

# **ECRI REPORT ON GEORGIA**

## **(fourth monitoring cycle)**

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## FOREWORD

The European Commission against Racism and Intolerance (ECRI) was established by the Council of Europe. It is an independent human rights monitoring body specialised in questions relating to racism and intolerance. It is composed of independent and impartial members, who are appointed on the basis of their moral authority and recognised expertise in dealing with racism, xenophobia, antisemitism and intolerance.

In the framework of its statutory activities, ECRI conducts country-by-country monitoring work, which analyses the situation in each of the member States regarding racism and intolerance and draws up suggestions and proposals for dealing with the problems identified.

ECRI's country-by-country monitoring deals with all member States of the Council of Europe on an equal footing. The work is taking place in 5 year cycles, covering 9/10 countries per year. The reports of the first round were completed at the end of 1998, those of the second round at the end of 2002, and those of the third round at the end of the year 2007. Work on the fourth round reports started in January 2008.

The working methods for the preparation of the reports involve documentary analyses, a contact visit in the country concerned, and then a confidential dialogue with the national authorities.

ECRI's reports are not the result of inquiries or testimonial evidences. They are analyses based on a great deal of information gathered from a wide variety of sources. Documentary studies are based on an important number of national and international written sources. The in situ visit allows for meeting directly the concerned circles (governmental and non-governmental) with a view to gathering detailed information. The process of confidential dialogue with the national authorities allows the latter to provide, if they consider it necessary, comments on the draft report, with a view to correcting any possible factual errors which the report might contain. At the end of the dialogue, the national authorities may request, if they so wish, that their viewpoints be appended to the final report of ECRI.

The fourth round country-by-country reports focus on implementation and evaluation. They examine the extent to which ECRI's main recommendations from previous reports have been followed and include an evaluation of policies adopted and measures taken. These reports also contain an analysis of new developments in the country in question.

Priority implementation is requested for a number of specific recommendations chosen from those made in the new report of the fourth round. No later than two years following the publication of this report, ECRI will implement a process of interim follow-up concerning these specific recommendations.

**The following report was drawn up by ECRI under its own and full responsibility. It covers the situation up to 18 December 2009 and any development subsequent to this date is not covered in the following analysis nor taken into account in the conclusions and proposal made by ECRI.**



## SUMMARY

**Since the publication of ECRI's second report on Georgia on 13 February 2007, progress has been made in a number of fields covered by that report.**

The National Concept for Tolerance and Civil Integration and its Action Plan were enacted by Decree N°348 of the Prime Minister of Georgia on 8 May 2009. Their goals are: to create an environment of tolerance and respect in Georgia; to promote equal opportunities for all citizens; to ensure the effective participation of ethnic minorities in all fields of life; and to create the necessary conditions for the preservation and development of ethnic minorities' culture and identity.

The Georgian Ombudsman (hereinafter: the Public Defender) continues to play a significant role in defending the rights of minority groups in Georgia, especially ethnic and religious minorities, and in combating discrimination, including through the activities of its Tolerance Centre as well as of the Council of Ethnic Minorities and the Council of Religions under his auspices.

The Georgian authorities have made efforts to combat manifestations of religious intolerance and to pursue their dialogue with religious minorities.

Being conscious of the obstacles facing ethnic minorities in the field of education mainly due to the lack of knowledge of Georgian among pupils, the Georgian authorities are making commendable efforts to take the relevant measures to overcome these obstacles. The Georgian authorities have also taken steps in favour of teaching the Georgian language to adults who are members of ethnic minorities and in favour of integration of ethnic minorities in general.

State projects have been developed in the field of teaching tolerance and respect for other ethnic and religious groups among pupils. In particular, the curriculum and textbooks concerning the teaching of religious issues were revised in 2006 in order to reflect religious and cultural diversity more accurately.

Refugees have been granted residence permits and travel documents which allow them to travel outside Georgia. Over recent years, the relations of refugees from Chechnya living in Pankisi with local law enforcement officials and the local population have improved together with the level of security.

