraries, art schools and different cultural centers. The Government and government provided programs facilitate the preservation of cultural diversity of national minorities, encourage the existence of an intercultural dialogue; promote the protection of human rights and freedoms guaranteed by the Constitution of Georgia.

99. Since 2010 Georgia celebrates the Novruz Bayram as National Holiday of the country, as it was declared by the President of Georgia on March 21, 2010.

100. The Ministry of Culture and Monument Protection of Georgia finances different theatres, museums and cultural centers of national minorities:

Starting from 2009, the Ministry of Culture and Monument Protection of Georgia runs the special program for *Promotion of Culture of National Minorities in Georgia* aimed at supporting of their cultural centers. It is designed to assist national minorities in preservation, development and popularization of their cultures and further integration into the larger Georgian cultural sphere. The program is being implemented on the basis of the Davit Baazov State Historic and Ethnographic Museum of Georgian Jews, the Mirza-Fathali Akhundov Museum of Azerbaijani Culture, the Centre of Russian Culture in Georgia, Tbilisi State Armenian Drama Theatre, Tbilisi State Azerbaijani Drama theatre and etc. Majority of staff and management in these cultural establishments are national minorities.

In addition, within the framework of the program the Ministry annually assists the publication of Azerbaijani and Armenian newspapers: "Gurjistan" and "Vrastan" as well as the realization of other different cultural projects.

101. During the reporting period the Ministry and other state institutions have supported different cultural events and cultural initiatives of minorities, such as exhibitions, art, drama and music festivals and contests with participation of members of national minority communities in Georgia, as well as artists from neighboring states, screenings and discussions of documentary films, presentations of new publications, joint exhibition of ethnically Georgian and non-

Georgian painters, performances of different minority theatres, cultural centers of different ethnicities, presentations of new books, publishing of magazines and newspapers, scientific researches, personal exhibitions etc.

For further details on the specific initiatives supported by the Ministry of Culture and Monument protection as well as by the Office of the State Minister for Reintegration please refer to the annex 2.

101. Ivane Javakhishvili Tbilisi State University runs the Institute of Caucasiology which is the unique institution in the world teaching Caucasian languages, including those of such numerically smaller ethnic groups as Chechens, Ossetians and Ingush. The scientific work of the Institute encompasses studies in areal linguistics, archeology, history, literature and culture of the Caucasian peoples (cultural anthropology). The Institute of Caucasiology has been regularly organizing scholarly conferences and symposiums. In 2009 it hosted the International Congress of Caucasiology devoted to problems of Iberian-Caucasian languages and other languages of Caucasus.

102. Since 2009 Ilia Chavchavadze Tbilisi State University runs the school of Caucasus Studies which offers students courses in politics, society and history of the peoples of Caucasus, including such numerically smaller ethnic groups as Chechens and Ingush.

103. In February 2012 the Circassian Cultural Center was launched at the Ministry of Culture and Monument Protection. The opening ceremony was attended by outstanding scientists, guests from Caucasus, Circassian diaspora residing overseas and representatives of culture from Turkey, Jordan and the US. The main objective of the cultural center will be the following: conducting research, raising awareness on history and culture of Circassian as well as other Caucasian nations, starting a dialogue between the local people and genuine culture, activating intellectual resources that will involve outstanding scientific and cultural figures from the region of Caucasus and Caucasian centers abroad.

104. In minority-populated municipalities other initiatives have also been realized. In particular, 25 Armenian, 15 Azerbaijani, 14 mixed, and 5 Ossetian libraries, as well as numerous craft schools and clubs have been established.

105. Since 2006 the Ombudsman's Office has been very active in promoting conditions necessary for persons belonging to national minorities to maintain and develop their culture by

organizing different activities, which include, among others, publishing the monthly journal addressing culture, history, traditions and other important aspects of lives of national minorities, issuing different publications about the culture, history and traditions of all ethnic and religious groups living in Georgia.

106. In 2008 the Interethnic Festival “Diversity is our Wealth” was conducted under the auspices of the President’s Administration and the Ombudsman’s Office in Akhalkalaki, Marneuli, Bolnisi, Gori and Tbilisi. The festival aimed to present multicultural heritage of Georgia to the general public and is organized regularly to enhance the majority population’s knowledge and understanding of national minorities.

107. In cooperation with the Ministry of Education and Science, PDO has implemented pilot project during which textbooks “Religions in Georgia” and “Ethnic Groups in Georgia” have been used in several public schools in Tbilisi and regions to teach students about ethnic and religious diversity of the country. For further details on activities of the Public Defender in relation to the promotion of tolerance please refer to the commentaries of the article 6 of the present report.

Protection of Cultural Heritage of National Minorities

108. According to the Law of Georgia on Cultural Heritage, the National Agency for Preservation of Culture Heritage of Georgia conducts registry of immovable monuments and objects of cultural heritage located on the territory of Georgia, with the aim of their further protection.

To this day numerous monuments have been registered, including 10 Gregorian (Armenian) churches, 12 mosques, 5 Catholic Churches, 6 Russian Churches and 7 synagogues. Inventory and photo fixation of Azeri places of worship (mosques) has been finalized in Qvemo Kartli region (19 villages in total).

109. The Ministry of Culture and Monuments Protection has been funding rehabilitation works of historical and cultural monuments irrespective of their religious belonging. The 19th century Oni synagogue, badly damaged as a result of 1991 earthquake, was restored. The ceremony marking the reopening was attended by the President Saakashvili and other officials.

The Batumi Ashkenazi synagogue which has been functioning since 1904 is being rehabilitated. For this purposes, the municipality has allocated GEL 92.000.

Project documentation for restoration of the Armenian Moghnisi Church, Surbnishani and Norasheni Churches in Tbilisi were finalized in 2011.

110. In 2011 one of the most ancient historical districts of Akhalsikhe – Akhalstikhe Rabat was declared as cultural monument, which means that all the Armenian, Catholic and Jewish residential buildings as well as places of worship located on that territory will be granted status of cultural monument. Called a symbol of Tolerance, Rabat is among the national monuments which will be returned their original glory after ongoing large scale rehabilitation works.

111. As it was pointed out by minority representatives at the meeting on implementation of the FCNM¹³⁷, ownership of many places of worship still remains problematic. Property of many religious groups in Georgia has been seized during the Soviet rule. Ownership of some religious monuments is highly contested among different confessions. Due to its sensitivity, this question requires a careful study and investigation, which is currently underway. Nonetheless, we already have some positive trend: 1. The Catholic Nunnery in Rabati, Akhaltsikhe municipality was returned to the Catholic Church in 2010. 2. Two mosques in Tbilisi and Batumi were returned to the Muslim Community in 2011. 3. Preparation works underway to transfer synagogues and Catholic Churches to the relevant organizations.

Prevention of forceful assimilation

112. The NCAP is based on the principle of “maintenance of balance between civic integration and protection of minorities’ identities, voluntary participation in the civic integration process and unacceptability of forced assimilation”¹³⁸. The Action Plan defines specific programs, which are aimed at protection and promotion of the identity of the national minorities and were described with regards to Article 3 and 5.

113. Activities on availability to receive education and information in minority languages are depicted with regards to commentaries of the Articles 10, 12 and 14 of the Present Report.

¹³⁷ Meeting with the Ethnic and Religious Minority Councils under the Ombudsman’s Office of Georgia, 17 February 2012.

¹³⁸ Para. III, b).

Article 6

1. The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.

2. The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.

Legislation

114. Georgian government recognizes that the spirit of tolerance and intercultural dialogue among different ethnic, cultural, linguistic or religious groups is the important element of the peaceful coexistence and takes various measures in order to create the climate of mutual respect and understanding. As it was described in paragraph 95, Article 34 and Article 38 of the Constitution of Georgia provide for the protection of the principles embodied in Article 6.

115. As it was submitted above in relation to Article 4, *the Law of Georgia on General Education* stipulates that a school shall observe and encourage establishing of tolerance and reciprocal respect between pupils, parents or teachers, irrespective of their social, ethnic, religious, linguistic and world outlook belonging¹³⁹. According to the Law "Using of the study process in a public school for the purposes of religious indoctrination, proselytism and forced assimilation shall not be allowed".¹⁴⁰

Practice

116. The Ministry of Education and Science of Georgia (MES) has been implementing different target programs to promote tolerance and intercultural understanding:

¹³⁹ The Law of Georgia on General Education, Article 13.6.

¹⁴⁰ The Law of Georgia on General Education, Article 13.2.

116.1. The Civil Education course has been included in the national curriculum of all secondary public schools¹⁴¹. Some of the relevant subjects are united in the group of social sciences, such as, History, Geography, Civil Education, Civil Defense and Security. The goal of the Civil Education study is to help the school students acknowledge Georgia as a state; perceive own personality as the country civilian; study the forms and means of participation in social, political, economic and cultural life; share the importance of democracy, equality, constitution, national and international law as the state legislative base; realize the connection of own rights and responsibilities as well as the other people's and undertake concrete steps to protect own and other people's rights; realize the importance of human/child's rights and act to protect the mentioned rights; realize the importance of protection of human rights of special groups of people and undertake concrete steps to protect them.

116.2. The Children's Tolerance Education Program (CTEP) has been initiated and implemented by the National Curriculum and Assessment Center under the MES and Save the Children – Georgia. Under the first phase, in 2004-2006, CTEP activities consisted of 42 Children's television episodes (Puppet Shows) on tolerance, good citizenship, intercultural understanding and conflict resolution created and aired on TV in Georgia, Armenia and Azerbaijan, Tolerance Education materials (Student Book and Teacher Manual) and associated teacher trainings, for use in open lessons and debate classes, establishment of tolerance clubs, tolerance departments and/or related extra-curricular activities in schools. Continuing in June 2006 through February 2009, Phase Two concentrated on consolidation of puppet episodes and the introduction of peace education in the primary school curricula. The teacher's manuals and full-color children's storybooks based on puppet show characters were published. During this phase, additional talk shows were produced that allowed for children's broad participation as they discussed personal reactions to the characters' dilemmas and proposed solutions.

¹⁴¹ National Education Plan 2011-2016

116.3. In recent years, the MES has been implementing School Partnership Program aimed at increasing understanding and cooperation among minority students and their Georgian peers. The main objectives of the program were the promotion of civil integration of national minorities of the country, to lessen the problem of cultural and civil isolation of national minorities, and promote state language acquisition among minority population. To this end, the program envisaged building the partnership between Georgian and non-Georgian schools, students, teachers and parent finally resulting in the strengthening intercultural understanding, dialogue and tolerance among different ethnic groups.

116.4. The MES strongly supports and facilitates the implementation of Living Together - a major British Council initiative under the patronage of the Council of Europe that aims at the development of intercultural dialogue and understanding across Europe. The framework of the initiative envisages participation of 27 countries in a global debate on important issues such as equity, cultural diversity, tolerance and religion, conflicts (including ethnically based conflicts) and economic migration.

116.5. The Intercultural Dialogue through Education is a joint initiative by the Council of Europe and the MoES. The purpose of the program is to promote understanding and respect for cultural diversity; facilitate cooperation and collaboration between different nations and peoples on regional and global level. In addition, the program aims at supporting education institutions to share their experience in intercultural education on regional and international levels and promote best practices in the field of intercultural education implemented and exercise in Europe. Within the Intercultural Dialogue through Education project Georgia hosted the third international seminar "Intercultural and interreligious education: developing critical thinking and communication skills across the curriculum" in February 2009.

116.6. All education institutions focusing on pre-service teacher education programs have been provided with the Religion Diversity and Intercultural Education textbooks. The textbook has been translated within the framework of the CoE project.

116.7. Different workshops on diversity, school twinning programmes, competitions and other activities have been organized by MES.

For further details on the measures taken in the field of education for the purposes of promoting integration of minorities please refer to the commentaries of the articles 12 and 14 of the present report.

117. Effective protection of ethnic and religious minorities, fight against any manifestations of discrimination and xenophobia, promoting the culture of tolerance and equality and fostering civic integration are all priority areas in the work of the Public Defender's Office of Georgia.

117. 1. The Tolerance Centre under the PDO works to create conditions favouring a constructive and comprehensive dialogue between the majority and minority groups; it carries out educational activities, exposes incidents involving religious and ethnic discrimination or xenophobia, takes stock of the relevant trends and tendencies, and examines systemic problems.

The Tolerance Centre conducts periodic monitoring of the situation of religious and ethnic minorities in Georgia, and follows up on the media work. Based on monitoring results, it highlights possible threats and dangers stemming from intolerance, xenophobia and discrimination, and works to define ways to address the existing problems. In addition to these core activities, the Tolerance Centre holds seminars, conferences and discussions, and prepares publications.

Based on analysis of the situation of religious and ethnic minorities in Georgia, the Tolerance Centre drafts relevant recommendations for the Public Defender; these recommendations, alongside with results of the analysis conducted by the Centre, are reflected in the Public Defender's parliamentary reports and recommendations.

117.2. Since 2006 the Tolerance Centre implemented a number of educational projects aiming to promote tolerance and raise public awareness on minority related issues. The projects involved competitions, trainings and seminars, preparation of publications and various actions. Representatives of the Centre gave public lectures and hosted roundtable discussions on different topics.

117.3. In 2008, the Tolerance Centre prepared and published two encyclopaedic reference books: “Religions in Georgia” and “Ethnics in Georgia”. These publications represent the first attempt to systematize, on a large scale, religious and ethnic diversity in Georgia. The books feature the history, culture, ethnography, traditions and current lifestyles of all ethnic communities and religious groups present in Georgia. The encyclopaedic editions have been made available to libraries in major cities and towns of Georgia, educational and academic institutions, organisations working on ethnic and religious issues, as well as to state institutions. The publications received profound interest and overwhelmingly positive response from the public. Later the Tolerance Centre produced CD versions of “Religions in Georgia” and “Ethnics in Georgia” in order to make the publications more accessible.

117.4. The magazine “Solidaroba” is the Public Defender’s periodic publication prepared by the Tolerance Centre and put out once every two months. The journal covers problems of ethnic and religious minorities, as well as issues pertaining to social equality, the rule of law, human rights and democratic development. The themes covered in the magazine had been further analysed at regular public discussions held in Tbilisi and the regions of Georgia on a bimonthly basis and bringing together experts, representatives of civil society and mass media.

117.5. In 2011 the Tolerance Centre prepared and launched tri-lingual (Georgian, English, and Russian) website www.tolerantoba.ge. The website presents updated information about religious and ethnic minorities worldwide and in Georgia and is aimed to support the civic integration process of ethnic and religious minorities.

117.6. Starting from 2006, the Public Defender of Georgia and the Tolerance Centre have been celebrating the International Day for Tolerance (16 November). To mark this day, the Public Defender and the Tolerance Centre, jointly with religious and ethnic minority organisations, convenes annually a briefing and presents a special report on trends and tendencies, as well as violations and systemic problems existing in this area.

Besides, on the Tolerance Day the Public Defender and the Tolerance Centre reveal and award winners of the media competitions “Tolerance and Diversity”; The Councils of

Religions and National Minorities award the “Supporters of Tolerance” – the persons, organizations and media outlets that have made a particular contribution to the development of the tolerance culture in Georgia.

118. As it was submitted in paragraph 56 and 57 the Law on Broadcasting, *the Code of Conduct of Broadcasters* and *the Code of Conduct of Public Broadcaster* oblige broadcasting companies, especially the Public Broadcaster to reflect ethnic, cultural, linguistic, religious, age and gender diversity and to promote tolerance in their programs.

119. The Georgian Public Broadcaster is implementing several important media projects to encourage a spirit of tolerance and intercultural dialogue:

119.1. A weekly talk show, “Chveni ezo” (Our yard), with a focus on tolerance, minority issues and cultural diversity has been broadcast since 2007 on the GPB First Channel. One of the main purposes of the program, which is designed not only for ethnic minorities but also for a wider Georgian audience, is to inform the public on the contributions made by minorities towards the development of a state. The dialogue and discussions are held about different issues and problems concerning diverse ethnic groups and nationalities, including discussions on tolerant ideas, ways to ensure peaceful co-existence of individuals living in Georgia, education and other socio-economic issues. The talk-show “chveni ezo” was named as the most tolerant TV talk show of the year of 2010 by the Public Defender Office.

119.2. In 2008 the Public Broadcaster has prepared nine documentary movies, which tell the story of nine national minorities living in Georgia, including such smaller groups as Kurds, Kists and Udians¹⁴². They aim to better present different ethnic groups to the larger Georgian society and raise public awareness about their cultures and ways of life.

119.3. In October 2011, the Georgian and Armenian Public Broadcasters have launched a new music TV show „10+10“ which offers the audience the duets of the popular singers from Georgia and Armenia. The entertaining project is popular among the

¹⁴² Armenians, Azerbaijanis, Jews, Greeks, Ukrainians and Ossetians.

audiences in both countries and promotes cultural exchange and friendship between two nations.

119.4. “Our Georgia” is a weekly 45 minute program broadcasted every Thursday. The target audience of this radio program is the national and religious minority representatives. The discussions are related to various social and educational issues. The interactive program provides opportunities for ethnic and religious minorities to express their opinions and concerns in live. The guests of the program are the representatives of diverse minority groups, civil society, policy makers and the responsible state institutions.

119.5. Important role in supporting intercultural dialogue is played by Russian language channel “PIK” covering cultural events of people of Caucasus. The channel “PIK” prepares documentaries on the art of Caucasian people, cultural events, folklore and history¹⁴³.

119.6. The program “Caucasian Portrait” portrays different traditions, cultural events of Caucasian people as well as successful examples of intercultural dialogue. The guests of the program are prominent people from the sphere of culture, politics, science etc.

120. For more information on the measures promoting the spirit of tolerance and intercultural dialogue by supporting the cultural identity of minorities refer to the commentaries of Article 5 and 12 of the present report.

Measures to protect persons from discrimination, hostility or violence

121. The Georgian legislation provides for appropriate mechanisms against incitement to intolerance based on ethnic or religious belonging. While Georgia recognizes and protects the freedom of expression, under article 4.2 of the Law of Georgia on Freedom of Expression, an

¹⁴³ The documentary “Mugam” dedicated to Azeri folklore won the “Moondance” film festival prize in USA; documentary on the prominent Armenian painter Minas Avetisian; documentary on the contemporary art of Azerbaijan. The Heidar Aliev Foundation supported the production of the film on classic music international festival in the city Gabala (Azerbaijan). Joint projects were planned with Azerbaijani channels “Culture” and “AZTV” and “PIK”.

incitement to hatred shall cause liability envisaged by law only when a person commits an intentional action that creates direct and substantial danger of an illegal consequence.

