

The Law of Georgia

On the Elimination of All Forms of Discrimination

Article 1. The Objective of the Law

The present law aims to eliminate any form of discrimination and to ensure equal enjoyment of the rights set forth by the legislation of Georgia for all natural and legal persons regardless of race, color, language, sex, age, nationality, origin, place of birth, residence, property or title, religion or faith, national, ethnic or social belonging, profession, marital status, health condition, disability, sexual orientation, gender identity and expression, political or other beliefs or other basis.

Article 2. The Concept of Discrimination and Prohibition of Discrimination

1. Any form of discrimination shall be prohibited in Georgia.
2. Direct discrimination shall be any treatment or creation of any conditions putting a person in a disadvantaged position in the enjoyment of the rights determined by the legislation of Georgia based on any of the grounds listed in Article 1 of the present law, as compared to other persons in similar conditions, or putting in equal condition those persons, who are in essentially unequal conditions, unless such treatment serves a legitimate purpose, including protection of public order and morale, has objective and reasonable justification and is necessary in a democratic society and where the measures applied are proportional for the achievement of such purpose.
3. Indirect discrimination shall be a condition, where a provision, criterion or practice of a conditionally neutral and essentially discriminatory content exists, putting in a disadvantaged position persons under one of the grounds listed in Article 1 of the present law, as compared to other persons in similar conditions, or putting in equal condition those persons, who are in essentially unequal conditions, unless such a condition serves a legitimate purpose, including protection of public order and morale, has an objective and reasonable justification and is necessary in a democratic society and where the measures applied are proportional for the achievement of such purpose.
4. Discrimination on multiple grounds shall represent discrimination based on two or more grounds.
5. Any act aimed at coercing, instigating or encouraging a third party to commit discrimination for the purposes of the present article shall be prohibited.
6. In the circumstances foreseen by the present article, discrimination takes place regardless of whether the person actually possesses one of the grounds determined by Article 1 of the present law, because of which discriminatory treatment has been applied.
7. Special and temporary measures aimed at encouraging or achieving factual equality, especially with regard to gender, pregnancy and motherhood issues, as well as persons with disabilities, shall not represent discrimination.
8. Any difference, inadmissibility, and preference of specific work, activity or domain, based on specific requirements, shall not be considered as discrimination.

9. Differential treatment or creation of differential conditions and/or state is admissible, if there is invincible state interest and state intervention is necessary in a democratic society.

Article 3. The Scope of the Law

1. The requirements under the present law shall apply to the actions of public agencies, organizations, natural and legal persons in all domains but only in the case that these actions are not regulated by other legal acts, corresponding to Paragraphs 2 and 3, Article 2 of the present Law.

Article 4. Measures to be Implemented for the Elimination of Discrimination

In order to eliminate discrimination, any agency has the duty to:

- a) Ensure compliance of its operation, as well as legal acts and internal regulations, if any, with the present law and requirements as per the other non-discrimination legislation;
- b) Ensure immediate and efficient response to any fact of alleged discrimination;
- c) In case the fact of discrimination has been confirmed, impose liability on the subordinated persons having committed the violation in accordance to the acting legislation and internal regulations and ensure elimination of its implications, without violation of the rights and legitimate interests of the third party.

Article 5. The Rules and Scope for the Interpretation of the Law

1. None of the provisions herein shall be interpreted to imply restriction of rights to any religious unions bearing in mind the freedom of religion (including the right to religious worship), under the condition that enjoyment of these rights does not violate public order, public safety and/or the rights of others.
2. None of the provisions herein shall be interpreted so as to contradict the Constitution of Georgia and the constitutional agreement of the “State of Georgia and the Apostolic Autocephalous Orthodox Church of Georgia”.
3. The measures aimed at the elimination of discrimination or realization / protection of the rights of a person or a group of persons with the grounds set forth by Article 1 of the present law shall not obstruct public order, public safety and/or the rights of others.
4. Enjoyment of the rights determined by the present law in a way aiming at or causing evolvment of dispute between persons or groups of persons with the grounds set forth by Article 1 of the present law shall be inadmissible.
5. None of the provisions herein shall be interpreted so as to void any of the other rights or freedoms provided for by international treaties ratified by the Parliament of Georgia or restrict them to a greater extent than foreseen by the treaty itself.