The Georgian authorities have taken a number of significant measures aimed at improving the situation of all internally displaced persons (hereinafter: IDPs), including the 2007 State Strategy for IDPs and the Action Plan on 28 May 2009, targeting both IDPs from the 1990s and the "new" IDPs from the August 2008 armed conflict.

Steps have been taken to encourage the recruitment of persons belonging to ethnic minorities into the police force, particularly in regions where these minorities live in substantial numbers, in order to increase ethnic diversity in the police.

**ECRI welcomes these positive developments in Georgia. However, despite the progress achieved, some issues continue to give rise to concern.**

Despite a number of allegations of discrimination for instance against ethnic minorities in the field of employment and administration of justice, there seems to have been no cases in which persons have obtained compensation before a judicial authority for the infringement of their right not to suffer racial discrimination. There is still no specialised body to combat racial discrimination that could, for instance, hear and consider complaints concerning cases of racial discrimination between private parties. The Action Plan to implement the Concept for Tolerance and Civil Integration does not include any projects aimed at reaching the objectives set in the Concept related to combating discrimination.

The Georgian authorities are still faced with the challenge of doing their utmost to enhance knowledge of the State language among minority pupils to facilitate their integration into Georgian society while giving them the possibility of receiving education in their own mother tongue. Despite all measures taken by the authorities in this respect, much more needs to be done to ensure that children belonging to ethnic minorities do not suffer from disadvantages preventing them from accessing higher education and employment on an equal footing with Georgian-speaking children.

As the reform of the educational curriculum on religious issues aimed at reflecting religious and cultural diversity more accurately is recent, it is still necessary to monitor the manner in which it is being implemented in all Georgian schools to ensure that the new approach is duly followed by all educational staff without exception.

There are persisting allegations that children who do not belong to the majority religion are sometimes subjected to pressure and harassment by teachers or other pupils on account of that.

Recent reports continue to mention the existence of stereotypes, prejudice and misconceptions towards ethnic and religious minorities being expressed in Georgia, in particular by politicians, in the media and in school textbooks. Other groups, such as Chechens, are also said to be sometimes victims of stereotyping in the media mainly by being associated with crime and terrorism. The majority population remains insufficiently sensitive to the problem and, to a large extent, is unaware of the culture or situation of ethnic and religious minorities.

There are reports according to which the situation concerning racism in public discourse has deteriorated in some aspects due to the August 2008 armed conflict in Georgia, although it is difficult to assess the current situation and the way it may develop in the absence of comprehensive studies or surveys on this subject. The public in general seems to be able to distinguish between political leadership and individual persons living in Georgia, but this situation could easily change. Problems such as excessive nationalism and anti-Russia rhetoric, and propaganda targeting Russians, Abkhazians and Ossetians, describing them as “enemies” have been reported to ECRI. The climate of opinion towards members of religious minorities and in particular “non-traditional” minorities seemed to have worsened in recent times and this is said to lead to cases of manifestations of religious intolerance against these groups.

Cases of harassment and verbal and physical abuse against persons belonging to religious minorities have continued to be reported in recent years. There are also instances of interference with places of worship or private property belonging to members of religious minorities. While the reaction of the prosecution services to manifestations of religious intolerance has continued to progress over recent years, the response by the police to instances of religious intolerance still leaves something to be desired in some cases.

Roma seem to suffer from widespread prejudice and a certain form of marginalisation which partly explains the extreme poverty in which some of them live and the low school attendance noted among Roma children.

Meskhethian Turks who were deported from Georgia in the 1940s by the former USSR still suffer from a certain level of hostility among some segments of the Georgian population, especially among some members of the Armenian population living in the region from which the deported persons originated.



The lack of knowledge of Georgian remains the main obstacle to ethnic minorities' integration. Armenians, Azerbaijanis and other ethnic minorities in the south and south-east still suffer from isolation not only because of the language barrier but also due to a lack of appropriate infrastructures, notably in the fields of transport and communication.