Under Article 9 of the Law on Freedom of Expression, content regulation of the freedom of speech and expression can be established by the law if it is related to: a) Defamation; b) Obscenity; insulting face to face d) Incitement to commit a crime; e) Threat; f) State, commercial, private or professional secret; g) Advertising, TV-shopping or sponsorship; h) Freedom of speech and expression of military serviceman, an administrative agency and its official, member or employee. i) Freedom of speech and expression of a detained person or a person with restricted liberty; j) Freedom of speech by a person without or limited legal capacity. Content-based regulation can be only carried out through viewpoint neutral, non-discriminative regulations.

122. As already mentioned beforehand, on 6 June 2003, the new Article 142¹ of the Criminal Code came into effect. Pursuant to this Article, discrimination on racial grounds is considered as a crime, so is regarded any action committed for the purpose of instigating animosity or conflict on ethnic or racial grounds, as well as direct or indirect limitation of human rights based on race, skin color, social origin, national or ethnic identity, or favoritism of any individual on the above mentioned grounds. Such crimes are punishable by up to three years of imprisonment. Similar actions committed with the use of force, by threatening to use force, by threatening the life or health of individuals, or by use of official capacity, shall be punishable by up to five years imprisonment.

123. Other legislative and self-regulatory¹⁴⁴ measures were described with regard to Article 4.

124. It should be mentioned that the Broadcasters are obliged to create public appellate bodies that will review complaints from the public and take binding decisions. Georgian National Communications Commission exercises overall supervision over the system and is empowered to sanction broadcasters for failing to ensure effectiveness of the complaints procedure.

125. In combating discrimination, special attention is paid to the training of relevant officials in the field of human rights. The aim of such training is not merely to raise qualification of law

¹⁴⁴ The Code of Conduct of Broadcaster and the Code of Conduct of Public Broadcaster of Georgia.

enforcers, but also to increase their commitment and sensitivity for human rights. For example, the Basic Preparation Course in the Police Academy dedicates 10 academic hours to human rights. The students of the Academy also undergo training on the methods of investigation of crimes motivated by racial discrimination. It should be further noted that the Academy offers courses on the Police Code of Ethics and Public-oriented Police, which cover relations with national, racial and religious minorities, and the factors to be considered when dealing with national, racial and religious minorities, ways to avoid stereotype assumptions, problems when dealing with offences in regions settled by national, racial and religious minorities. |

126. The Training Centre of the Ministry of Justice of Georgia conducts advanced training programs for prosecutors. The training curriculum covers various issues and includes training in Human Rights, including minority rights. Seminars on the prohibition of discrimination on various types of crimes were conducted, namely, prohibition of racial and ethnical discrimination, prohibition of religious discrimination.¹⁴⁵

Deportation of the forcefully deported persons from the Soviet Socialist Republic of Georgia

In accordance with the commitments undertaken by the Government with the accession to the Council of Europe, Georgia has been engaged in the process of repatriation of persons forcefully deported (FDP) into exile from the Soviet Socialist Republic of Georgia by the Former USSR in the 1940s (Meskhetian population). For the time being, in total, 680 applicants have already received status of repatriate, which enables them to receive the citizenship of Georgia through simplified procedure within 2 years from obtaining such status.

127. The process of repatriation is regulated by *the Law of Georgia on Repatriation of Persons Forcefully sent into Exile from the Soviet Socialist Republic of Georgia* by the Former USSR in the 1940s adopted in 2007. The initial deadline for submission of applications for persons seeking the status of repatriate was 1 January 2009. On the basis of recommendations from various international organizations, the Georgian government extended the deadline twice: until July 1, 2009 and until January 1, 2010. The law provides the legal basis for the repatriation of forcefully deported persons as well as their direct descendants. Persons receiving the status of repatriated under the law, are entitled to receive Georgian citizenship by the simplified

¹⁴⁵ From 25–27 April 2009.

procedure pursuant to the Law of Citizenship of Georgia, within two years of obtaining the status of repatriate.

128. Furthermore, in order to simplify the procedure of granting Georgian citizenship to persons with the status of repatriate, *the Organic Law of Georgia on Citizenship of Georgia* was amended in 2007. In accordance with the amendments, unlike other seekers of Georgian citizenship, there are no requirements of permanent residence, knowledge of Georgian language, history and basic foundations of law, property or job or other requirements in respect of persons with the status of repatriate¹⁴⁶ and the procedure for adoption of Georgian citizenship for the repatriates is regulated by the special Governmental Decree on Granting Citizenship of Georgia through Simplified Procedure to Individuals Enjoying Repatriate Status of 2010.¹⁴⁷ Based on the Governmental Decree, the person is entitled to apply for the citizenship of Georgia on the basis of the status of repatriate within 2 years from obtaining such status.

In addition, in order to avoid statelessness, the Decree of the Government of Georgia on Granting Citizenship of Georgia through Simplified Procedure to Individuals Enjoying Repatriate Status excludes the possibility of any individual with repatriate status being left without citizenship.

129. The Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia is empowered to consider the applications for obtaining the status of repatriate.

5841 applications on 8900 persons (3059 adolescents) have been submitted to the Ministry. Every single application was separately assessed by the Ministry; the principle of family integrity has been taken into consideration and applications of the family members have been reviewed jointly. The review process revealed three types of applications: 1. Applications

¹⁴⁶ Georgian citizenship may be granted to a person of full legal age according to the present law if he/she meets the following terms: a) resides permanently on the territory of Georgia for the past 5 years; b) knows the State language within the limits established by law; c) knows the history of Georgia and the legal foundations of the law within the limits established by law; d) has a job or immovable property on the territory of Georgia or is pursuing entrepreneurial activity in the territory of Georgia or has shares in the enterprise of Georgia (Article 26 of the Law on Citizenship of Georgia).

¹⁴⁷ Ordinance of the Government of Georgia No.87 of 30 March 2010.

without error; 2. Applications with only one document missing (document of deportation);

3. Applications with more than one error.

Since the majority of applicants¹⁴⁸ are lacking the document, which justifies their forceful deportation and in the most cases this document is difficult to obtain, a compromised decision of establishing an alternative mechanism of justifying/rejecting the fact of the forceful deportation of a status seeker, Council of Seniors (Elders),¹⁴⁹ was made. The Council of Seniors reviews each application lacking the forceful deportation document and issues a motivated conclusion on justifying or rejecting the fact of forceful deportation of a status seeker and their decedents. Based on justified applications by the Council of Seniors, the Ministry granted status of repatriate to 605 applicants. The process of review is underway.

Regarding the applications with more than one error: 3371 notifications (on 3316 persons) to correct errors have been prepared and are being sent to the status seekers. The Interagency Governmental Council has decided to translate notification papers into the native languages of applicants. After successful delivery of notifications, 4-month delay is granted to applicants in order to correct errors of the application and submit the missing documents.

130. For the purposes of coordination of the activities of the state agencies and entities involved in the process of repatriation, on 1 March 2011, the Interagency Governmental Council on the Repatriation of Forcefully Deported Persons from the Soviet Socialist Republic of Georgia during the 40s of XX Century by the Former USSR was created by the No.111 Ordinance of the Government of Georgia.

The Interagency Governmental Council consists of deputy ministers, members of the Parliament and the Public Defender of Georgia. The function of the Council also includes submission of the relevant initiatives and recommendations in respect of the repatriation of forcefully deported persons as well as submission of information to the Government of Georgia on the process of repatriation.

131. Based on the repatriation process in other countries, the Interagency Council is working on elaboration the Repatriation Strategy which covers two major directions: coordination of the resettlement process and integration of the FDPs in local community.

¹⁴⁸ 2456 applicants from 5841.

¹⁴⁹ The Council of Seniors was launched in September 2011.

Article 7

The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.

All citizens of Georgia equally and freely enjoy constitutional rights such as freedom of expression, freedom of assembly, freedom of association, freedom of conscience and religion, despite of their ethnic or religious belonging.

Freedom of peaceful assembly

Legislation

132. The right to Freedom of assembly and manifestation is regulated under the international conventions and national legislation in Georgia. Georgia is obliged to ensure the right to freedom of peaceful assembly under the international treaties.¹⁵⁰ As for the domestic legislation, the Constitution of Georgia¹⁵¹ and the Law of Georgia on Assembly and Manifestations facilitate exercise of the right to freedom and peaceful assembly. Pursuant to the Law, any individual has the right to conduct assembly and manifestation either outside or inside a building without any preliminary permission.¹⁵²

133. The Parliament of Georgia has adopted the amendment and addition to *the Law on Assembly and Manifestation* in July 2011. These amendments were proposed in order to bring existing regulations in compliance with recommendations from the Council of Europe's Venice Commission¹⁵³. The amendments introduce several fundamental changes, including the following: Introduction of the principle of proportionality for restriction of the right to assembly

¹⁵⁰ Georgia has ratified the European Convention of Human Rights (ECHR) , International Covenant on Civil and Political Rights (ICCPR)

¹⁵¹ Constitution of Georgia, Article 25

¹⁵² Georgian Law on Assembly and Manifestation, Article 2.1

¹⁵³ In 2010, the draft law was submitted for assessment to the Venice Commission, which issued an Interim Opinion in March 2010: "The Venice Commission welcomes the draft amendments which the Georgian authorities have prepared in response to previous comments by the Commission's rapporteurs on the Law on Assembly and demonstrations and the amendments thereto adopted in July 2009. The new draft amendments represent a significant improvement of the possibility of exercising the freedom of assembly in Georgia. The Venice Commission welcomes in particular the proposed introduction of an explicit reference to the principle of proportionality and the partial introduction of the presumption in favor of holding assemblies.

and demonstration, in line with the European Convention on Human Rights and the Decisions of the European Court of Human Rights; Repeal of blanket restrictions regarding the places where assemblies and demonstrations can be held, specifically with respect to political institutions; blanket restrictions on blocking streets also were lifted; Additional provisions to strengthen guarantees and protections for media covering assemblies and demonstrations.

134. Due to the amendments of the law prior notification is not required if the assembly or manifestation is held at a transport movement place and the road is already blocked for other reasons. However, if the manifestation is held on the roads and interrupts the transport movement, the prior notification/authorization is required.¹⁵⁴ The amendments reverse a blanket prohibition on the blockage of streets by small groups of people. Local self-government bodies and in exceptional cases Government of Georgia must take into consideration the circumstances on a case-by-case basis, applying the principle of proportionality while deliberating on the legality of blocking streets.

135. Prior to the amendments the Law envisaged restriction on conducting assembly or manifestation within 20 meter perimeter of the following governmental or other buildings: the Parliament, the Residency of President, Courts, the Prosecutor's Office, Police stations, custodies, military objects, railways, airports, hospitals, institutions of diplomatic representatives, self-governmental agencies and enterprises, organization or agencies with special armed guards. This restriction has been annulled. Pursuant to the amendments restriction around courts and number of other institutions (the residency of President, the Parliament, hospitals, institutions of diplomatic representatives, self-governmental agencies, enterprises, organization or agencies with special armed guards) has also been removed; restrictions have only been maintained 20 meters around the entrance to the Prosecutor's office, the police (all police stations), penitentiary institutions, temporary detention facilities and law-enforcement bodies; railways, airports and ports. Also, it is prohibited to hold an assembly or manifestation inside and within 100 meters of the entrance of military units and sites.

The amendments were introduced pursuant to the decision of April 18, 2011 the Grand Chamber of the Constitutional Court of Georgia. The Constitutional Court recognized as unconstitutional provisions of the Law on Manifestation that restricted assemblies within 20 meters of certain governmental offices, including the courts. The Court stated that such

¹⁵⁴ Law on Assembly and Manifestation, Article 5

limitations are not in line with the Constitution, as in certain cases they make impossible to conduct assemblies in front of government offices.

136. According to the law, regulatory authorities have a duty to strike an appropriate balance between the essential freedom to peacefully assemble and the competing rights of those who live, work, shop, trade, and carry on business in the locality affected by an assembly. Those persons shall not be interrupted in carrying out their activities. Therefore, restrictions on time and place may be imposed; however, reasonable alternatives should be offered if any restrictions are imposed on the time and place of an assembly. The same restrictions may be imposed in case of two simultaneous meetings or manifestations taking place. The alternative option of time and place for the manifestation is not offered to the participants of the manifestation if the manifestation lasts for a short period of time.¹⁵⁵

137. The right to freedom of peaceful assembly and manifestation is not the absolute right and might be restricted in certain circumstances. ECHR and ICCPR envisage that the right to freedom of assembly might be subject to restrictions if it is necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others. The same restriction of the right to freedom of assembly is reflected in Georgian legislation. Pursuant to the Article 2.3 of the Law the right to assembly and manifestation could be restricted: If it is prescribed by law; If it is necessary for the democratic society; If it is not discriminatory (non-discriminative); If it is proportionally restrictive; If the restriction of the right outweighs the damages; If the restriction is necessary for the national security, territorial integrity or public safety in a democratic society, for the prevention of disorder or crime, for the protection of the rights and freedoms of others, for the prevention of overspreading the confidential information or the ensuring fair trial¹⁵⁶ .

A newly added subparagraph “h” in Article 3 of the Law gives a definition for the proportionality of a restriction - “restriction in line with the values protected by Article 24.4 of the Constitution of Georgia, if it is the most effective and the least restrictive for the achievement of the aim. Application of stricter norms shall take place only when it is otherwise impossible to achieve the values protected by Article 24.4 of the Constitution.”

¹⁵⁵ *Ibid.* Article 11².4

¹⁵⁶ Constitution of Georgia, Article 24.4

138. Following the recommendations of the Venice Commission, the Article 11 of *the Law on Assembly and Manifestations* regulating appeals for change of the constitutional order, violence and hate speech during the assembly/manifestation was modified to meet the international standards. Specifically, the amended Article 11, Paragraph 1 reads as follows: ‘During organizing or holding an assembly or manifestation, it is prohibited to appeal for subversion or forced change of the constitutional order of Georgia, infringement of independence or violation of the territorial integrity of the country, or to make appeals which constitute propaganda of war and violence and trigger a national, ethnical, religious or social confrontation which creates clear, direct and present danger of such act’.

Freedom of association

Legislation

139. The Constitution of Georgia guarantees the right to freedom of association to every citizen of Georgia, without any distinction on the basis of race, ethnicity or on any other grounds, including the right to form and join trade unions¹⁵⁷; the right to form a political party or other political association and participate in its activity in accordance with the Organic Law.¹⁵⁸

140. Important steps were undertaken recently to facilitate the exercise of the right to freedom of association in Georgia. These steps included, among others, simplifying the registration procedures for the civil society organizations, abolishing many rigid regulations of functioning of CSOs, a new concept of Public Service Hall, combining several structural units in one place was introduced, the registration procedures for the regional branches of a Non-profit organization, the registration of international association in Georgia, as well as the registration of Georgian branches of the non-profit organizations registered abroad was also simplified. The amendments of the Law on Grants introduced possibility for ministries to issue grants for civil society organizations.

As a result, new Non-profit organization registration statistics show a tremendous growing speed of the sector. More than one thousand NGOs are registered every year. Some 15, 970 non-profit organisations are registered in Georgia as of 20 January 2011.

¹⁵⁷ Constitution of Georgia, Article 26.1

¹⁵⁸ *Ibid*, Article 26.2

140.1. On January 5, 2007 the Parliament of Georgia adopted a package of amendments simplifying the registration procedures for the civil society organizations. The amendments abolished the bureaucratic and unnecessary regulations on the requirements for the registration.

January 2007 amendments abolished many rigid regulations. Instead of the definition by the law of all the possible types of civil society organisations and different registration procedures for each one, a common legal status for all types of civil society organisations was introduced with the simplified requirements for registration. The common legal status “Non-profit organization” is applicable to any type of civil society organisations, there are no limitations as for the type of activities a “non-profit organization” is willing to carry out (charity, activities targeting the members of the association or general public, other), there is a common registration procedures for any type of Non-profit organization, there is no more need for a Non-profit organization to reorganize its legal structure if it decides to carry out a new type of activities (charity, provision of grants for other civil society organizations or persons etc.).

140.2. The rigid structure of decision-making bodies and their competences has been abolished. It is now up to the organization to decide which will be its decision-making bodies and their competencies.

140.3. The mandatory requirement for an association to have a charter has been abolished. It is up to the organization to decide whether it will need to have a formal document regulating its activities or not. The only requirement for the registration purposes is to provide the information about the decision-making process within the organization, including the representation and division of competences between different decision-making bodies if applicable.

140.4. In 2010 the registration of non-profit organizations was moved from the Ministry of Finance to the National Agency of Public Registry (NAPR)¹⁵⁹, where one stop shop principle operates. The procedures have been significantly simplified and streamlined.

¹⁵⁹ <http://www.napr.gov.ge/>

Currently, the registration process is centralized and is carried out through web-based software. All information is stored and continually updated in the national unified database. Registration service may be received in any registration office, from any authorized persons throughout Georgia, or via internet. Great attention is paid to availability and transparency of the system. The information and documents stored in Entrepreneurial and Non-Entrepreneurial Legal Entities Registry is in public domain and any person can access it. E-copies of documents stored in the Archive of the registration office are available on the NAPR's official website and they can be obtained free of charge. An application requesting an extract may be filed and an extract may be obtained via Internet without visiting the registration authority. An extract from Registry of Entrepreneurial Legal Entities is an official document and contains information on a registered entity, including legal form, owners/partners, shares, persons authorized to manage the entity, etc. An extract also includes information on public legal restrictions, tax lien/mortgage and pledge on movable and intangible property valid at the moment of its preparation.

140.5. In 2011, a totally new concept of Public Service Hall was launched by opening new offices in Rustavi, Batumi, Mestia, and Kutaisi. The Public Service Hall¹⁶⁰ combines all structural units delivering variety of services to citizens in one place: Civil Registry Agency, National Agency of Public Registry, National Archives of Georgia, National Bureau of Enforcement, Notary Chamber of Georgia. The Public Service Hall Services now include the registration of Non-profit organizations among many others (Obtain birth, ID, Passport, marriage certificates, Apostille or legalized certification of a document, registration of immovable, movable & intangible property (ownership, mortgage, rent, leasing, pledge and etc.) etc.