Article 6. Oversight on the Elimination of Discrimination and Ensuring Equality

1. Oversight on the issues of elimination of discrimination and ensuring equality shall be carried out by the Public Defender of Georgia.
2. With the purpose of implementing the authority granted by the acting legislation, the Public Defender shall:
 - a) Review applications and complaints by natural and legal persons or groups of persons, who consider themselves victims of discrimination;
 - b) Examine cases of discrimination where an application or complaint exists, as well as *ex officio* and issue relevant recommendations;
 - c) Elaborate and submit to relevant agencies or persons suggestions of a general nature on the issues of prevention of and combating discrimination;
 - d) For the purposes of the present Law, develop opinions on the necessary legislative amendments and submit them to the Parliament of Georgia in the form of a legislative proposal;
 - e) Summon the victim of discrimination and alleged perpetrator of discrimination and attempt to resolve the case through amicable settlement;
 - f) For the purpose of restoration of the rights of the victim of discrimination, address a relevant body or person, if settlement is impossible and sufficient materials exist confirming discrimination;
 - g) Be authorized to address the court pursuant to the Code of Administrative Procedure of Georgia, as an interested party and to request issuance of an administrative ruling or execution of an action, if no response to the recommendation has been given by the administrative body or the recommendation has not been taken into consideration and sufficient evidence exists confirming discrimination;
 - h) Collect and analyze statistical data on discrimination cases;
 - i) Carry out measures to raise public awareness on discrimination issues;
 - j) Cooperate with different international state and non-governmental organizations on discrimination issues, as well as with local NGOs and civil society representatives.

Article 7. Special Report of the Public Defender of Georgia

1. The Public Defender of Georgia shall develop and publish a special report on the situation in terms of combatting and prevention of discrimination, and state of equality in the country on an annual basis.
2. The special report of the Public Defender shall include a general assessment of, conclusions and recommendations on the state of combatting and prevention of discrimination, and the state of equality, as well as information on major violations identified and measures implemented.

Article 8. Case Review by the Public Defender

1. A person having filed an application/complaint with the Public Defender of Georgia shall refer to the facts providing grounds for the allegation on the perpetration of a discriminatory act and submit relevant materials.
2. The person shall present to the Public Defender facts and relevant evidence providing grounds for the allegation on the perpetration of a discriminatory act, as a result of which the party having allegedly committed the act of discrimination shall bear the burden of proof that discrimination has not taken place.
3. If the Public Defender holds necessary, s/he shall be authorized to schedule an oral hearing and summon both parties to resolve the case through amicable settlement. If the case is resolved through settlement, the Public Defender shall carry out monitoring of the fulfillment of the obligations determined by the act of settlement.
4. Any administrative, governmental or local self-government agency (including prosecutorial, investigative and judicial bodies) has the duty to submit to the Public Defender in compliance with regulations established by law, materials, documentation and other information and deposition related to the case review within 10 calendar days following the request. If the information has been received on a voluntary basis from a natural person, s/he can be reimbursed for the expenses of copying and mail services related to the submission of the information upon his/her request.
5. The Public Defender shall review the application/complaint in accordance with the rules determined by the legislation of Georgia.

Article 9. Decision Making by the Public Defender

1. The Public Defender shall suspend proceedings if, due to the same fact of alleged discrimination:
 - a) the given dispute is being considered by the court;
 - b) administrative proceedings are pending;
 - c) criminal prosecution is pending.
2. The Public Defender shall terminate proceedings if, due to the same fact of alleged discrimination:
 - a) a judicial ruling exists on the case;
 - b) as a result of the review of the application/complaint, the fact of discrimination has not been confirmed.
3. If, as a result of the review of the application/complaint by the Public Defender, the fact of discrimination has been confirmed and its implications have not been eliminated, bearing in mind the circumstances of the case, the Public Defender shall conclude the proceedings with the issuance of a recommendation on the measures to be implemented to restore violated equality.

Article 10. Legal Recourse

1. Any person considering himself/herself a victim of discrimination shall have the right to file a suit in court against the person/institution which in his/her opinion has perpetrated discrimination and to request reimbursement for moral and/or material damages.

2. The rules for legal recourse shall be determined by the Civil Procedure Code of Georgia.

Article 11. Third Party Participation in the Case Review

1. Any organization, institution or union, whose scope of work includes the protection of individuals from discrimination, shall have the right to address the Public Defender of Georgia with a request for the inclusion into the proceedings determined by the law as a third party.
2. The Public Defender shall be authorized to satisfy the request as per Paragraph 1 of the present Article only in case of consent of the person who considers himself/herself a victim of discrimination.

Article 12. Protection of Persons in the Use of the Procedures Determined by the Law

1. Any kind of negative treatment of or influence on any person on the grounds that this person has filed an application or complaint seeking protection from discrimination to relevant bodies or has cooperated with them shall be prohibited.
2. In carrying out proceedings set forth herein and after such proceedings, the relevant bodies shall ensure confidentiality of the personal information related to the victim of discrimination pursuant to the Law of Georgia on the Protection of Personal Data. Transfer of such information to third parties shall be inadmissible without consent of the victim of discrimination, except in cases directly provided for by the law.
3. In case of breach of the requirements under the present article, the victim of discrimination shall be authorized to file an application with the Public Defender.

Article 13. Enactment of the Law

The present Law shall be enacted upon publication.

President of Georgia

Giorgi Margvelashvili