Further efforts are needed in order to ensure a satisfactory level of participation of ethnic minorities in the public and political life of the country, notably through improving the teaching at the Zurab Zhvania School of Administration where working in regions densely populated by ethnic minorities is part of the training received by future public servants including from ethnic minorities.

The law on asylum still needs to be revised in order to bring it into accordance with international law and standards in this field. The living conditions of refugees from Chechnya in Pankisi remain dire because there are few income-generating opportunities in the region.

Despite measures taken by the authorities, many IDPs from the 1990s conflicts and the August 2008 armed conflict still face serious difficulties in several fields of life. In general, they experience dire living conditions due to poverty, and IDPs also face obstacles in the integration process as there is a serious lack of jobs and other income-generating opportunities where they live.

**In this report, ECRI requests that the Georgian authorities take further action in a number of areas; in this context, it makes a series of recommendations, including the following.**

ECRI strongly urges the Georgian authorities to continue and reinforce their efforts in reforming the teaching of Georgian to pupils belonging to ethnic minorities. To this purpose, ECRI recommends in particular that the teachers who are trained in teaching Georgian as a second language know the language of the ethnic minority pupils whom they will teach and that the textbooks on Georgian as a second language be distributed free of charge to all pupils concerned. ECRI recommends that the Georgian authorities organise school partnerships and exchanges between Georgian speaking schools and non-Georgian speaking schools, in particular schools based in the Samtskhe-Javakheti and Kvemo Kartli regions, with a view to promoting contacts between pupils of different cultural and linguistic backgrounds.\*

ECRI recommends that the Georgian authorities monitor the situation as concerns manifestations of stereotypes, prejudice and misconceptions of minority groups and in particular ethnic and religious minorities, in political discourse and in the media. ECRI recommends that the Georgian authorities take all necessary measures, such as awareness raising campaigns, in order to advance reconciliation, build mutual trust between different ethnic groups, and foster mutual understanding between the majority population and minority groups so as to promote tolerance and peaceful co-existence in the country.

ECRI urges the Georgian authorities to pursue and reinforce their efforts to combat violent manifestations of religious intolerance involving physical assault and/or attacks on property effectively.

ECRI recommends that the Georgian authorities launch an awareness-raising campaign among the Georgian population in general, and in particular the Armenian population living in the region from which the Meskhetian Turks originate, in order to explain the historical reasons for these persons' return and to avoid any forms of intolerant reaction against them from members of the majority population as well as

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\* The recommendations in this paragraph will be subject to a process of interim follow-up by ECRI no later than two years after the publication of this report.

from the local population living in the areas where Meskhetian Turks will be returning. ECRI also recommends that the Georgian authorities reinforce their efforts towards measures in favour of the integration of Meskhetian Turks, notably by devising a comprehensive strategy in this respect, which would address issues such as language learning, access to education and employment.\*

ECRI strongly recommends that the Georgian authorities make further efforts to improve the quality of the curriculum of the Zurab Zhvania Public Administration School, in particular in so far as teaching Georgian to ethnic minorities is concerned. It also strongly recommends that the authorities develop a mechanism for assisting this school's graduates, in particular those belonging to ethnic minorities, in finding a job in public administration in accordance with their level of education.\*

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\* The recommendations in this paragraph will be subject to a process of interim follow-up by ECRI no later than two years after the publication of this report.