It is noteworthy that one of the first Public Service Halls was opened in Rustavi, in a city with a considerable minority population. By the end of 2012 Public Service Halls will be opened in other cities densely populated with minorities: Akhaltsikhe, Akhalkalaki, Marneuli, but also in the following cities: Tbilisi, Telavi, Gurjaani, Ozurgeti, Zugdidi, Kvareli, Poti, Khashuri, Gori.

¹⁶⁰ <http://house.gov.ge>

141. The legislative amendments also addressed the problematic issue of the registration procedures for the regional branches of a non-profit organization, the registration of international association in Georgia, as well as the registration of Georgian branches of the non-profit organizations registered abroad. According to the amendments: the deadline for consideration of an application for the registration of a new non-profit organization has been reduced to 1 working day; the list of necessary documentation to be provided for the registration has been simplified; registration of foreign and international non-governmental organisations' activities in Georgia became easier; no distinction exists between the registration procedures for local and foreign or international organisations; separate registration of non-governmental organization's regional offices is no more required.

142. Georgian authorities prioritize state funding policy to support the development of the new interest groups, community organizations and non-governmental sector for the creation of effective mechanisms of communication between citizens and public authorities and involving the civil society in decision-making process:

142.1. 2011 October amendments to the Law on Grants introduced possibility for ministries to issue grants for civil society organizations. Previous to the amendments, the civil society organizations were eligible to take part in the public procurement system aimed at purchasing services on the same conditions as for the for-profit organizations.

The amendment was meant to facilitate the out-sourcing for several public services in favor of the civil society organizations. Such approach to the public-private partnership will ultimately benefit the targeted groups of citizens, as well as the public institutions and civil society organizations willing to take active role in providing the public services within their spheres of expertise.

142.2. In early January of 2012, the Ministry of Justice of Georgia (MoJ) started issuing grants to non-governmental organizations. The new provision included Ministries in the list of governmental agencies that are authorized to award grants to NGOs. Grants will be issued on a transparent and competitive basis, with a goal to make progress in priority spheres under the Ministry's portfolio. New grants component is a tool for the MoJ to engage civil society into the implementation of its liberalization policy in the criminal justice sector.

142.5. In July 2009 *Establishment of the Civil Institutionalism Development Fund* was launched. This is an independent non-profit organization financed from the state budget in order to directly support the development of non-profit organizations in the country. A Board of Trusts, which oversees the activities of the fund, is composed of 2 members of Parliament (one from the Majority and one from the opposition), representatives of other public institutions and civil society.

Annual budget of the fund is 800 000 GEL (350 000 EUR) approximately. The maximum size of the grant is 10 000 GEL (4 400 EUR) which the maximum duration of the project of 6 months. The Fund particularly encourages the projects coming from the regions and targeting the problems in the regions. In 2009 there were no pre-established priorities for the applications, while in 2010 and 2011 “Civil development and participation” prioritized human rights, environment, economic policy and education.

Limitations to the right of freedom of association

143. It should be underlined that the right to freedom of association is not the absolute right and might be restricted under the certain circumstances as prescribed by law. Article 11 of ECHR states that the right might be restricted in cases prescribed by law and restriction is necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. Furthermore, the members of the armed forces, of the police or of the administration of the State are restricted to exercise the right to freedom of association. The same provision is ensured by ICCPR.

144. According to Article 6 of the Constitution, the legislation of Georgia is in conformity with universally recognized general principles and rules of international law. Thus the proportionality, necessity and legality principles applicable for the limitations of the fundamental freedoms are applicable to the cases of limitations of the right to freedom of association as well.

145. In this light, the Constitution of Georgia also gives a list of circumstances under which a limitation of the right to freedom of association can be justified. Namely, the Constitution prohibits establishing the association which aims to: collapse or forcibly change the constitutional order (structure); violate the independence and territorial integrity of the state,

encourage the violence or military attacks, national, regional or social hatred, establish military services.

146. Moreover, military servants or persons working in the Ministry of Internal Affairs (MIA) or in any unit of the MIA (employees of the armed law enforcement bodies) do not enjoy the right to freedom of association.

Freedom of forming a political party

Legislation

147. In accordance with Article 26.2 of the Constitution, citizens shall have the right to form political parties and participate in the activities of such parties. The main legal act governing the establishment of the political parties is the Organic Law on the Political Associations of Citizens.

148. Every citizen of Georgia has a constitutional right to participate in forming and functioning of a party¹⁶¹. Under Article 11 of the Law, membership of a party may not be restricted on account of race, colour, language, gender, religion, national, ethnic or social belonging, origin, property status, rank or place of residence.

149. The Law defines a political union of citizens as a voluntary and independent association founded on citizens' common vision and organizational basis and registered in accordance with procedure established by the Law, which operates on the basis of the Georgian Constitution and legislation.

150. It is punishable by law to form a political or social entity or carry out activities with the purpose of overthrowing or changing by force constitutional order, infringing upon territorial integrity, promoting war or violence, or instigating national, regional, religious or social conflict. It is also forbidden to found a political party on regional or territorial basis.

151. Pursuant to the Law, a political party might be established by at least 300 persons. The charter of the party is adopted at the congress of the party. The resolution of the congress regarding establishment of the political party is signed by the notary.¹⁶²

¹⁶¹ Article 5, Law on Political Unions of Citizens

¹⁶² Organic Law on the Political Association of Citizens, Article 12

152. The political party is registered by the Ministry of Justice of Georgia. The Ministry of Justice asks the following documentation within a week after congress is held: Application for establishing the party with signature of the head/supervisor of the party, protocol of the establishment congress of the party signed by the notary, charter of the party, reference regarding the address and phone number of the party, etc.¹⁶³

153. The Ministry of Justice examines the documentation within a month. The Registry decides whether to issue a certificate proving of successful registration or not.¹⁶⁴ The Registry is authorized to notify the party regarding registration within 7 days.¹⁶⁵ If the Registry refuses the registration of the political party, the latter should be notified within 7 days. The party is authorized to appeal the rejection of the Registry in court.¹⁶⁶

154. The Georgian Organic Law on the Political Associations of Citizens includes the provisions regarding the termination activities of the political parties. The activities of the party might be prohibited only under the decision of the Constitutional Court of Georgia¹⁶⁷ if the political party aims to: collapse or forcibly change the constitutional order (structure); violate the independence and territorial integrity of the state, encourage the violence or military attacks, national, regional or social hatred, establish military services.

Also, the functioning of the political party might be terminated based on the reason of reorganization (unification, division) or self-liquidation¹⁶⁸. The decision regarding the reorganization and/or self-liquidation of the party is made at the congress of the political party.¹⁶⁹

Freedom of expression/ freedom of thought, conscience and religion

155. Freedom of expression as well as freedom of thought, conscience and religion of every citizen of Georgia is guaranteed by the Constitution of Georgia, European Convention on Human Rights and other international and national legal acts. The freedom of expression of a person belonging to national minority is ensured equally as freedom of expression of any citizen of Georgia.

¹⁶³ Organic Law on the Political Association of Citizens, Article 22

¹⁶⁴ Organic Law on the Political Association of Citizens, Article 23

¹⁶⁵ *Ibid*

¹⁶⁶ *Ibid*. Article 23.7

¹⁶⁷ Organic Law on the Political Organizations, Article 35

¹⁶⁸ *Ibid*, Article 37.1

¹⁶⁹ *Ibid*, Article 37.2 & Article 37.4

For further details concerning the enjoyment of the freedom of expression by representatives of the national minorities in Georgia, please refer to the commentaries of Article 9 of the present report. As for the details on the freedom of thought, conscience and religion please refer to the commentaries of Article 8 of the present report.

Article 8

The Parties undertake to recognize that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organizations and associations.

The reporting period has been marked with some very important improvements in protection of rights to freedom of religion and belief of the minorities. First of all, the registration of religious groups as religious associations became possible following the amendments to the Civil Code of Georgia. Followed by simplification of Tax regime and registration procedures of the NGOs. Additionally, the Constitutional Court of Georgia declared null Article 2.2 of the Law of Georgia on Military Reserve Service which imposed the obligation of military reserve service on those persons who objected to it on the bases of their right to freedom of belief. Furthermore, in 2010 the Order of the Minister of the Correction and Legal Assistance of Georgia was issued to facilitate the realization of the right of the accused/convict to participate in religious ceremonies (rituals) and to meet with clerical persons.

Legislation

156. Every citizen of Georgia enjoys the right to freely manifest his/her religion and/or belief. The prohibition of any interference or persecution on religious grounds is provided by the Constitution and by different legislative acts ¹⁷⁰.

157. Article 3 (j) of the Law on Freedom of Speech and Expression prohibits coercion to express opinions on religion, belief, conscience, ethnical, cultural and social belonging, origin, family,

¹⁷⁰ The Constitution of Georgia, Criminal Code, Criminal Procedure Code, Civil Code, Civil Procedure Code of Georgia, Tax Code, Code of Administrative Offences of Georgia, General Administrative Code, Georgian Law on Police, Georgian Law on the Procedures of Execution of Non-imprisonment Sentences and Probation, Georgian Labor Code, Georgian Law on Public Service, Georgian Law on Political Parties, law of Georgia on Local Self-Governance, law of Georgia on General Education, law of Georgia on Higher Education, Georgian Law on Culture, Georgian Law on Freedom of Expression etc.

property and social position as well as all the facts that may become a ground for restriction of a person's rights and freedoms. Article 4 (1) of the same law grants absolute protection to freedom of thought.

158. Georgian legislation provides that any religious group can operate as registered or non-registered legal entity. The only regulation applicable to such organizations is intended to determine whether organization has to pay taxes or if they can claim for tax exemption.

Till 2011 religious organizations had possibility to register as entities of private law and about 20 organizations were registered by that time as non-profit entities. Since some members of the religious community refused to register under previously applicable rules, based on recommendations of religious minority council under the Tolerance center, new provisions in registration legislation were introduced. On July 5, 2011 the Civil Code of Georgia was amended to allow registration of religious groups as religious associations. In order to ensure non-discriminatory approach, the amendment sets down objective and common sense criteria of eligibility. In particular, religious groups recognized as religious organizations in other member states of the Council of Europe or having close historic ties with Georgia are able to acquire the status of religious association.

To provide even more flexibility and inclusiveness to the process of acquiring legal status by religious groups, the Civil Code provisions allowing them to register as non-profit legal entities of private law were left intact¹⁷¹. It is therefore up to a religious group to decide whether it wants to be established as a legal entity of private law (non-profit association) or as a legal entity of public law (religious association). In either case, it will retain flexibility and fully autonomous management structure (strict regulations prescribed for legal entities of public law will not apply to religious associations) and will be eligible for all benefits provided by the Georgian legislation.

This decision of the Parliament of Georgia was a result of extensive discussions on the status of religious associations in the Council of Religions under the auspices of the Public Defender as well as other forums.

Religious minorities were unanimous in supporting the adoption of the amendment. Since the abovementioned amendments, nine such associations have been already registered as legal entity of public law: (1) Union of Jewish People; (2) Evangelic – Lutheran Church of Georgia; (3)

¹⁷¹ For further details on registration of non-profit legal entities please refer to the commentaries of the article 7 of the present report

Ordinate of Eastern European Armenian-Catholics; (4) Caucasus Apostolic Administration of Latin Catholics; (5) Assyrian Chaldean Community in Georgia; (6) Spiritual Council of Yezids in Georgia; (7) Muslim Governance of All Georgia; (8) Armenian Gregorian Church and (9) Evangelical Protestant Church.

159. The new tax code, adopted by the Parliament on 17th September 2010 and entered into force from 1st January 2011, provides for lenient tax treatment for non-profit organizations. For the purposes of taxation, religious organizations fall within the scope of definition of “organization”¹⁷², which means that they are eligible for all benefits provided by the Georgian legislation for the non-profit organizations, namely they are exempted from following taxes:

- *profit tax* on income from grants, membership fees and donations¹⁷³ ;
- *VAT* on supply or import of good/services envisaged in a grant agreement¹⁷⁴;
- *VAT* on restoration, rehabilitation, planning and research works on religious-iconic monuments of cultural heritage upon agreement with the Ministry of Culture¹⁷⁵;
- *import tax* on goods/services envisaged in a grant agreement in accordance with the rules determined by the Decree of the President of Georgia¹⁷⁶;
- *import tax* on import of goods, financed by grants or by the credit issued by the foreign state organ and/or international organization under preferential terms containing grant element of not less than 25%¹⁷⁷;
- *property tax* on the property of organizations, as well as property transferred to the organization under lease, except for the land and property used by organization for economic activities¹⁷⁸.

¹⁷² Tax Code, art 30.1.a

¹⁷³ Tax Code, Article 99.1.b

¹⁷⁴ Tax Code, Article 168.3.f

¹⁷⁵ Tax Code, Article 168.2.c

¹⁷⁶ Tax Code, Article 199.b

¹⁷⁷ Tax Code, Article 199.c

¹⁷⁸ Tax Code, Article 206.1.e.

In addition, charitable organization's income is also exempted from profit tax if it is not income received from the economic activity¹⁷⁹. Business entities can claim tax deduction on amount of their donation to charitable organization up to 10% of their taxable income¹⁸⁰.

Practice

160. On 22 December 2011, the Constitutional Court of Georgia, declared null and void the relevant normative content of Article 2.2 of the Law of Georgia on Military Reserve Service¹⁸¹ which imposed military reserve service on conscientious objector.¹⁸² According to Article 2.2 of the Law, military reserve service is an obligation of every citizen of Georgia.

The Constitutional Court underlined the vital importance of freedom of belief not only for self-determination and personal freedom of an individual, but also for safeguarding democratic and pluralist society.

The Court emphasized that pluralism and tolerance are the cornerstones of a democratic society. The Court concluded that non military, alternative civil labor constituted compromise between the constitutional right to religious freedom and constitutional obligation to protect the state.

In delivering the judgment on the above case, the Constitutional Court of Georgia took into consideration the case-law of the European Court of Human Rights, practice of the Human Rights Committee as well as Recommendation 1518 (2001) of the Parliamentary Assembly of the Council of Europe on the Exercise of the right of conscientious objection to military service in Council of Europe member states.

In the view of the above, the Constitutional Court of Georgia ruled that the relevant part of Article 2.2 of the Law was not in line with Article 14 and Article 19 of the Constitution of Georgia, which guarantees equality of everyone before the law and right to freedom of speech, thought, conscience, religion and belief respectively.

161. On December 30, 2010 the Order N 187 of the Minister of the Correction and Legal Assistance of Georgia made it possible for the Accused/Convict to meet with the representative

¹⁷⁹ Tax Code, Article 99.1.a

¹⁸⁰ Tax Code , Article 117

¹⁸¹ Law of Georgia on Military Reserve Service adopted in 27 December 2006.

¹⁸² Judgment of the First Board of the Constitutional Court of Georgia No.1/1/477 of 22 December 2011.

of the registered religious organizations or/and traditional confessions upon the prior agreement with the Establishment of the respective religious organization.

According to the Order, Accused/Convict performs religious ceremony in a cell, or where it is possible, in buildings specially designed for these purposes in accordance with the traditions of the religious confessions to which he/she belongs. Accused/Convict shall have a right to hold and use religious literature, individual religious cult items, apart from sharp, precious metal and stone or historical and cultural items.

The mentioned Order significantly improved access of clerical persons of various religions to the Penitentiary Department and Prison/Detention Establishments. In order to inform the religious associations about the Order and relevant procedures, the meeting with the Religious Council under the Public Defender was organized by the Ministry of the Correction and Legal Assistance of Georgia on 23.02.2011.

Religious education

162. *The Law of Georgia on General Education* is based on the principle of neutrality and non-discrimination in secondary schools. Using of the study process in a public school for the purposes of religious indoctrination, proselytism and forced assimilation shall not be allowed:¹⁸³ No discrimination shall be allowed at the school; a school shall not use its powers and resources in a way that may directly or indirectly result in any discrimination of a pupil, parent or teacher or their associations; a school shall observe and encourage establishing of tolerance and reciprocal respect between pupils, parents or teachers, irrespective of their social, ethnic, religious, lingual and world outlook belonging.

163. *The Law of Georgia on General Education* guarantees freedom of faith and stipulates that “A pupil, parent or teacher has the right to freedom of faith, religion and conscience stipulated by the law, the right to choose or change any faith or world outlook or not to choose any; A pupil, parent or teacher can’t be obliged to fulfill duties, which contradict to their faith, confession

¹⁸³ Article 13, Law of Georgia on General Education

or conscience, if it doesn't substantially infringe the rights of others or doesn't hinder mastering of the level of achievements stipulated by the national curriculum"¹⁸⁴.

164. It is prohibited to use placements of religious symbols on the school territory for non academic purposes. The pupils of a public school have right, during the free time after the school to study religion or conduct a religious ritual, if it is aimed at acquiring religious education¹⁸⁵.

165. According to the new National Education Plan Religion is not included as a separate discipline (though some of the educational institutes may offer Religion as a discipline as an additional service) it is integrated in Social Science Group (History, Geography and Civil Education). It is natural that the main accent is made on History which includes Culture and Religion in all three levels of study which aims at the following: Show the students the variety of cultural heritage created by human beings on the Earth and help them to classify it; Help the students to differentiate various historical periods and regions according to specific ethnographic mode of life and cultural achievements; Assist the school students to define the essence and the importance of the religion. Introduce the existing variety of religious systems in the world.

The direction of this kind according to the levels and grades suggests the students bigger variety of knowledge and skills based on the age of the students which is reflected in the standards and indicators of relevant grades.

166. Protection of Students' rights and freedoms is secured by the *Professional Code of Ethics for Teachers*. The Code reaffirms the role of teachers to propagate rights-based values and principles and forbids any type of discrimination of students (including ethnic origin or religious background).

According to *the Professional Code of Ethics for Teachers*, discrimination against pupils based on religious identity can be a basis for dismissing a teacher from the school. Herewith, it should be noted that the MES developed monitoring mechanisms in order to avoid any kind of discrimination at schools.

¹⁸⁴ Article 18.1 and 2

¹⁸⁵ Article 18. 3 and 4

167. *The Law of Georgia on Higher Education* defines that “A higher education institution shall ensure equal treatment for all, regardless of one’s ethnic or social origin, gender, political or religious beliefs, etc”.

168. The law of Georgia on Professional Education states that professional-education establishment guarantees the equal treatment of professional students regardless of one’s gender, ethnic or social belonging, origin, political or religious beliefs, physical capacities etc”¹⁸⁶.

Article 9

1. The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.

2. Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.

3. The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.

¹⁸⁶ Article 31

4. In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.

Freedom of expression in Georgia is guaranteed by the Constitution, the European Convention on Human Rights and the Law of Georgia on Freedom of Expression and Speech, the Law on Broadcasting, General Administrative Code and other international treaties/conventions. Georgian legislation recognizes that the freedom of expression of a person belonging to national minorities includes freedom to hold opinions and to receive and impart information in the minority languages.

Legislation

169. *The Constitution of Georgia* guarantees freedom of speech of every individual. Namely, according to Article 19, everyone has the right to freedom of speech, thought, conscience, religion and belief. The persecution of a person on the account of his/her speech, thought, religion or belief as well as the compulsion to express his/her opinion about them shall be impermissible. The restriction of the freedoms enumerated in the present Article shall be impermissible unless their manifestation infringes upon the rights of others.

The Constitution of Georgia further guarantees the right of every individual to freely receive and impart information. According to Article 24 of the Constitution, everyone has the right to freely receive and impart information, to express and impart his/her opinion orally, in writing or by in any other means. Mass media shall be free. The censorship shall be impermissible. Neither the state nor particular individuals shall have the right to monopolize mass media or means of dissemination of information. The exercise of the rights enumerated in the first and second paragraphs of the present Article may be restricted by law on such conditions which are necessary in a democratic society in the interests of ensuring state security, territorial integrity or public safety, for preventing of crime, for the protection of the rights and dignity of others, for prevention of the disclosure of information acknowledged as confidential or for ensuring the independence and impartiality of justice.

170. The Constitutional right to freedom of speech and expression is further guaranteed in the *Law of Georgia on Freedom of Speech and Expression*. Under the law freedom of expression among others includes: absolute freedom of thought; freedom of political opinion and debates;

right to research, obtain, create, store, develop or disseminate information or idea of any kind; prohibition of censorship, independence of media and pluralism, right of a journalist to defend confidentiality of the sources of information and to consciously decide on editing matters; freedom of academic education, teaching and research; freedom of art, creativity and invention; right to use any language or scripts in communication; right to perform charity work; right to accuse, and protection of the whistleblowers; freedom to express or not to express opinion regarding religion, faith, consciousness and vision of the world, as well as regarding ethnic, cultural and social origin, identity, family, property and public status and other¹⁸⁷.

171. *The General Administrative Code* (Chapter III, Freedom of Information) protects the right to request and obtain any information from any public authority if such information is not classified as state, commercial or personal secret.

Media and broadcasting

Legislation

172. As it was submitted in the paragraph 56 of the Present Report, following the amendments of 25.12.2009 of the Law on Broadcasting, the Public Broadcaster is under duty to annually create one or more regular program products in at least 4 languages, including in Abkhazian and Ossetian.¹⁸⁸ 173. The *Law of Georgia on Broadcasting* requires holding of a license from broadcasters. The National Communications Commission of Georgia (GNCC), determines the licensing conditions, issues, suspends, renews or terminates the licenses. The GNCC is the only entity authorized to grant broadcasting licenses¹⁸⁹. A license holder may be any natural person or legal entity resident in Georgia. A broadcasting license should not be held by: a) An administrative authority; b) officials or employees of an administrative authority or other state official; b) A legal entity interdependent with administrative authority; c) A political party or its officials. d) Legal entity registered in offshore zone; e) legal entity shares of which are under direct or indirect ownership of the person registered in offshore zone¹⁹⁰. The license seeker shall, for acquiring a broadcasting license, submit to the Commission an application. The Commission shall, within 30 working days of submission of an application, take the decision on issuance of a license for the activity of terrestrial stations of satellite broadcasting and/or cable

¹⁸⁷ Article 3.2 Law of Georgia on Freedom of Speech and Expression

¹⁸⁸ Article 33, Law of Georgia on Broadcasting

¹⁸⁹ Article 36.1

¹⁹⁰ Article 37.2

network; licenses for the frequency spectrum activities shall be issued through open competition.

174. On 11 April 2012, the Constitutional Court of Georgia partially upheld the complaint of Public Defender of Georgia against the Parliament of Georgia and invalidated requirement of licensing for cable broadcasters.

The claimant, the Public Defender of Georgia, argued that the right to receive and disseminate information as protected under freedom of expression, was most effectively realized by broadcasting. The Public Defender considered that certain regulation of broadcasting activities carried out by means of cable network or satellite should be generally permissible. However, establishment of the license requirements for the commencement of such activity failed to meet any legitimate aim and restricted the freedom of expression under Article 24 (1) & (4) of the Constitution of Georgia.

The Court declared that authority of different forms of regulation, including licensing authority, may be linked with implementation of the main function of the state. However, in implementation of these functions, a State is restricted by constitutional right and freedoms. Interference with the rights and freedoms is only justified in special cases, when such interference is inevitable for the achievement of the legitimate aims determined by the Constitution and constitutes proportional and less restrictive mean for the achievement of the goal.

The Court shared the argument of the Public Defender that achievement of the legitimate goals is possible by less restrictive means, for example, by establishing the obligation of submission of certain information to the Regulatory Commission after commencement of the broadcasting activities. Such regulation will be not less effective and, at the same time, will be less restrictive in nature. For the achievement of this goal, it is not necessary to restrict constitutional right of all who want to broadcast via cable network.

With regard to the satellite broadcasting, the Court explained that the satellite broadcasting is subject of regulation under international law and therefore, it may be linked with international commitments of a state.

The Court concluded that the regulatory mechanism selected by the State was not manifestly unreasonable (was provided under International norms) and at the same time constituted formal, content neutral regulation and therefore, was not excessively restrictive. The Court concluded that licensing of broadcasting by satellite system, licensing rules as well as obligation of modification of issued license, derives from authority of a State as a subject of international relations and is in accordance Article 24 of the Constitution. Therefore, the Claim in this part has been dismissed.

175. Any citizen or non citizen of Georgia in spite of their ethnic or religious origin is free to create printed media without any regulations.

Practice

TV and Radio Broadcast in the languages of National Minorities

176. Pursuant to the Article 16 of the Law on Broadcasting, the Georgian Public Broadcaster produces and airs TV and Radio programs in 6 minority languages. Daily news are provided in Ossetian, Armenian, Abkhazian, Azeri languages every day on GPB TV Channel 1 (7:00am) and Channel 2 (11:00pm). The Channel PIK operating since 2010 broadcasts in Russian language programs and the Public Radio 1, along with the TV channels, is airing News programs for ethnic minorities in Azeri, Armenian, Abkhazian and Ossetian languages, complemented with Kurdish language special program as well.

177. When preparing the programs on national minority issues, the Public Broadcaster takes into consideration the views of the Public Board uniting among others representatives of ethnic and religious minorities (please refer to paragraph 32).

178. During meetings in regions local NGO-s indicated the problem with the Georgian Public Broadcaster (GPB) signal transmission. The GPB developed the digitalization project in order to replace old transmitters with modern system and provide full coverage across whole Georgia.

To address this problem in short term perspective and to reach the minority communities in the regions during prime-time hours, specially tailored national news program "Moambe" is

translated and provided to regional TV stations¹⁹¹ which broadcast 15 minutes news blocks in their native language.

179. Apart from the Georgian Public Broadcaster, local private broadcasters air programs in minority languages. For instance, TV Specter, covering both Javakheti and Kvemo Kartli regions, broadcasts in Russian and Armenian; Parvana TV and ATV-12 broadcast in Armenian. TV Marneuli is available in Kvemo Kartli and broadcasts in both Georgian and Azeri languages. TV Alania broadcasts in Russian and covers Tbilisi and other regions, including Tskhinvali region/South Ossetia, Georgia.

Print and online media

180. The Ministry of Culture supports development of the print media in minority languages through financing weekly newspapers in Armenian (newspaper “Vrastani”), in Azeri (newspaper “Gurjistan”) languages.

181. In 2008 the first electronic web-site in Georgia that is fully devoted to and covers array of issues related to ethnic minorities www.diversity.ge was created. The web-site is trilingual and provides its services in Georgian, Russian and English languages. It aims to raise awareness on ethnic minority related issues in the country, promote their history and culture, facilitate integration and tolerance and encourage wider public engagement in these processes. The website provides information regarding the relevant amendments in the laws of Georgia in minority languages.

182. The Tolerance Center under the Public Defender of Georgia runs the special web-site www.tolerantoba.ge aimed at encouraging culture of tolerance. The web-site provides up to date news and information on religious and ethnic minorities, as well as narratives concerning holidays of national minorities.

¹⁹¹ Azeri language news bulletin on “Marneuli TV”, in Ossetian language on “Gori Trialeti, in Abkhazian language on “Zugdidi Odishi” and in Armenian Language on Akhalkalaki TV station “ATV16”.

183. Electronic literature database www.lib.ge launched the project “Unified Caucasian Electronic Library”, with the financial assistance of the Ministry of Culture and Monuments protection of Georgia. The aim of the project is to concentrate in a unique web portal the Caucasian literature, information on the literature events going on in the country as well as pieces of contemporary writers. The information will be translated in English and Russian languages. The project was launched in February 2012.

Article 10

1 The Parties undertake to recognize that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.

2 In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavor to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.

3 The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter.

Numerous legal provisions regulate directly or indirectly the status of minority languages in Georgia and all of them are based on general principles of equality and non-discrimination.

In Samtskhe-Javakheti and Kvemo Kartli (regions densely inhabited by national minorities) the Armenian and Azeri languages are used not only for daily interaction, but are also widely used with local governments and administrative authorities, educational, judicial, and other relevant institutions. In order to provide informed decision of voters

minorities are provided with necessary translated information in pre-election and election periods.

Legislation

184. Under Article 8 of the Constitution of Georgia, Georgian is the State language in Georgia, in addition to Abkhaz language in the Autonomous Republic of Abkhazia. Georgian legislation guarantees the right of the citizens of Georgia for whom Georgian is not the mother tongue to obtain general education in their own language¹⁹². The State implements several programs for supporting use of minority languages in educational system.

For detailed information concerning the use of minority languages in education, please refer to the commentaries of Article 12 of the present report.

185. *The Law on Freedom of Expression* explicitly guarantees right to speak in any language and use any writing¹⁹³.

186. On 27th December 2011, the Parliament of Georgia adopted the new *Organic Law on the Election Code of Georgia*, which sets high standards of availability of election materials as well as information on election in minority languages.

Under Article 14(v) of the new Election Code the Central Election Commission is responsible for forming the unified voters list. The voters' lists of the election precincts with substantial number of minorities should be uploaded on the CEC website during the elections period in the language understandable for minorities.

Moreover, the new Election Code sets the following rules: under Article 62.2 the record book shall be produced in Georgian language. In those precincts where the election ballots are also printed in the language understandable for local population, the record book may be produced in relevant language. According to Article 63.1 a ballot paper shall be printed on the basis of the resolution issued, and in accordance with the sample established by the CEC, in the Georgian language, and in Abkhazia - in the Abkhazian language, and if necessary - in any other language understandable for the local population. Summary protocols shall be printed in the

¹⁹² Law of Georgia on General Education, article 7

¹⁹³ Article 3.2

Georgian language and in Abkhazia - in the Abkhazian language; in those polling stations where the ballots are also printed in local languages, the protocols may be also printed in the corresponding language¹⁹⁴.

It should be underlined, that in practice, the Georgian Government started the translation of election materials since the local self- government elections of 2006. The same practice was continued during Presidential and Parliamentary elections of 2008. With the amendments of 2009 of the Election Code this practice was reinforced legislatively. The Venice Commission and the OSCE/ODIHR welcomed the fact that publishing voter lists in relevant minority languages became integral part of the updated electoral legislation¹⁹⁵.

The Central Election Commission (CEC) provided in minority languages (Armenian, Azeri, Russian) following materials for local self-government election of 2010: Unified Voters Lists, instructions for the election day; election ballots, voting instructions, ballot paper filling in guides, posters showing voting procedures, flyers, booklets "memorandum book of a voter". On the Election Day CEC introduced special operators with Armenian and Azerbaijani language skills on the Hot line. CEC hotline was widely used on the Election Day by all the citizens acquiring some information from the election administration.

The CEC has started active preparations for the upcoming Parliamentary elections of 2012, the preparation and translation of election materials is underway.

187. Under the Constitution of Georgia, court proceedings in Georgia are held in the state language¹⁹⁶. Interpreter's services shall be provided to any person who does not understand the State language.

This principle is also guaranteed by the Criminal and Civil Procedure Codes. According to the Criminal Procedure Code, criminal proceedings are conducted in Georgian, and in Abkhazia-

¹⁹⁴ Article 70

¹⁹⁵ JOINT OPINION ON THE DRAFT ELECTION CODE OF GEORGIA Adopted by the Council for Democratic Elections at its 39th meeting (Venice, 15 December 2011) and by the Venice Commission at its 89th plenary session (Venice, 16-17 December 2011).

¹⁹⁶ Article 85.2 of the Constitution of Georgia

also in Abkhazian. An accused, suspect or other party to the procedure who does not understand the State language shall be assigned an interpreter¹⁹⁷.

The Criminal Procedure Code guarantees that while arresting or accusing a person of a crime, immediately and before any interrogation, the accused should be notified in a language understandable to him, regarding the crime for which he is accused¹⁹⁸. The accused person has also right during interrogation or during any other procedure to use the service of an interpreter if he/she cannot understand the language of the criminal proceedings.¹⁹⁹ The interpreter fees shall be paid from the state budget.

Generally, the Code defines that the service of an interpreter is required if the participant of the proceedings does not understand or does not understand sufficiently the language of Court proceedings; also if it is necessary to translate a text on a language of Court proceedings.²⁰⁰

Under Article 277.2 of the Criminal Procedure Code of Georgia if the accused person cannot understand the language of the proceedings, the decision of the Court shall be translated to him simultaneously or right after the announcement by the Court.

188. According to the information provided by the Supreme Court of Georgia the total sum spent from the State budget from 2007 till 2011 on the interpretation services upon the request of citizens was 47 960 GEL for Azeri language and 17 337 GEL for Armenian language.

189. Interpretation is also guaranteed by the *Civil Procedures Code of Georgia*²⁰¹ and the payment of interpretation fees shall be covered by the losing party.²⁰²

190. According to *the General Administrative Code*, every person is equal before the law and before an administrative organ²⁰³. Under Article 14, the language of administrative proceedings is Georgian, as well as Abkhazian in Abkhazia. If a person submits an application or a document in a language other than state-language, the relevant administrative body allows additional time for presenting a notarized translation of the document or application. This

¹⁹⁷ Article 11

¹⁹⁸ Article 38.1

¹⁹⁹ Article 38.8

²⁰⁰ Article 53

²⁰¹ article 9

²⁰² article 53

²⁰³ Article 4

additional time is not included in the standard statutory deadline for an application and thus cannot be a ground for dismissal²⁰⁴.

191. *The Code of Georgia on Imprisonment* contains number of provisions for convicts unable to communicate in state language. Article 49 provides rules for the administration when new convict is received. According to Article a convict shall be immediately informed in writing, in the understandable language to him/her about his/her rights and the rules of treatment by staff, the rules of obtaining information and filing request, disciplinary and other complaints. It is required that a competent person of the pre-trial detention establishment immediately informs an accused about his/her rights and obligations in a language which he/she understands²⁰⁵.

The Code defines that an accused/convict charged with commitment of disciplinary violations has the right, among others, to be informed of charges and grounds in understandable for him/her language²⁰⁶; Use free interpretation services, if he/she does not understand language of proceedings²⁰⁷.

In case of disciplinary proceedings it shall be explained to the accused/convict that he/she has the right to give testimony, present evidence, file motion, make statements in native language and use interpreter's services, appeal the resolution on imposition of the disciplinary sanction²⁰⁸.

Under Article 90.13 of the Code on Imprisonment, concerning the responsibility for committing of repeated disciplinary violation during the term of the disciplinary sanction, a convict shall enjoy all rights established by the Administrative Procedural Code of Georgia. He/she has the equal right to present evidence, participate in examination of such, summon witnesses, and provide testimony, file petitions and request refusal, express personal opinion on any case related issue. The convict shall enjoy the right of speaking in native language and use interpretation services and/or lawyer's (defender's) services. If the convict is unable to hire a lawyer (defender), the court shall appoint the lawyer (defender) at the state expenses.

²⁰⁴ Article 73

²⁰⁵ Article 75

²⁰⁶ Article 83.a

²⁰⁷ Article 83.e

²⁰⁸ Article 84.2

According to the Code, an accused/convict, who does not speak state language of Georgia, may use interpreter's free service if he/she does not understand language of proceedings. The same rule concerns the reply²⁰⁹.

192. The administration of the custodial establishments has an obligation under the Code to arrange a library in the establishment containing educational literature as well as national and international legislation regarding enforcement of custodial sentences in the language understandable for accused/convicts²¹⁰. An accused/convict who does not speak the state language of Georgia shall be provided with opportunity to learn it²¹¹.

193. In cooperation with the Public Defender's Office, the Ministry of Internal Affairs of Georgia developed the adapted versions (written in simple language) of the lists of procedural rights for persons with administrative and criminal charges. These lists were translated into English, Russian, Azeri and Armenian. The translated materials are provided in all temporary detention isolators, which are displayed in the form of posters at visible places (at cells, rooms of investigation) and corresponding version is handed to each detainee upon detention. The list also contains Hot lines of General Inspection which is in charge of revealing and sanctioning any violation of ethics and discipline in the Ministry, as well as any fact of poor professional performance and wrongdoing by the police officers.

The mentioned Lists are also available on the official web page of the MIA - www.police.ge.

Use of Minority Language in other spheres of public life

194. Article 9 of the *Law of Georgia on Local Self Governance* stipulates that Georgian is the official working language of local governance as well as Abkhaz language on the territory of Abkhazia.

195. Under Article 7 of the *Law of Georgia on the Naming of Geographic Objects*, toponymy on the territory of Georgia shall be assigned in the State language, as well as in Abkhaz language in Abkhazia. The names shall correspond to the physical-geographic characteristics of the

²⁰⁹ Article 101

²¹⁰ Article 113.2

²¹¹ Article 114

place, as well as historic and cultural or agricultural features, and respond to the toponymic structure of the region. Under the mentioned law, in case of necessity, the names of geographical objects can be assigned in foreign language following the principle of transliterating. In the regions of Georgia densely populated by minority groups, toponymy is assigned on minority languages as well.

For further details on use of toponymy please refer to the commentaries of Article 11 of the present report.