## FINDINGS AND RECOMMENDATIONS

### I. Existence and Implementation of Legal Provisions

#### International legal instruments

1. In its second report on Georgia, ECRI recommended that Georgia sign and ratify the following international instruments as soon as possible: the European Charter for Regional or Minority Languages, the Convention on the Participation of Foreigners in Public Life at Local Level and the European Convention on Nationality. Georgia has not signed and ratified those three instruments. The authorities have indicated that the public debate on the ratification of the European Charter for Regional or Minority Languages is underway and that they envisage signing and ratifying it. For the two other instruments, the authorities have explained that there is no plan to ratify them in the near future.
2. In its second report, ECRI recommended that Georgia sign and ratify the Convention on Cybercrime and its Additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems. Georgia signed the Convention on Cybercrime on 1 April 2008. The authorities are in the process of revising their legislation in order to ratify the Convention as soon as possible. They have indicated that they would consider signing and ratifying the Additional Protocol once Georgia had ratified the Convention.
3. The authorities have indicated that they have no intention of ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in the near future.
4. ECRI again recommends that Georgia sign and ratify the following international instruments as soon as possible: the European Charter for Regional or Minority Languages, the Convention on the Participation of Foreigners in Public Life at Local Level and the European Convention on Nationality.
5. ECRI recommends that Georgia ratify the Convention on Cybercrime, as well as sign and ratify its Additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems.
6. ECRI recommends that Georgia sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

#### Criminal law provisions against racism and intolerance

7. In its second report, ECRI strongly encouraged the Georgian authorities to enact legislation providing for racist motivation to constitute a general aggravating circumstance applicable to all types of offences. It recommended revising the criminal law by adding provisions for combating racism and intolerance: for example, prohibiting racist insults or the public dissemination or distribution, with a racist aim, of material containing racist statements.
8. No changes have been brought to the Criminal Code with regard to provisions to combat racism and intolerance since the adoption of ECRI's second report. The Georgian authorities have informed ECRI that they have no intention either to introduce a general aggravating circumstance or to add new offences to the current provisions to combat racism and intolerance. They have informed ECRI that committing the following offences with motives related to race, religion or national or ethnic origin is an aggravating factor: premeditated murder (Article 109), premeditated grievous bodily harm (Article 117), assault (Article 126),

disrespect to the deceased (Article 258), torture (Article 144-1), and degrading and inhuman treatment (Article 144-3).

9. The authorities have also stressed that the Criminal Code contains other provisions relevant to combating racism and intolerance: Article 142 (infringement of the right to equality), Article 142-1 (racial discrimination and incitement to racial hatred), Article 408 (crimes against humanity including apartheid and persecution of an ethnic or religious group), Article 155 (illegal interference in religious practice), Article 156 (persecution of a person on grounds of religion or religious activities), Article 166 (interference with the activities of a religious entity), and Article 259 §3 b (desecration of a grave on the grounds of race, religion or national or ethnic intolerance).
10. While noting that there are already many criminal law provisions relevant to the fight against racism and intolerance in Georgian law, ECRI considers that it is essential that the criminal legislation in this field be as comprehensive as possible. Criminal law has a symbolic effect which raises the awareness of society of the seriousness of racism and racial discrimination and has a strong dissuasive effect, provided it is implemented effectively. Therefore, the existing criminal law provisions could be complemented, for instance by provisions prohibiting forms of racist speech other than incitement to racial hatred, the dissemination with a racist aim of racist material and the creation or leadership of a racist organisation.
11. ECRI again strongly encourages the Georgian authorities to enact legislation providing for racist motivation to constitute a general aggravating circumstance applicable to all types of offences. It recommends that the Georgian authorities revise and add to the criminal law provisions for combating racism and intolerance, in particular by introducing provisions prohibiting offences such as racist insults, the public dissemination or distribution with a racist aim of material containing racist statements, and the creation or the leadership of a group which promotes racism. ECRI's General Policy Recommendation N°7 on national legislation to combat racism and racial discrimination provides relevant guidelines in this respect.
12. In its second report, ECRI recommended that the Georgian authorities substantially increase their efforts to provide training to the police, prosecutors, judges and future professionals in the judicial system on the application of the legislation on racist offences. It recommended that the authorities inform the general public of the existence of criminal law provisions enabling racially motivated acts or acts of religious intolerance to be punished and that they encourage victims to lodge complaints concerning such acts, particularly by substantially improving the functioning of the judicial system and strengthening public confidence in the system.
13. According to information transmitted by the authorities, since its introduction into the Criminal Code in 2003, Article 142-1 (racial discrimination and incitement to racial hatred) has not been applied. The authorities have informed ECRI that other provisions mentioned above have been applied with regard to cases of religious intolerance during the last three years (2007- mid 2009)<sup>1</sup>.