196. As it was pointed out with respect to Article 6, *the Law of Georgia on Broadcasting* obliges the Public Service Broadcaster to broadcast relevant proportion of programs on minority languages prepared about/by minority groups; to reflect ethnic, cultural, linguistic, religious, age and gender diversity in programs; support the development of values and cultural diversity²¹².

Article 11

1. The Parties undertake to recognize that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.

2. The Parties undertake to recognize that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.

3. In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavor, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.

Legislation

²¹² Article 16

197. Georgian legislation provides for the possibility to change names and surnames. The right to have a name is enshrined in Article 17 of *the Civil Code of Georgia*. The same article further explains that the term 'name' includes both name and surname of the person. General framework about the change of a name is provided in the Civil Code of Georgia of 1997 and the new Law of Georgia of 20 December 2011 on the Civil Acts.

This new law, abolishing the law of 15 October 1998 on Registration of Civil Acts, took into consideration the interests of minorities. Under the Law, the name shall be granted to the person at the time of registration of his/her birth. Article 62 of the Law prescribes that only citizen of Georgia, as well as permanent resident of Georgia without citizenship of any country whose birth was registered in Georgia, have right to change name and surname. In order to change the name/surname it is obligatory to register the change in the Civil Registry Agency. Article 64 further provides that the changing of a name is possible whenever a person is willing to do it.

Surname can be changed if one of following conditions are met: a person can get the surname of his/her direct ascending relative; a person is willing to get the united surname of his/her parents; a person wants to have a name of his/her factual guardian; a person is willing to get the surname of his/her adopter; a person is willing to get the surname of the spouse; a person is willing to get the surname granted to him/her by an authorized entity of another state. It is also possible to change surname if a person wants to get his/her and his/her spouse's joint surname, return his/her surname before the marriage; or wants to restore his/her historical surname.

The possibility of regaining a historical surname is a positive change of the new Law. Lack of legislative regulation in this field was considered as one of the problematic issues for minorities under the prior legislation. In Georgian reality, this was especially important for representatives of Kurdish and Assyrian ethnicities as their historical surnames were converted into Russian, Armenian or other surnames during the Russian Empire.

Moreover, the lack of the relevant archive materials and legislation were making it difficult for these people to regain their surnames. In fact, under Article 65 of the new Law a person may demand recovery of his/her historical surname, if it is proved with the evidence that his/her surname is a result of changing of another surname or gaining of another surname by his ancestor. Together with other evidence, the recovery of the historical surname may be based on scientific presumption, which approves the abovementioned circumstances.

198. In line with the rights of national minorities enshrined in paragraph 2 of Article 10 of the FCNM, Georgian legislation allows the use of minority languages for local topographical indications. Bilingual and in certain cases trilingual topographical signs can be found in certain areas where substantial numbers of persons belonging to minorities live. The issue of the language of topographical indications is governed by the Law of Georgia of 2000 on the Naming of Geographical Objects and the Decree of the President of Georgia No. 110 of 2008 On the Affirmation of the Rule Governing the Creation, Abolishment or Changing the Administrative borders of a Settlement.²¹³

Article 12

1 The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.

2 In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.

3 The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.

In order to foster the knowledge of the culture, history, language and religion of the national minorities among majority population of Georgia, and at the same time to support the understanding of Georgian culture, language and history among the minorities of Georgia, the State supports different formal and informal educational programs, as well as different cultural programs.

Moreover the State finances various twinning, exchange programs, which aim at acquainting the representatives of minority and majority population with each other and promoting tolerance.

Practice

²¹³ Settlement is defined by the Decree to include cities, towns and villages.

199. For further details on measures in the field of research to encourage the understanding of the culture of the minorities in Georgia, please refer to the commentaries of Article 5 and 6 of the present report.

200. The Ministry of Education and Science of Georgia in the framework of the new strategy of civic integration of national minorities, implements a comprehensive policy towards preservation of the cultural and linguistic identity of the national minorities. Special attention is paid to the teaching of Georgian language, but also at teaching history, culture, history of religions of minorities with the adequate textbooks and by the adequately trained teachers. In 2011, by the initiative of the President of Georgia, special state program “Georgian Language for Future Success” has started to promote integration of ethnic minorities through education.

201. In 2009, the Ministry of Education and Science of Georgia and Teacher Professional Development Center launched the program “The Qualified Georgian Language School Teachers in Regions Densely Populated by Ethnic Minorities”. It aimed at attracting highly professional teachers of the Georgian language and literature in regions heavily populated by ethnic minorities. Competition prioritized selection of teachers having native language skills and at the same time able to deliver instructions for quality teaching of the Georgian language and literature. Selected teachers receive monthly salary with the amount of 1000 GEL which is much higher than the salary of an average teacher (approximately 300 GEL).

202. Within the framework of the program in 2009, 28 Georgian language teachers in Kvemo Kartli and 17 teachers in Samtskhe-Javakheti were assigned to instruct in non-Georgian schools. In 2010 the budget of the Program has been increased two times and 18 additional teachers were selected for the purpose to teach at non-Georgian schools. In 2011, totally 63 teachers provided Georgian language teaching for minority school students in Samtskhe-Javakheti and Kvemo Kartli schools in the framework of the above-mentioned program.

203. In order to improve the level of knowledge of Georgian language and support non-Georgian language teachers in conducting bilingual classes, the MES started sending several hundred teachers to the local non-Georgian language schools from 2011. These kinds of activities not only increase the level of knowledge of Georgian among teachers and students, but also interaction with local population.

The program participants stay at schools for one year. Graduates with bachelor degrees can also participate in the program. All program participants (volunteer teachers) attend one-week intensive training course before the beginning of the academic year. The training course provides information about the basic principles of pedagogy, pair teachings and conducting bilingual classes.

It should also be noted that in case the graduates with bachelor degrees wish to pursue the Master's degree studies the Government finances their studies, provided that these persons participated in this program. At the same time, the teachers receive salary during the program participation. The participants are accommodated with the local families and teach Georgian language to family members as well.

Furthermore, a system of incentives was developed for the PhD students specializing in the subjects taught at schools. In 2012, they will conduct different activities in the non-Georgian language schools, such as teacher training, master classes, extracurricular activities, etc. Each PhD student stays in the region for two weeks and lives with the local families. As a benefit for engaging in this program, the PhD student will receive 5 credits from the university. All the program participants will attend special training course, which helps them in planning and implementing different activities.

204. In the framework of the "Textbooks Translation Project" of the National Curriculum and Assessment Center (NCAC), textbooks are translated into Russian, Armenian and Azeri languages for non-Georgian schools.

In 2010, in the framework of the afore-mentioned project, over 50 different subject textbooks were translated. In 2010, the Minister of Education and Science of Georgia provided 7th, 8th, 10th, 11th and 12th graders of non-Georgian schools with the textbooks of the History of Georgia and Geography translated into their native languages – Russian, Armenian and Azeri (total: 30125 schoolchildren). Starting from 2009, student manuals for the Unified National Examinations are issued in minority languages.

205. The MES prepares the handbooks for each subject designed for students with different level of knowledge of Georgian language.

Considering the different levels of knowledge of the state language by the national minorities, the National Curriculum and Assessment Centre of the MES has developed a standard for

teaching Georgian as a second language based on the language standard description prepared by the Council of Europe directorate on language policy.

In 2011 the MES developed the textbooks of Georgian language for the levels I-IV for minority school pupils. From 2012 the textbooks for the other levels will also be developed.

The textbook of Georgian as a second language is based on the principles of the modern pedagogy, the cornerstone of which is the communicative teaching. Teaching language in communicative-interactive manner largely differs from traditional grammar-translation teaching approach. The textbooks take into consideration the sociolinguistic and psycholinguistic characteristics that are common for this age group. The topics of the textbooks are based on the interests of the pupils and their daily life experience, real life situations and needs. As far as teaching grammar is concerned, emphasis is made on the so called applied grammar/communicative grammar.

Not only textbooks but also audio-visual materials are used in the teaching process. For this aim special games²¹⁴ are developed for the first graders.

It is noteworthy, that Georgian language textbooks are distributed to all ethnic minority school students for free by the state.

206. The MES implements several exchange programs for different levels of education. Namely, exchange program for pupils, school twining programs and summer camps for youth.

206.1. Armenian and Azerbaijani pupils of the final grades have opportunity to spend one semester in the Georgian environment, which is an important step towards improving their knowledge of the state language and integration into the wider society. The exchange pupil lives together with his/her classmate to support the adaptation and learning processes. Before the exchange process starts, the pupils attend special training course, including teaching of Georgian language.

206.2. In order to support the exchange of information and experience among the representatives of different regions of Georgia, as well as representatives of different ethnic groups, the MES supports joint events by Georgian and non-Georgian language public schools throughout Georgia. The schools are encouraged for participation by different prizes, including money awards. The competitions are organized during the

²¹⁴ Available on net books and at www.buki.ge of the MES.

whole academic year and seek the enhancement of school partnership, promotion of friendship among pupils and, in general, promotion of tolerance and democratic values.

206.3. In order to promote the integration of the Azeri and Armenian youth with Georgian pupils, engaging them in joint activities is important, the Ministry of Sport and Youth Affairs, in cooperation with the MES, engaged 2000 young persons of ethnic Armenian and Azeri origins along with their Georgian peers in the summer camp 'Patrioti' in Anaklia. The pupils not only interact with their peers, but also attend Georgian language classes. For this aim, interactive methods are used, different from the school classes. The summer camp also offers special courses on tolerance and intercultural dialogue.

In 2011 the summer camp "Patrioti" hosted 13 groups. In 8 groups out of 13 minorities were highly represented.

Access to education at all levels

207. The Ministry of Education and Science of Georgia applies a holistic approach to the education of all students, particularly minority students. From this perspective, education of minority students is viewed not only as a means to improve their achievements, but also to secure their integration into the wider community and labor market. As a consequence to the holistic approach to minority education, the MES has been making attempts to secure minorities' integration through different educational activities at pre-school, general education, higher and professional education levels.

208. In 2009 the MES established 6 pilot pre-school education centers on the basis of the public schools in Kvemo Kartli and Samtskhe-Javakheti, which were adequately equipped. The experts selected in 2009 developed the first and second part of the textbook, including the teacher's book, audio materials, and visual materials. National Curriculum and Assessment Centre, and an expert on Georgian as a second language were involved in the process of the development of teaching materials.

Until July 2012 the book for pre-school education will be finalized and published, which was piloted in the named 6 pre-school education centers.

From September 2011 onwards about 120 children of age 3-4 are enrolled in the pre-school education centers and go through the education process by specially crafted teaching program.

UNICEF has been supporting the project since 2011. According to the agreement with the local administration, after the end of the project, local administrations will take care on the sustainability of the pre-school education centers.

209. Knowing of the state language along with the mother tongue is important for integration of national minorities, as well as protection of their linguistic and cultural identity. For this reason the MES is implementing the program to support the MLE since 2009 which includes the implementation of the MLE policy in 40 pilot non-Georgian schools.

During the multilingual education two or more languages are used in the teaching process. The key advantage of the MLE is that the pupils develop intercultural skills and tolerance, which predetermine the peaceful coexistence in the multiethnic country.

Teachers' handbooks on MLE are being prepared and disseminated. During the teaching process periodic trainings and seminars are organized. It should be noted, that the teachers involved in the MLE are motivated by the competitions organized by the MES and on the other hand, by the 200 GEL increment to the teachers' salary, for those teachers involved in the MLE. In order to qualify for the 200 GEL salary increment it is necessary to pass Georgian language and MLE teaching methodology examination.

MES is providing textbooks for the pupils, as well as preparing bilingual materials for teachers, methodology materials for teachers, and organizing teacher trainings. Multilingual Education Experts developed the Principle of bilingual textbooks translation. According to this principle 30% of textbooks will be in Georgian and 70% will be translated in minority languages (Russian, Armenian and Azeri). Currently the publishers work on Russian, Armenian and Azeri translation of selected textbooks.

With the initiative of the Ministry of Education and Science of Georgia, all non-Georgian schools will be transferred to Multilingual Education from 2012-2013 academic year.

210. For the first time in 2011, the final exams in the secondary schools were conducted in Georgia. The pupils had to pass the final exams in order to obtain the secondary education

certificate. The pupils of minority schools were given the opportunity to pass the exam of Georgian as a second language, as well as pass the history, geography, physics, chemistry, biology and mathematics in their native languages: in Armenian, Azerbaijani and Russian.

211. In order to promote access to higher education, special programs have been elaborated aimed to promote enrolment of minority students in institutions of higher education. In November 2009, the Law on Higher Education was amended to establish a new system allowing better access for national minorities to institutions of higher education in Georgia. Armenian and Azerbaijani language speakers in Georgia are being allocated 10% of all state university seats. Unlike other university entrants, who must pass four different exams in Georgian, these candidates are only required to pass a single test of general skills in their native language. They are then enrolled in a year-long intensive Georgian-language program before starting their undergraduate studies.

In 2010, when the new system was launched, 180 Azerbaijani and 123 Armenian language speakers were admitted to Georgian state universities - representing an increase of more than 300% over the previous two years. State scholarships to national minority students also increased dramatically, from 11 in 2008 to 213 in 2010. As for 2011, 250 Azerbaijani and 179 Armenian language speakers were admitted to Georgian state universities. The state scholarship was granted to 98 Azerbaijani and 99 Armenian speaking students.

As of 2011, the quota also embraced Abkhazian language speakers, being allocated 1% of the slots at state universities.

212. In 2011 unified Master exams were conducted in Georgian and Russian languages. 123 candidates passed the examination in Russian language. The manual on preparation for the Master exams was also published in Russian language in 2011.

213. Zurab Zhvania School of Public Administration (ZZSPA) was established in 2005 by the President's initiative. Apart from preparing qualified civil servants, a special program developed for teaching Georgian language to national minorities was running at the school.

Special needs assessment was carried out in 2010 with support of the OSCE/HCNM and other donors and new teaching programs were developed based on the findings of these needs assessments. The mission of the school is to support the process of decentralization, improvement of management in the units of local self governance in the regions of Georgia, improvement of the quality of civil service, enhancing the professionalism of the civil servants in

the regions as well as development of the local human resources and thus promoting their integration.

In order to achieve these goals, the school provides to the national minority civil servants, working at the central and local units of the governance and self-governance, long and short-term programs and courses for lifelong professional development.

ZZSPA organizes short courses on management, administration and IT for civil servants working at the local governmental and self-government bodies. Long-term courses are also provided in Georgian and English languages.

Special emphasis is made at the ZZSPA on teaching Georgian to non-Georgian speaking teachers and local civil servants. For this reason the School manages the Georgian language houses in Samtskhe-Javakheti, Kvemo Kartli and Kakheti. The curriculum of the Georgian Language Houses (see paragraph 214) and the ZZSPA are unified, which enables the students to pursue studies at the ZZSPA after attending the basic training of Georgian language at the Georgian Language House.

214. One of the key components in the strategy of the MES was opening of the Georgian Language Houses in the regions with compact settlements of national minorities. Eight Georgian Language Houses are already running in Kvemo Kartli and Samtskhe-Javakheti. More Georgian Language Houses will be opened in 2012- 2013 in Kvemo Kartli, Samtskhe-Javakheti and Kakheti, in accordance with the recommendation following the research carried out by the Civil Development Agency.

The Language Houses are designed for several target groups, including school headmasters and teachers, civil servants, school graduates and other interested groups. Awareness raising activities will be undertaken to make the Language Houses more popular and provide information to the target groups. The Language Houses are managed by Zurab Zhvania School of Public Administration. The teaching process at the Language Houses is organized around a specially crafted program. The selection of students is carried out based on their language capacity determined by the test and also based on their professional activity. At the initial stage every student with similar language capacities goes through a similar program, however, at the second stage they pursue studies as per their professional skills and needs.

The Georgian Language Houses are equipped with necessary equipments and teaching materials. Different audio-visual materials are used for teaching to support the teacher in the process.

At least two teachers are employed at each Language House. It should be noted that selected teachers attend a preparatory training. The training entails all the details necessary for the participants to master teaching Georgian to non-Georgian speaking national minorities.

Article 13

1 within the framework of their education systems, the Parties shall recognize that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.

2 The exercise of this right shall not entail any financial obligation for the Parties.

Georgian legislation guarantees the right to set up and manage private educational and training establishments by the citizens of Georgia regardless of their ethnicity, language or origin. Citizens of Georgia may found educational institutions as private legal entities. To do so, they shall obtain relevant license for carrying out higher, elementary or secondary educational activities in accordance with the provisions of the law.

Legislation

215. An education institution may be established with the status of legal entity of private or public law in accordance with the Law of Georgia on Entrepreneurs, the Civil Code of Georgia and other relevant legal acts. The legal entity of public law can be established by one or jointly by several state governmental bodies.

Under the Law on Entrepreneurship, the legal entity of private law can be established in the following organizational-legal forms: Limited Liability Company - LLC; General Partnership - GP; Joint Stock Company - JSC; Limited Partnership - LP; Cooperative and Non-commercial Legal Entity.

As a result of amendments made to the Law of Georgia on Higher Education and the Law of Georgia on General Education in September 2010, mandatory licensing and institutional accreditation were substituted by the authorisation procedure. The content of accreditation was also modified – it establishes the compatibility of an educational programme with accreditation standards and aims at introducing regular self-evaluation for the improvement of educational quality and promotion of further development of quality assurance. Authorisation is a mandatory procedure for educational institutions, whilst accreditation – is a voluntary one.

Authorisation and Accreditation procedures are carried out by the Legal Entity of Public Law - National Center for Educational Quality Enhancement which was founded on 1 September, 2010 under the Law of Georgia on Educational Quality Enhancement. The National Center for Educational Quality Enhancement is a legal successor for LEPL- National Center for Educational Accreditation.

216. Authorisation is the instrument for external evaluation of compatibility of an institution with standards. Authorisation is obligatory for all types of educational institutions in order to carry out educational activities and to issue an educational document approved by the state.

Based on the mission of educational institutions the authorisation procedure shall establish the compatibility of an educational institution with the following standards: educational programmes; material resources; human resources.

The authorisation procedure covers following steps: Filing an application for authorisation; Recognition as an applicant for authorisation; Setting up of the authorisation expert commission; Authorisation site visit; Preparation of the authorisation expert report and provision thereof to interested parties; Holding of an oral hearing on authorisation related issues; Making and publication of decisions. A decision on granting of or refusal to authorisation shall be made within a period of 90 days following the recognition of an institution as an applicant for authorisation.

For obtaining a status of an educational institution (general education institution, vocational education institution, higher education institution) a relevant institution is supposed to file an application with the National Center for Educational Quality Enhancement. The application should be supplemented by: a complete self-evaluation questionnaire; a notarised copy of a document, regulating institution activities (statute, etc.); a document, certifying the payment of fee for processing an authorisation application – 500 GEL.

Within a period of 3 days the NCEQE shall verify, whether or not all relevant documents are presented.

In case of failure of an applicant to provide the NCEQE with any of the aforementioned documents, the NCEQE shall grant at least 5 and maximum 15 days period to the applicant for the removal of the deficiency. In case of removal of the deficiency within specified timelines the NCEQE shall issue an individual administrative law act about the recognition of the institution as an applicant for authorisation; whilst in case of failure of the institution to remove the deficiency within specified timelines the NCEQE shall issue an individual administrative law act on the abandonment of the application.

After the recognition of the institution as an applicant for authorisation, the NCEQE shall issue an individual administrative law act on setting up an authorisation expert commission and on a visit to the institution applying for authorisation.

A decision on granting authorisation shall be made by the NCEQE Council for the Authorisation of Educational Institutions based on the analysis of authorisation documentation, authorisation experts' report and oral hearing.

The interested parties shall be given at least 7 days prior notice about oral hearing. An interested party shall be entitled to participate in oral hearing. A Council session shall be public. Based on oral hearing and authorisation expert commission's report the Council shall make one of the following decisions by the majority of votes of present Council members: On granting authorisation, when applicant meets all the standards. Authorisation shall be granted for a

period of 5 years. In case of granting authorisation the Council shall set school student, vocational student and university student quota for the institution concerned for the period of authorisation; On refusal to authorisation, when the institution concerned does not meet any of the standards. The decision shall be published on the webpage of the NCEQE within a period of 10 days following its adoption.

217. Accreditation is a type of external evaluation mechanism, which determines the compatibility of an educational programme with standards. State funding goes only to accredited programmes. Accreditation is mandatory for doctoral programmes and regulated professions as well as Georgian language and Liberal Arts.

The accreditation shall aim at the establishment of regular self-evaluation of educational institutions for improvement of educational quality and promotion of quality assurance mechanisms through establishing the compatibility of an educational programme of an educational institution with the following accreditation standards: The goals of an educational programme, learning outcomes and the compatibility of the programme with them; Methodology and organisation of teaching, adequacy of the assessment of programme mastering; Student Performance, Individual Work with Them; Provision with teaching resources; Potential to further enhance the educational quality.

Practice

218. Among 58 authorized higher education institutions in Georgia, 9 are legal entities of public law, 11 are non-commercial legal entities, and remaining 38 are privately registered, mainly in a form of the Limited Liability Company or a Non-Commercial Entity. Among 6 accredited Colleges 3 are state owned and 3 are privately owned.

In Samtskhe-Javakheti and Kvemo Kartli regions, there are 3 higher education and 7 vocational colleges.

It is noteworthy that since 1920 the cathedral of Armenology exists at Ivane Javakhishvili Tbilisi State University it offers courses in a) Armenian language, its history and dialectology; b)

Armenian literature and folklore; c) history of Armenia, historiography, epigraphy, paleography and history of the Armenian Church.

Article 14

1 The Parties undertake to recognize that every person belonging to a national minority has the right to learn his or her minority language.

2 In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.

3 Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.

Legislation

219. Georgian is the state language in Georgia, in addition to Abkhaz Language in the Autonomous Republic of Abkhazia²¹⁵. Under the Constitution of Georgia in the districts, where the population does not have a command of the state language, teaching of the state language and solution of the issues related to the legal proceedings shall be ensured²¹⁶.

220. Article 4 of *the Law on General Education* stipulates, that the language of instruction in public educational institutions is Georgian and Georgian and Abkhaz languages in the Autonomous Republic of Abkhazia.

Citizens of Georgia for whom Georgian is not the mother tongue have the right to receive general education in their own language, in accordance with the national curriculum and in conformity with the law. Learning Georgian language is compulsory in public educational institutions, while in Abkhazia both languages are compulsory. In certain cases as provided by the relevant international treaties and agreements ratified by Georgia, instruction in foreign

²¹⁵ Article 8 of the Constitution

²¹⁶ Article 85.2

language is allowed in some institutions, provided that Georgian language (also Abkhazian in Autonomous Republic of Abkhazia, Georgia) is compulsory²¹⁷.

Articles 7 and 8 of the Law on General Education guarantee access of every citizen to the public education. The State facilitates and promotes the right of every student to be instructed in his/her own language in the closest possible location to his/her residence. Pursuant to Article 7.2, if the exercise of the right stipulated in section 7.1. cannot be exercised by the use of a standard voucher, the government then provides such students with an enhanced voucher.

Under Article 9.1 everyone shall have equal right to public education in order to fully develop his/her personality and obtain the knowledge and skills required for successful private and public life. Primary and secondary education is compulsory.

221. *The Law on General Education* protects all students from any type of coercion and allows freedom of expression in their native language. The use of the learning process at public school for purposes of religious education, proselytism or forcible assimilation is prohibited. This provision does not limit the right to celebrate public holidays and historical events, as well as to carry out activities directed at strengthening national and universal values²¹⁸.

222. The National Concept on Tolerance and Civic Integration defines, that the objectives of the state policy, among others are the following: Supporting the study of minority languages by the Government; Ensuring opportunities for minorities to receive education in their native language; and promoting minority languages as a value of the country.

Practice

223. Georgian authorities actively implement policy aimed at strengthening knowledge of native language among minorities. Among 2 131 public schools, there are 279 non-Georgian schools: 116 Armenian schools, 89 – Azeri, 12 Russian schools and 80 – mixed (have two or more language sectors).

224. The Ossetian Sunday School is fully financially supported by the MES.

²¹⁷ Article 4

²¹⁸ Article 13.2

225. An important aspect is the improvement of teachers' qualification in minority schools through the state programs, such as "Georgian Language for Future Success" (sub-program "teach Georgian, as a second language") "Professional Development Program for Georgian Language Teachers in Minority Schools", "Let's learn Georgian" and "Teach for Georgia". In addition, a policy paper and Action Plan for 2009-2014 on "National Minorities' Integration through Multilingual Education" has been elaborated with the support of OSCE/HCNM.

For further details on instruction in minority language please refer to the commentaries of Article 12 of the present report.

226. Apart from this, the state dynamically finances rehabilitation of minority: 15 schools have been rehabilitated in Samtskhe-Javakheti and Kvemo Kartli in 2007; in 2008 there were 9 schools rehabilitated. 14 Armenian schools were rehabilitated in Samtskhe – Javakheti region in 2009 and 4 in Kvemo Kartli. In 2010, 16 schools in Samtskhe-Javakheti and 2 schools of Kvemo Kartli region have been rehabilitated. 9 schools in total have been rehabilitated in both regions in 2011. This process is still ongoing and rehabilitation of more schools is planned.

227. From 2010, National Examination center is conducting different subject Olympiads in Georgian, Russian, Armenian and Azeri languages.

Article 15

The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.

The Constitution of Georgia constitutes the guarantee for the effective participation of persons belonging to national minorities in public and political life²¹⁹ as does the

²¹⁹ Citizens of Georgia shall be equal in social, economic, cultural and political life irrespective of their national, ethnic, religious or linguistic belonging. In accordance with universally recognized principles and rules of international

Electoral Code, the Law on Local Administration Elections, the Law on Referendum and the General Administrative Code of Georgia. In addition, the National Concept on Civil Integration and Action Plan (NCAP) (2009-2014), developed institutional mechanism to ensure the effective participation of national minorities in decision making.

Practice

228. The Central Election Commission of Georgia is actively involved in the process of improving the election environment and actively supports raising the awareness and the involvement of ethnic minorities in election related issues. Setting up the resource centers in the regions of Georgia is one of the most important projects in this direction (although this project supports cooperation with other stakeholders as well). By the CEC initiative and with the assistance of the UNDP Georgia, 16 resource centers are planned to be opened throughout the country. 6 regional resource centers is planned to be launched in March of this year, including 4 resource centers in the regions, densely inhabited by ethnic minorities: Akhaltsikhe, Akhalkalaki, Bolnisi and Marneuli.

Resource centers will host various seminars and meetings with the CEC representatives, NGOs, international organizations and all the stakeholders, also trainings related to the electoral issues. IT and printed books' libraries will be available as well. Each resource center will become the hub for civic education, where voters will have the opportunity to participate in different interesting projects and get encouraged for the implementation of interesting civic initiatives.

229. Particular attention is being paid to enhancing political participation and equal voting rights for national minorities in Georgia. With regard to this particular matter, the Central Election Commission of Georgia ensures translation of voting bulletins as well as other relevant documentation in minority languages. Detailed information in this respect is given in relation to Article 10.

230. In order to guarantee informed participation of national minorities in election process, during 2010 parliamentary elections, the CEC established a special working group. The election administration suggested the vulnerable groups to get involved in the working process. The

law, they shall have the right to develop freely, without any discrimination and interference, their culture, to use their mother tongue in private and in public. (Article 38.1).

CEC of Georgia organized weekly meetings with the representatives of vulnerable groups (including ethnic minorities and disabled individuals). The CEC considered all the recommendations and suggestions of the group members into its activities. The process is ongoing and the CEC is planning to establish working group for the upcoming 2012 parliamentary elections.

231. In January 2011, at the meeting with local and international organizations, it was agreed that small grants will be provided in certain areas. During the meeting the parties discussed the projects to be elaborated in order to ensure civic and voter education prior to Parliamentary elections 2012. The CEC supports the best projects with financial and human resources.

232. There has been constant cooperation between the President's Council and the Council of Ethnic Minorities under the Ombudsman's Office in the drafting process of the National Concept and Action Plan for Tolerance and Civil Integration, as well as in monitoring the implementation of this document. Under the Governmental Decree,²²⁰ the Civil Integration and Tolerance Council under the President of Georgia, has been entrusted to monitor the implementation of NCAP. The Memorandum of Cooperation was signed between the Civil Integration and Tolerance Council under the President of Georgia and the Council of Ethnic Minorities under the Ombudsman's Office in 2008. Representatives of the Council of Ethnic Minorities and civil society organizations have jointly developed recommendations on effective monitoring mechanisms and participation of minorities in the implementation process. The President's Council organizes annual hearings on the policy implementation presented by the State Ministry of Reintegration and alternative report presented by the Minority Council at the Office of the Public Defender. It should be noted, each year the Action Plan is revised taking into account the alternative report and relevant recommendations from the Council.

233. Furthermore, in accordance with the Action Plan, memorandums of cooperation were signed between the Council of Ethnic Minorities under the Ombudsman's Office and the following ministries: the State Ministry of Reintegration the Ministry of Culture and Monument Protection; the Ministry of Regional Development and Infrastructure; the Ministry of Justice; the Ministry of Internal Affairs; the Ministry of Education and Science. The memorandums are aimed

²²⁰ Decree No.348 of 8 May 2009 of the Government of Georgia on the Approval of The National Concept on Civil Integration and the Action Plan.

to establish systems of cooperation and consultation, as well as monitoring of the Action Plan that will ensure greater participation of national minorities in the decision-making process on issues of their interest.

234. As it was outlined in paragraph 46 with regard to Article 3 no personal data on ethnic affiliation of public servants or elected representatives is collected by the State. Although several ministers and deputy ministers, three presidential advisors, ambassadors, judges, MPs and many other high ranking officials are self-declared national minorities. The GoG mainly relies on data provided by different international organizations and surveys conducted by NGOs in this regard:

234.1. According to the OSCE, in Kvemo Kartli, Samtskhe-Javakheti and Kakheti regions, 142 out of 587 elected representatives were from national minorities. The United National Movement had the highest number of candidates from national minorities in regions inhabited by minorities. The UNM campaigned more actively than other parties in these areas, including with printed campaign materials in Azeri and Armenian²²¹.

234.2. The report of the International Crisis Group²²² indicates that of the 75 single mandates in the 150-seat Georgian Parliament, two are from Javakheti, both held by ethnic Armenians from the ruling National Movement party. Proportionally, this is roughly in line with Javakheti's population of slightly less than 100,000. The Armenian community is well represented in the locally elected *Sakrebulo* and other state bodies, such as the *Gamgeoba* and police. 26 of 32 members of the Akhalkalki *Sakrebulo* and nineteen of twenty members of the Ninotsminda *Sakrebulo* are minorities.²²³

²²¹ OSCE/ODIHR Election Observation Mission Report 2010

²²² Georgia: The Javakheti Region's Integration Challenges -2011

<http://www.crisisgroup.org/en/regions/europe/south-caucasus/georgia/B063-georgia-the-javakheti-regions-integration-challenges.aspx>

²²³ Policy Briefing N63, International Crisis Group, 23 May 2011

234.3. The survey conducted by the UNA in 2008²²⁴ provides following data: 14.4% (1222 employees) of the Ministry of Interior staff are national minorities, which is far behind the estimated percentage of persons belonging to national minorities in the population of the country (16% according to the 2002 census). These employees are dispatched between administrative functions (552 national minority employees in the Ministry's General Administration, Ministry Departments and Ministry's Regional Offices) and law enforcement or field functions (670 national minority staff in the Border Police, the Police Academy, the Ministry of Justice Healthcare Services, the Protection Police Department, the Forest Patrols)²²⁵.

235. To ensure active involvement of national minorities in the political and social life of the country, the GoG carries out an affirmative action policy in the field of education and police.

235.1. New quota system in Higher Education system was described in details in paragraph 201.

235.2. The official policy of the Ministry of Internal Affairs is to give priority to self-declared minority applicants when recruiting police officers in regions inhabited by substantial numbers of national minorities.²²⁶ The steps taken by the Georgian government to encourage the recruitment of persons belonging to ethnic minorities into the police force, particularly in regions where these minorities live in substantial numbers has been positively assessed by ECRI.²²⁷

236. Information on minorities' involvement in cultural life is given in relation to Article 5 of the Convention.

²²⁴ Within the framework of the National Integration and Tolerance in Georgia Program (NITG), supported by the United States Agency for International Development (USAID), by the research team, consisting of UN Association of Georgia, Institute of the BCG Research, Applied Research Company, Institute of Social Researches (ISR), Freedom House Europe and other individual experts.

²²⁵ The study is a comprehensive multi-dimensional research combining both qualitative and quantitative methods. It included the desk research, sociological survey, media monitoring, and a focus group study. A public opinion survey was carried out through door-to-door interviews in households throughout Georgia. Country-wide, 2400 respondents above 18 were interviewed in 239 selected areas, which is a representative sample and providing results with 95% validity and 2-3% margin of error. The areas of Kvemo Kartli and Samtskhe Javakheti provinces 700 interviews (350 in each province) were conducted. The remaining 1700 interviews were conducted proportionally among the administrative regions of Georgia.

²²⁶ The number of Azerbaijani police officers has increased from 152 in 2007 to 298 in 2011 and the number of Armenian police officers has increased from 323 to 515 in 2011.

²²⁷ ECRI Report on Georgia of 28 April 2010, page 7.

237. In November 2011, in order to accurately determine priorities, Tbilisi City Hall announced to plan 2012 Tbilisi city budget in cooperation with the population. The new initiative gave Tbilisians the opportunity to directly participate in the city budget planning process, fill up special questionnaires, raise issues of their concern and interest and express their opinion. The population was able to fill applications in electronic forms at www.tbilisi.gov.ge. Tbilisi self-government and government bodies discussed all the opinions expressed by the citizens while approving the next years' city budget. In addition, representatives of the Mayor's Office and the Municipality daily meet with the population of every district and listen to their opinions on spot. This initiative encourages citizens to get involved in the government and to ensure that money is spent where it is most needed.

238. The Ministry of Regional Development and Infrastructure has prepared Methodological Recommendations for elaboration of Regional Development Strategy and Action Program for Regions, among them for those that are densely populated by Minorities. The Methodological Recommendations determine principles and mechanisms for highest possible involvement of population in practical realization of the programs.

The aim of the strategy is to determine the resource potential of the region as well as preparation of proposals for the purposes to ensure: full and effective use of local natural, material, labor and financial resources; stimulation of investment activities, development of internal and external relations of the country; management of crisis situations in the depressive territorial units and stimulation of their social-economic development; development of social infrastructure; protection, restoration and maintenance of environment as well as ecological balance.

The methodology of development of the strategy envisages participation of the following institutions: regional administration, municipalities, local NGOs, business representatives, educational sector, mass media, population.

Regional Development Councils have been established with the support of the Ministry of Regional Development and Infrastructure. Regional Development Councils are advisory organs to the Governors. The members of the Council include representatives of administration of governors, heads of municipalities, local businessmen, and representatives of educational establishments, NGOs and civil society.

The main aim of the Council is coordination of preparation of Regional Development Strategy. One of the key functions of the Council is to determine priority directions of development of region with the consultation of interested parties.

239. The Regional Development Department of the Ministry of Regional Development and Infrastructure facilitated highest possible involvement of population in the planning of local budget and in the process of expenditure. For this purposes, the methodology of using the funds allocated under Village Assistance Program has been elaborated for the local self-government and government units, which provides for determination of priority works of a village at the meeting of village population. Practical implementation of this methodology has ensured highest possible involvement of village population in determination of areas of expenditure of funds under the Program. Experience of the past years demonstrated, that more than a half of local population participates in the process of determination of priority areas of expenditure and this number increases on a year-by-year basis.

The aims of Village Assistance Program include: directing of the program funds for financing the most wanted social-economic requirements of a village (rehabilitation-restoration of local infrastructure objects, etc.); involvement of population in self-government; enhancement of communication between population and self-government; Fostering the level independence of self-government.

Program financing sources include State Budget of Georgia, co-financing from the budget funds of local self-government unit and funds additionally mobilized from international or donor organizations.

Appropriation of funds under the program is conducted on the basis of the Governmental Decree. Under the “Village Assistance Program”, in 2010 and 2011 municipalities received GEL 40 million. In all villages across the country, concrete projects have been selected by the decision of local population and these projects have been implemented with their participation.²²⁸

240. The Government of Georgia has been carrying out significant projects for infrastructure development in regions, including those that are densely populated by the minority groups. These projects aim to promote social and economic integration of the region as well as improve

²²⁸ Decree No.241 of 29 December 2009 of the Government of Georgia and Decree No.20 of 13 January 2011 of the Government of Georgia.

living conditions, including road, electricity, water and gas infrastructure. Apart from funds allocated from the state budget and local-self government budget for the implementation of these projects, a number of projects have been financed from other funds, including funds allocated by international organizations, donors, private business sector.

240.1. In 2009-2011, only from the state budget and local-self government budgets more than GEL27 million, GEL41 million and GEL15 million have been allocated for implementation of infrastructure development projects, including rehabilitation of schools, kinder gardens, clubs, culture houses, residence blocks, sport grounds, parks, squares, outdoor lightings, etc. in the regions of Samtskhe-Javakheti, Kvemo Kartli and Kakheti respectively.

240.2. In 2009-2011, only from the state budget and local-self government budgets more than GEL55 million, GEL65 million and GEL123 million have been allocated for the implementation of the road and bridge rehabilitation projects in the regions of Samtskhe-Javakheti, Kvemo Kartli and Kakheti respectively.

240.3. With the support of the Millennium Challenge Georgia Foundation, Samtskhe-Javakheti roads rehabilitation project was conducted, in particular – 224 km of road was rehabilitated, as well as 600 m of 15 bridges and drainage system along the rehabilitated road. Road construction took place in 2008-2010, it started from the settlement of Teleti (near Tbilisi) and continued via Manglisi to Tsalka, then to Ninotsminda and Akhalkalaki. Finally the road reaches the borders with Armenia and Turkey and connects the three countries. During 2009-2011 more than GEL 366.6 million was spend on the reconstruction works. Operational life of the road rehabilitated by the Millennium Challenge Georgia Foundation is 20 years. As the result of the project, better conditions were created for trade, tourism and other business development, which will precondition creation of new jobs in the regions. The project will also promote connection of these two regions with the rest of Georgia, which in its turn will speed up social, political and economical integration of the local population. It must be mentioned that during the construction and rehabilitation process more than 3,000 people of local population were employed based on their qualification and experience.

240.4. In 2009-2011, only from the state budget, local-self government budgets and other donor funds more than GEL11 million, GEL19 million and GEL21 million have been

allocated for the implementation of water system rehabilitation and sanitation projects in the regions of Samtskhe-Javakheti, Kvemo Kartli and Kakheti respectively.

240.5. In 2009-2011, only from the state budget and local-self government budgets more than GEL62 thousand, GEL381 thousand and GEL433 thousand have been allocated for the implementation of natural gas system construction projects in the regions of Samtskhe-Javakheti, Kvemo Kartli and Kakheti respectively.

240.6. MCC's \$36 million investment—together with other investments by the Government of Georgia—has secured and diversified Georgia's domestic gas supply for both household and commercial use. As a result, not only is Georgia's energy future brighter, but MCC's investment is expected to generate a \$50.9 million increase in incomes for Georgians over the life of the investment.²²⁹

240.7. In addition to above funds, under Municipal Development Fund, which aims to finance regional and local infrastructure projects, including those related to reconstruction of roads and bridges, water system rehabilitation, gasification, reconstruction of communal infrastructure as well as other projects, various projects have been implemented in minority populated area including: (1) The total costs of the project implemented in Samtskhe-Javakheti region for the period of 2009-2011 amounts to more than GEL68,7 million. (2) The total costs of the project implemented in Kvemo Kartli region for the period of 2009-2011 amounts to more than GEL36,4 million. (3) The total costs of the project implemented in Kakheti region for the period of 2009-2011 amounts to more than GEL55, 7 million.

240.8. The government's Cheap Credit Program is aimed at boosting employment and developing local small and medium entrepreneurships, by improving the availability of credit. Credit is issued at low interest rates and for a period of grace. Several sub-programs are being implemented: Development of Regional Tourism, Agriculture and Folk Handicrafts; Encouragement of Exports.

²²⁹ <http://www.mcc.gov/documents/press/success-2011002057901-georgiagocg.pdf>

240.9. The Agribusiness Development Activity²³⁰ (ADA) (total budget \$20.2 million) financed 283 projects (\$15,907,170) aiming at transformation from ineffective subsistence farming to profitable agribusiness through grant investments, technical assistance, and the provision of market information. Grants were issued on the co-funding principle for the development of small processing factories, farmers' service centers, a continuous production chain and primary production. As a result of the project, almost 3,000 jobs were created in Samtskhe-Javakheti, Kakheti, Kvemo Kartli, Shida Kartli, and Imereti regions and 100, 000 people benefitted from it indirectly. Products produced in the regions within the frameworks of the Agribusiness Development Project are sold in chain of Tbilisi supermarkets. A certain share goes on export to Ukraine, USA, and several European Union countries.

241. The International Crisis Group (ICG)²³¹ positively assessed policies implemented by the Government of Georgia in Samtskhe-Javakheti region. According to the Policy Briefing, *"Tbilisi has successfully implemented programs to increase the region's ties to the rest of the country, stopped projects that were seen as discriminatory and reduced the influence of the few remaining radical groups."*

Among successful projects the ICG highlighted the renovation of a road linking Javakheti to western Georgia in 2008 and a 220km highway to Tbilisi; the renovation of secondary roads within the districts; a new high speed link – the Baku (Azerbaijan)-Akhalkalaki-Kars (Turkey) rail project – due to be completed in 2013; renovation and better-equipment of schools, a new central water system in towns; improvements in electrical distribution systems and a refurbished hospitals; Increase of local budgets, making it possible to implement economic development projects; Installation of natural gas networks; Investment in three hydropower plants worth approx. \$17 million on the Paravani River in the Samtskhe-Javakheti region.

Social Protection and Health Programs

²³⁰ implemented by the Ministry of Regional Development and Infrastructure of Georgia with the support of "Millennium Challenge Fund – Georgia".

²³¹ Policy Breifing. Georgia: The Javakheti Region's Integration Challenges -2011

<http://www.crisisgroup.org/en/regions/europe/south-caucasus/georgia/B063-georgia-the-javakheti-regions-integration-challenges.aspx>

242. Georgian legislation does not preclude any individual belonging to ethnic or religious minority groups from accessing social and health benefits publicly available in the country to all citizens of Georgia. It is notable that most of the public health benefits also apply to permanent residents independent of their citizenship status.

243. Social and health benefits are largely planned and administered by the Ministry of Labour, Health and Social Affairs of Georgia. Eligibility to those benefits/programs is based on the criteria such as age, socio-economic or disability status and presence of certain medical conditions.

Social benefits include:

- Age-based and other types of pensions as determined by the Law;
- Specific groups, such as veterans of war and military forces, persons taking part in military operations for Georgia's territorial integrity or disabled during such operations as well as families of deceased, victims of forced dispersal of peaceful demonstration on April 9, in 1989, and other groups as defined by the Law, also receive a household allowance, which is a monthly cash benefit to cover household's needs for public utilities.
- According to Decree No.145 of the Government of Georgia on "Social assistance" of 28 July 2006, the families registered in the "Unified Database of the Socially Vulnerable Families" and evaluated through "means-tested poverty assessment tool" as having less than 57001 points, receive cash benefit. Amount of this allowance is 30 GEL for the household consisting of one person and 24 GEL for every additional member of the same household.
- Besides means-tested cash allowance benefit program for households, there is also a family assistance program that implies cash benefit to families that consists of unemployed pensioners, orphan children (under age of 18), children with disabilities, large families. In addition, similar cash benefit is also provided to families of Internally Displaced Persons.
- State also administers a "Program of Social Rehabilitation and Child Care". This program is approved annually and funded through state budgetary allocation. It

provides coverage for social services and agencies providing such services that include, but are not limited to the following: functioning of Guardianship and Care Agency, Program for providing food to children under the risk of abandonment, Day Centers Sub-program, Family Service sub-program for careless children, Sub-program for providing a shelter to homeless children, Sub-program for providing a shelter to persons with mental disorders, Community organizations program for PWDs (People with disabilities), Recreation and resort rehabilitation subprogram, Child Rehabilitation subprogram, War Veterans rehabilitation subprogram, Child early development subprogram, Deaf persons communication support subprogram, Provision of supportive devices subprogram, Provision of prosthesis –orthopedic devices, Provision of hearing devices, Provision of cochlear implants, Support of Independent living.

244. The Ministry of Labour, Health and Social Affairs of Georgia administers number of programs that provide access to the healthcare services. Those programs/services include, but are not limited to the following:

- Any Georgian citizen below a certain poverty threshold (as evaluated with the “means-tested poverty assessment tool”) is eligible for state-subsidized health insurance benefits that provides access to emergency care, outpatient services such as access to general practitioner (family doctor), specialists and needed tests and examinations, coverage for hospitalization, delivery and drug benefit. This benefit is also available to Internally Displaced Persons, orphans, teachers and some other groups. From 2012 this program is expanding to cover every citizen of Georgia below the age of 6 and pensioners.
- Government maintains and supports number of healthcare programs that provide access to healthcare services, such as comprehensive coverage of mental health including outpatient care, in-patient care, rehabilitation and drugs. Treatment of HIV/AIDS and Tuberculosis is also universally accessible. Furthermore, Maternal and Child health (antenatal care and safe delivery programs for high-risk pregnant), newborn screening for hearing impairments or genetic pathologies, care for diabetes including provision of insulin, treatment for oncological conditions for children and elderly, rehabilitation and care for drug addiction, dialysis and kidney translation,

palliative care, treatment of rare disease, ambulance services and village doctor and special dotation programs in order to provide primary health care services to people living in rural areas and some out-patient and in-patient services to people living in remote or war-affected regions. It is notable that “village doctor” program provides special attention to ensure access to primary care service in regions densely populated with ethnic minorities. Public healthcare services, such as cancer screening, immunization, epidemiological surveillance and safe blood programs are also universally covering individuals living in Georgia.

- In order to improve access to quality healthcare services, the Ministry of Labour, Health and Social Affairs of Georgia had commissioned a Hospital Sector Development Program. The program ensures construction and rehabilitation of 150 modernized healthcare facilities around the country, especially outside the major cities, by the end of 2013. It is notable that under this program over 17 facilities are to be constructed/rehabilitated in the regions where ethnic minority groups are live more densely, such as KvemoKartli and Samtskhe-Javakheti regions.

Article 16

The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.

Practice

245. As already mentioned above, the reporting period has been marked by the large-scale military aggression by the Russian Federation on Georgia in August 2008. As a result of the invasion of 2008, mixed Georgian-Ossetian villages were destroyed and the ethnic Georgian population was ethnically cleansed from the region.

The August 2008 military aggression by the Russian Federation resulted in internal

displacement of “*At least 192 000 persons*”.²³²

Information about the total number of IDPs is given in paragraph 9. The government undertook efforts to accommodate the displaced persons in different regions of Georgia.

246. During the reporting period displacements of population from the mountainous regions as a result of natural disasters continued. The State has been accommodating the victims of natural disasters in the regions with the lowest risk of the natural calamities. Moreover, while purchasing houses for victims, the state has been paying attention to the number of available houses in the municipalities as well as their competitive price.

In 2007, the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia purchased for the victims of natural disasters 187 houses in total (131 houses in Tsalka, 28 houses in Lagodekhi, 17 houses in Akhmeta, 10 houses in Ninotsminda and 1 house in Kaspi). 44 houses in total in Ninotsminda have been purchased in 2008 by the State. In 2009 the State purchased 127 houses in total in different regions of Georgia (85 houses in Tetrtskharo, 23 houses in Lagodekhi, 15 houses in Akhmeta, 3 houses in Ninotsminda and 1 house in Gori).

Article 17

1. The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.

2. The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organisations, both at the national and international levels.

²³² Parliamentary Assembly of the Council of Europe, Resolution 1633 (2008) on the consequences of the war between Georgia and Russia, para 15.

Legislation

247. The Constitution of Georgia guarantees freedom of movement of all within the country and across the country. Namely, under Article 22 *everyone legally within the territory of Georgia shall, within throughout the territory of the country, have the right to liberty of movement and freedom to choose his/her residence. Everyone legally within the territory of Georgia shall be free to leave Georgia. A citizen of Georgia may freely enter Georgia.* The Constitution stipulates that the right of freedom of movement may be restricted only in accordance with law, in the interests of securing national security or public safety, protection of health, prevention of crime or administration of justice that is necessary for maintaining a democratic society²³³.

248. The legal status of foreigners is regulated by the Law of Georgia on Legal Status of Aliens²³⁴. The objective of the law is, among others, to protect the universally recognized rights of aliens irrespective of their race, color, religion, nationality, citizenship, social background, political views, language, sex, property, and title; as well as to enhance the freedom to choose his/her residence, freedom of movement and right to select a profession stipulated by the Constitution of Georgia²³⁵.

Aliens may enter the territory of Georgia in accordance with the Georgian legislation and in compliance with universally recognized principles of international law and international agreements²³⁶. Any alien legally staying in Georgia is free to leave Georgia. Restrictions on this right are possible only in accordance with the legislation, and with the purpose of ensuring national security or public safety necessary for democratic society, as well as health prevention of crime, or administration of justice.²³⁷The legislation of Georgia on aliens shall respect and observe the principle of family unity²³⁸.

Practice

²³³ Constitution of Georgia, Article 22.3

²³⁴ Adopted by the Parliament on 27th December 2005.

²³⁵ Article 1, Law of Georgia on Legal Status of Aliens

²³⁶ Article 3.f., Law of Georgia on Legal Status of Aliens

²³⁷ Article 3.i. Law of Georgia on Legal Status of Aliens

²³⁸ Article 3.g., Law of Georgia on Legal Status of Aliens

249. It is noteworthy that Georgia has bilateral agreements with number of countries on visa free travel, including with its neighboring states Azerbaijan, Armenia, Turkey (Full list of agreements with neighboring counties is given in the Annex 3).

250. On February 28, 2012, Georgia unilaterally removed visa requirements for citizens of the Russian Federation²³⁹ who are not required to have visa for entering and staying in Georgia up to 90 days.

Moreover, according to the Law citizens of a large number of states are not required to have visa for entering and staying in Georgia up to 360 days, including EU member states, US, Canada, Japan, Israel, etc (Full list is given in the Annex 4).

The visa free regime aims to facilitate the interaction and freedom of movement between the citizens of these states and Georgia.

251. In addition, there are a number of agreements that aim to facilitate establishment and maintenance of cooperation with the persons lawfully staying in other states, including those with whom ethnic minorities share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage. Information on these agreements is given below, in relation to Article 18.

252. The Constitution of Georgia does not prohibit or restrict in any manner participation in international NGO's. For further details on participation of minorities in the activities of non-governmental organisations please refer to the commentaries of Article 7.

Article 18

1 The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighboring States, in order to ensure the protection of persons belonging to the national minorities concerned.

2 Where relevant, the Parties shall take measures to encourage transfrontier co-operation.

²³⁹ Decree of the President of 28 February 2012 No.149

253. Below is the list of agreements with neighboring countries:

1. Agreements between the Government of Georgia and the Government of the Republic of Azerbaijan.

- Agreement between the Government of Georgia and the Government of the Republic of Azerbaijan on Cooperation in the Field of Protection of Intellectual Property (20 May 2009);
- Agreement between the Government of Georgia and the Government of the Republic of Azerbaijan on coordination in the field of information.(4 March 2004);
- Agreement between the Ministry of Education and Science of Georgia and the Ministry of Education of the Republic of Azerbaijan on cooperation in the field of education.(4 March 2004);
- Agreement on Exchange of Legal Information between the Government of Georgia and the Government of the Republic of Azerbaijan (3 February 2000);
- Cooperation on Social Security Matters between the Ministry of Healthcare and Social Security of Georgia and the Ministry for Labor and Social Security of Population of the Republic of Azerbaijan (22 March 2000);
- Agreement between the Government of Georgia and the Government of the Republic of Azerbaijan on Cooperation in the Field of Communications (22 March 2000);
- Agreement between the Government of Georgia and the Government of the Republic of Azerbaijan on Cooperation in the Field of Tourism (9 November 1998);
- Agreement between the Government of Georgia and the Government of the Republic of Azerbaijan on Cooperation in the Field of Culture (18 February 1997);
- Agreement between the Government of Georgia and Government of the Republic of Azerbaijan on Cooperation in the Field of Youth Issues (18 February 1997);
- Agreement between Georgia and Republic of Azerbaijan on Cooperation frontier issues (18 February 1997);

- Agreement between the Government of Georgia and Government of the Republic of Azerbaijan on Cooperation in the field of education. (18 February 1997);
- o Agreement between the Republic of Georgia and Republic of Azerbaijan of Principle Trade and Economic Cooperation (8 March 1996)
- Agreement Between the Republic of Georgia and Republic of Azerbaijan on Visa Free Cross-Border Movement (3 February 1993);
- Agreement Between the Republic of Georgia and Republic of Azerbaijan on Recognition of Visas (3 February 1993)
- Agreement between the Republic of Georgia and Republic of Azerbaijan on Cooperation in Cultural, Scientific and Humanitarian Matters (3 February 1993);
- Agreement between the Republic of Georgia and Republic of Azerbaijan on Cooperation in Healthcare Matters (3 February 1993);

2. Agreements between the Government of Georgia and Government of the Republic of Armenia.

- Agreement Between the Executive Authorities of Georgia and the Government of the Republic of Armenia on Cooperation in Information Sphere (23 June 2003);
- Agreement between the Government of Georgia and Government of the Republic of Armenia on Exchange of Legal Information (11 February 2002);
- Agreement between the Government of Georgia and Government of the Republic of Armenia on Cooperation in the Field attestation of scholars and scholar pedagogical personnel of higher qualification.(20 November 1998);
- Agreement between the Government of Georgia and Government of the Republic of Armenia on Cooperation in the field of Education (2-3 May 1997);
- Agreement between the Government of Georgia and Government of the Republic of Armenia on scientific -technical Cooperation (2-3 May 1997);
- Agreement Between the Government of the Republic of Georgia and Government of the Republic of Armenia on Cooperation in Cultural, Scientific and Humanitarian Matters (19 May 1993);

- Agreement between the Republic of Georgia and the Republic of Armenia on Visa Free Movement (19 May 1993);
- Agreement between the Government of the Republic of Georgia and Government of the Republic of Armenia on Cooperation in the Field of Communications (19 May 1993);
- Agreement between the Government of the Republic of Georgia and Government of the Republic of Armenia on Cooperation in the field of Tourism (19 May 1993);
- Agreement between the Government of the Republic of Georgia and Government of the Republic of Armenia on Recognition of Visas (19 May 1993);
- Agreement Between the Government of the Republic of Georgia and Government of the Republic of Armenia on Cooperation in Sport-Related Matters (19 May 1993);
- Agreement between the government of the Republic of Georgia and Government of the Republic of Armenia on Developing Trade and Economic Cooperation (17 July 1992);
- Agreement between the Government of Georgia and Government of the Republic of Armenia on Exchange of Legal Information (11 February 2002);
- Agreement between the Government of Georgia and Government of the Republic of Armenia on Cooperation in the Field attestation of scholars and scholar pedagogical personnel of higher qualification.(20 November 1998);
- Agreement between the Government of Georgia and Government of the Republic of Armenia on Cooperation in the field of Education (2-3 May 1997);
- Agreement between the Government of Georgia and Government of the Republic of Armenia on scientific -technical Cooperation (2-3 May 1997);
- Agreement Between the Government of the Republic of Georgia and Government of the Republic of Armenia on Cooperation in Cultural, Scientific and Humanitarian Matters (19 May 1993);
- Agreement between the Republic of Georgia and the Republic of Armenia on Visa Free Movement (19 May 1993);
- Agreement between the Government of the Republic of Georgia and Government of the Republic of Armenia on Cooperation in the Field of Communications (19 May 1993);

- Agreement between the Government of the Republic of Georgia and Government of the Republic of Armenia on Cooperation in the field of Tourism (19 May 1993);
- Agreement between the Government of the Republic of Georgia and Government of the Republic of Armenia on Recognition of Visas (19 May 1993);
- Agreement Between the Government of the Republic of Georgia and Government of the Republic of Armenia on Cooperation in Sport-Related Matters (19 May1993);
- Agreement between the government of the Republic of Georgia and Government of the Republic of Armenia on Developing Trade and Economic Cooperation (17 July1992).

Abstracts from the Speech of the President of Georgia on equality of all citizens

- *President Mikheil Saakashvili's Interview on Imedi TV:* "If the price for peace in Georgia is that some people believe I belong to this or that ethnic group, I'm happy to pay this price [referring to frequent comments that the President is of Armenian origin]. We are a mix of all ethnic and religious groups.... By adopting this legislative amendment [amendments to the Civil Code of Georgia allowing registration of religious groups as a religious associations], the authorities told our citizens that everyone is equal;I would have done —adopted the legislative amendment on religious minorities—even if 100,000 people turned out in the streets to protest. I would have explained to my citizens why I was doing it – because I want Georgia to be strong. I want a Georgia that is based on unity, equality, and equal chances for all of its citizens, regardless of their origins"(2011-10-24).
- *Georgian President Mikheil Saakashvili delivers annual address to the Parliament:* "We are not forgetting to take care of every ethnic minority - we should open the doors for all of them to realize their own ambitions and abilities in Georgia. I am proud to say that last year we began to implement the special state program aimed at paving the way to our higher education system for Azerbaijani, Armenian, Abkhazian, Ossetian, and other citizens of Georgia. Every representative of our ethnic minorities, every citizen of ours is, for us, precious and dear - like every Georgian. The higher education system was practically closed to ethnic minorities in the past. But we all have one motherland. We together build the future of Georgia and we should all have equal opportunities to achieve success. A society that is not closed in its own shell has no phobias; it is multiethnic and multi-confessional, one where all communities are an integral part of the Georgian nation" (2011-02-11).
- *Mikheil Saakashvili gives thanks to the ethnic Armenians residing in Georgia over the Christmas Holiday:* "The friendship of the Georgian and Armenian people has stood for centuries and has experienced many historic hardships, despite this, today you actively participate in Georgia's national development," underlined the president in his speech (2011-01-06);
- *President Saakashvili commenting on the Government's efforts to encourage ethnic minorities to enter into higher education:* "Georgia has a rich and diverse multiethnic society, including a significant Muslim population. It is crucial that every person in

Georgia has an opportunity to succeed and build a future for themselves, regardless of race, religion or creed. If we said that Georgia belongs only to the Georgians, we would number less than four million. If, however, we say that Georgia belongs to everyone who loves it, then our numbers would swell to over 11 million.”(2010-08-27);

- *President Saakashvili's Statement at a commemoration service to mark the second anniversary of the the Russo-Georgia War:* “I say that all citizens of Georgia, whatever their political, ethnic, religious or social background, are united by a common love of our homeland and the principles that our homeland is founded upon: freedom, peace and independence” (2010.08.07)
- *President Saakashvili at the awards ceremony for the winners of Georgian National School Championships:* “It is important that people of all ethnicities have an equal opportunity to participate in higher education. Ethnic minorities have the same rights in Georgia as all other citizens. Georgia is not a country for only ethnic Georgians. Georgia is a country of Georgian Armenians, Georgian Azerbaijanis, Georgian Ossetians, Georgian Abkhaz and Georgian Jews” (2010-05-14);
- *The President of Georgia Mikheil Saakashvili and the US Vice President Joe Biden meeting a group of IDP children:* “The first shots during the 2008 invasion weren't fired by ethnic Ossetians, instead they were fired by foreign aggressors who ignored the interests of Georgians, ethnic Ossetians and all other ethnic groups. Despite their overwhelming aggression, they were unable to destroy the major part of us - humanity and love towards other ethnic groups, and our sense of national pride” (2009-07-23);
- *The President of Georgia, Mikheil Saakashvili, speaking at the opening of the military memorial at the Mukhatgverdi cemetery:* Georgia is a multiethnic country. In the New Year I met with an Ossetian family. These people are as patriotic as the next Georgian Citizen. ... Georgia would not exist today if it wasn't for the unity of these ethnic groups” (2009-05-26);
- *The President of Georgia Mikheil Saakashvili offers warm wishes for the New Year to a Georgian-Ossetian family:* “I am delighted to meet with this family. For me, Georgians and Ossetians are inseparable. We have many ethnic groups, but, despite this, we share a common love for Georgia. I want you to know that not one single Ossetian is our enemy” (2009.01.01);
- *President of Georgia Mikheil Saakashvili standing before a Georgian Parliamentary Commission:* “Almost three years ago, in this very hall, I presented before you a peace plan for South Ossetia. Let me reiterate that Georgia still seeks a modern European

solution to the conflict. Our plan for the occupied territories simultaneously provides for the unity of the state and guarantee the protection of the political rights of the regions, which means strong self-governance and the protection of human rights for all citizens whatever their ethnic origin. Through hard work and determination this result can be achieved” (2008-11-29);

- *The President of Georgia Mikheil Saakashvili's address to the United National Movement Party Assembly:* “Under the previous Government it was often said that the opposition was comprised of Armenians, Azeris and Ossetians. I have explained before, many times, that if you dislike Azeris, I am an Azeri! If you dislike Armenians, I am an Armenian! If you dislike Jews, I am a Jew! If you dislike Ossetians, everyone knows well that I am an Ossetian! What’s more, I am more of a patriot and a Georgian than any of these people who are driven by their hatred of other ethnicities. This is our belief – Georgia belongs to everyone” (2008.11.25);
- *The President of Georgia Mikheil Saakashvili addresses the Georgian People:* “We are able to achieve our goals. Five years ago we saw that national unity can create miracles. ... We have maintained a peaceful environment where different ethnic groups are able to coexist in harmony. Previously, I have met with people of various ethnicities, those who couldn't speak a word of Georgian and did not feel that they lived in an integrated Georgia, today these people represent some of the strongest and most dedicated part of the population for our statehood, as evidenced by the recent Russian aggression” (2008.11.22);
- *The President of Georgia Mikheil Saakashvili's delivers his annual speech before the Georgian Parliament:* “Our country belongs to people of all ethnicities. Georgia belongs to the representatives of all ethnic groups who live here. It belongs to Ossetians and Abkhazs and thousands of Azeris, risked their lives alongside ethnic Georgians. For me, Georgia belongs to the Commander of Special Forces from Akhalkalaki, who halted the tanks at the entrance to Javakheti. Georgia belongs to the representatives of all ethnic and religious groups. We were building schools, kinder-gardens, cultural centres, resorts in the conflict zones, to improve living conditions in these areas. We wanted to show that Georgia belongs to every ethnic group and to restore all that was lost as a result of the various conflicts (2008-09-16);
- *The President of Georgia Mikheil Saakashvili addresses a crowd gathered in front of the Georgian Parliament:* “There are no divides between Georgians, Ossetians and Abkhazians. Nobody admires these people as much as we do. During the conflict, Georgian Hospitals treated ethnic Ossetians, ethnic Georgians, Russians, Ukrainians

and all those that were injured. I would like to address all ethnic groups living in Georgia. Dear all, Georgia belongs to you all. Georgia belongs to Ossetians, Abkhazians, Georgians. Georgia belongs to all Georgian citizens, irrespective of whether they are Armenians, Azeriss, Russians, and Ukrainians. We are against nobody, even Russians. My Dear Friends, My Dear Compatriots. The world has witnessed Georgian unity and it has witnessed our fight for freedom and our efforts to stand together for the future”(2008.08.13);

- *The special address of the President of Georgia Mikheil Saakashvili:* “I would like to address those residents in South Ossetia, I want to address the whole of Georgian society, all of our multi-ethnic Georgian society. I want to address ethnic Georgians and ethnic Ossetians, ethnic Russians and ethnic Jews, living in the conflict zone-all citizens of our country, regardless of their ethnicity. I continue to support the peace plan for South Ossetia that I introduced three years ago, a plan that has been developed over the course of many years. It includes virtually unrestricted autonomy and local governance for South Ossetia, special safeguards for the human rights of every ethnic Ossetian, international guarantees, an autonomous structure created according to EU standards. Every ethnic Ossetian has been an inseparable part of Georgian history for centuries. We are proud of you and our unity. Georgia is strong for its diversity. Georgia has never been and will never be a mono-ethnic country. Georgia belongs to all of us regardless of our ethnicity” (2008-08-07).

Annex 2

Information on minority culture initiatives supported by the Ministry of Culture and Monument Protection of Georgia and by the Office of the State Minister of Reintegration

2007

- New productions and guest performances were held in Armenian and Azerbaijani theatres.
- Several cultural events were held in the Museum of History of Jews of Georgia.
- A Collection of papers "Archaeology, Ethnology and Folklore of the Caucasus" was published.
- Georgia's cultural relations center - the Caucasian House organized exhibitions, meetings, screening and discussion of two documentary films and a presentation of new publications.
- Russian cultural center of Georgia organized four cultural events.
- Azerbaijani cultural museum organized different events, meetings and press conferences.

2008

- Four new productions, three charity-shows took place in Tbilisi State Armenian Dramatic Theater. Tour performances were organized in Ninotsminda, Marneuli region and Armenia.
- There was an opening night of a new literary composition "The War" at Tbilisi State Azerbaijani Theater. Charity guest performances were held in Marneuli, Gardabani, Sadakhlo, Bolnisi and Rustavi.
- Davit Baazovi Georgia's Jews Historic and Ethnographic Museum published "Papers" vol.5; organized exhibitions "Bagrationi Arms" and "Biblical King David the Prophet";

organized meetings: "The Holocaust" and the 60th Anniversary of the State of Israel; revised G.Khukhashvili archive; bought new books to enrich library holdings; launched working on "Papers" vol.6; organized an international conference "Archeology, Ethnography and Folklore of Caucasus" (Shamkori, Azerbaijan).

- Georgia's cultural relations center - the Caucasian House implemented the following activities: a presentation of approximately 10 new books; 8 meetings; an exhibition of Georgia's Azerbaijani children's paintings alongside with the exhibition of paintings of young Georgian painters; organized seminars on different themes; published books, magazines and newspapers among which of great significance are the following publications: "Caucasian Fairy Tales"; "Caucasian People's Oral Poetry"; Literature Magazine "Mravalsaxovani Qvekana (Diverse Country)".
- Azerbaijani cultural museum organized a personal exhibition of Almaz Mashov's paintings, evenings dedicated to the Georgian language; the Khojali Memorial Day and the Azerbaijani Independence Day; arranged a presentation of books of Azerbaijani poets. The foundation of a Union of Azerbaijani Writers and the Publication of Azerbaijani newspaper "Sitkva (Word)" were the two most significant events, along with the opening of a new library within the walls of the museum.

2009

- Two charity premieres took place in Tbilisi State Armenian Dramatic Theater. Four performances were organized in Marneuli and Bolnisi districts.
- Two premieres were organized in Tbilisi State Azerbaijani Theater and charity performances were held in the villages of Marneuli District.
- In the Museum of History of Jews of Georgia scientific research work was carried out on the issues concerning Georgian-Jewish history, ethnology, cultural heritage, Georgian-Jewish relations, working on "Papers" vol.6 was launched as well.

- “Caucasian House” remembered and celebrated a special event dedicated to the 85-th anniversary of the famous all over the world Genius of Cinematography, Sergey Parajanov. An evening in memory of Terenti Graneli was also arranged. Several meetings were held with students on an issue ”Mahmadian Meskhetians and their Repatriation”, a meeting on the subject ”Political Crisis in the Caucasus Region” was held for the Youth Organisations of Georgia. In addition, a number of seminars were conducted on different topical themes. Evenings introducing the culture, folklore and poetry of ethnic groups were organised. Several films were shown.
- Different types of cultural events, alongside with a meeting with prominent people from Azerbaijan; evenings concerning Novruz Bayram and the tragedy of the 20th January took place In Azerbaijani cultural museum. poetry evenings and gala concerts were held as well.

2010

- In April 2010 Dagestani cinema director Ali Avarski who is a Georgian citizen completed works on the final part of the documentary trilogy “Museum in Open Air”. The film is dedicated to the tolerance and friendship between Georgians and Dagestanis.
- In the first part of May 2010 Days of Armenian Culture were conducted in Tbilisi. Guests from Armenia were invited to the Petro Adamian State Drama Theater, Georgian citizen Svetlana Eritsian received Order of Honour.
- In May 2010 an exhibition of 22 Armenian artists residing in Tbilisi was organized in gallery “Muse”, an album “ART-bridge” was published.
- In the frameworks of the programme four additional events were arranged, two by the Petro Adamian State Drama Theater and two by the Heydar Aliiev Azerbaijani Theater. Two other events have been implemented in the form of free initiatives.

- LAPL organizations (Tbilisi State Armenian Dramatic Theater, Tbilisi State Azerbaijani Theater, David Baazov Museum of History of Jews of Georgia, Mirza Phatali Akhundov Museum of Azerbaijan Culture) continued their work in accordance with their mission.

2011

- The festival with the participation of children of different nationalities in Open Air in Tsalka was arranged.
- Within the framework of the project supporting national minorities in Georgia, the Ministry of Culture and Monument Protection of Georgia handed national attire to each member of the Folk Ensemble based at Marneuli Culture Centre “Sarvani”.
- Tbilisi’s Petros Adamian State Armenian Dramatic Theater Touring to US was organized with support and under the patronage of the Ministry of Culture.
- The exhibition of carpets and rugs at the Mirza Phatali Akhundov Museum was sponsored.
- Computers for the internet access were provided for the selected 4 libraries in Georgian regions which are densely populated with Armenians and Azerbaijanis.

2012

- The Circassian Cultural Center was launched at the Ministry of Culture and Monument Protection.
- The book “History of Catholicism among Georgians” was reissued by the Ministry of Culture and Monument Protection for the 100 year anniversary after death of a prominent Georgian scientist Mikheil Tamarashvili.

From 2009 to 2011, the Office of State Minister for Reintegration carried out the following activities:

- Festivals: multi-ethnic festival “Under One Sky” (held three times);
- Final meeting in Tbilisi and presentation of poems “A Multilingual Literary Collection”;
- Joint activities in the regions and in Tbilisi related to cultural, religious and traditional festivities of the national minorities, as well as the independence days of their countries (100 meeting);

- Regional representatives of the State Minister in Kvemo Kartli and Samtskhe-Javakheti constantly met people, representatives of local non-governmental organizations, municipalities and community organizations, international organizations and diplomatic corps. They have organized a number of sports competitions, exhibitions. Under the population's request.
- In order to identify non-Georgian-speaking young poets, searching for them during one year (the number of off-site events in the regions – 6).

Annex 3

Agreements on Visa Free Movement with Neighboring countries of Georgia

Turkey

1. Agreement between the Government of Georgia and the Government of the Republic of Turkey Concerning the Mutual Abolition of Visas for Holders of Diplomatic, Service and Special Passports – signed on June 12, 1995. In force since August 12, 1995.

2. Agreement by the Exchange of Notes on the Amendments and Additions to the 1996 Visa Facility Agreement between the Government of Georgia and the Government of the Republic of Turkey – signed on December 15, 2005. In force since February 10, 2006.

3. Protocol on the Additions and Amendments to the Visa Facility Agreement between the Government of Georgia and the Government of the Republic of Turkey of April 4, 1996 – signed on May 31, 2011. In force since December 10, 2011.

Armenia

Agreement Visa Free Movement of the Nationals of Georgia and the Republic of Armenia on their Territories – signed on May 19, 1993. In force upon signature.

Azerbaijan

Agreement Visa Free Movement of the Nationals of Georgia and the Republic of Azerbaijan on their Territories – signed on February 3, 1993. In force since March 5, 1993.

Annex 4

**List of the countries whose citizens do not need a visa
to enter and stay on the territory of Georgia for 360 days**

All countries of the European Union	Barbados
United States of America	Antigua and Barbuda
Canada	Trinidad and Tobago
Japan	Republic of Seychelles
Swiss Confederation	Republic of Botswana
Principality of Lichtenstein	Republic of Croatia
Kingdom of Norway	Republic of Chile
State of Israel	Federation of Saint Kitts and Nevis
the Holy See (Vatican)	Argentine Republic
Principality of Andorra	Malaysia
Republic of San-Marino	United Mexican States
Republic of Iceland	Oriental Republic of Uruguay
United Arab Emirates	Republic of Mauritius
State of Kuwait	Republic of Panama
Republic of Korea	Republic of Costa Rica
State of Qatar	Republic of South Africa
Kingdom of Bahrain	Federative Republic of Brazil
Sultanate of Oman	Kingdom of Thailand
Brunei	Belize
Republic of Singapore	Kingdom of Saudi Arabia
Commonwealth of Australia	Republic of Albania
Principality of Monaco	Republic of Serbia
New Zealand	Bosnia and Herzegovina
Plurinational state of Bolivia	Montenegro
Columbia	Republic of Iraq
Dominican Republic	Republic of Paraguay
The Commonwealth of Dominica	Republic of Surinam
Republic of Ecuador	Republic of Cuba
Republic of El Salvador	Turkmenistan
Republic of Guatemala	Republic of Peru
Republic of Honduras	Saint Lucia
	Saint Vincent and the Grenadines