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<sup>1</sup> During that period, investigations into breaches of Article 155 of the Criminal Code (illegal interference in religious practice) resulted in punishing the perpetrators in three cases; into breaches Article 156 (persecution of a person on grounds of religion or religious activities) in two cases; and into breaches Article 142 (infringement to the right to equality) in one case. During the same period, investigations were dropped due to "an absence of the elements of the crimes" in four cases concerning Article 155 and in three cases concerning Article 142. Investigations were opened during that period and are ongoing at the time of writing this report: one investigation was opened under Article 156§2; four under Article 156§1; two under Article 142; and six under Article 155. See also "Vulnerable/Target Groups: - Religious minorities".

Nearly all of these cases concern allegations of offences against Jehovah's Witnesses.

14. The reason generally given to explain why criminal law provisions to combat racist speech and acts are rarely applied is the fact that such incidents are rare in Georgia. However, some NGOs believe that there is also lack of awareness among the general public concerning the existence of the relevant provisions. It may also be that victims are reluctant to go before the police or courts due to a general lack of confidence in the judicial system. The authorities have explained that the judicial system is undergoing a general reform which should progressively reinforce the confidence of the general public in its functioning.
15. The authorities have informed ECRI that police officers receive training in human rights which includes matters relating to the prohibition of discrimination. In the framework of training on the implementation of criminal law provisions, they also receive information on issues related to racial discrimination, racist offences or the violation of the principle of equality. The authorities indicate that particular attention is devoted to the qualification of racist offences. The training centre of the Office of the General Prosecutor provides training courses for prosecutors in human rights - in particular the rights of minorities - and on the importance of protecting these rights.
16. ECRI recommends that the Georgian authorities pursue their efforts to provide training to the police, prosecutors, judges and future professionals in the judicial system on the application of the legislation on racist offences.
17. ECRI again recommends that the Georgian authorities inform the general public of the existence of criminal law provisions enabling racially motivated acts or acts of religious intolerance to be punished. It recommends that they take steps to encourage victims to lodge complaints concerning such acts, particularly by pursuing their efforts to improve the functioning of the judicial system and to strengthen public confidence in the system.

### **Civil and administrative law provisions against racial discrimination**

18. In its second report, ECRI recommended that the Georgian authorities take measures to improve the implementation of existing civil and administrative law provisions prohibiting racial discrimination. There are several provisions scattered through various laws, prohibiting racial discrimination<sup>2</sup>. ECRI notes that Georgia has ratified Protocol N°12 to the European Convention on Human Rights which provides for a general prohibition of discrimination and that, in accordance with Article 6-2 of the Constitution of Georgia, this Protocol is part of the domestic legal system. However, ECRI is not aware of any cases in which persons have obtained compensation for the infringement of their right not to suffer racial discrimination.
19. In other parts of this report, ECRI refers to allegations about situations which could amount to discrimination, for instance concerning problems faced by some pupils belonging to religious minorities in public schools<sup>3</sup> or problems in access to employment in the public sector for members of ethnic minorities<sup>4</sup>. Sometimes, the explanation given for not bringing such cases to court is that there is a lack of awareness among potential victims of racial discrimination that

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<sup>2</sup> For a definition of racial discrimination, see paragraph 1 b) and c) of ECRI's General Policy Recommendation N°7 on national legislation to combat racism and racial discrimination, which explains that this expression covers discrimination for motives such as race, colour, language, religion, nationality and national or ethnic origin.

<sup>3</sup> See "Discrimination in various fields: - Education" below.

<sup>4</sup> See "Discrimination in various fields: - Employment, administration of justice and other fields" below.

they have the right to obtain compensation before a court. It is also suggested by many that lack of confidence in the judicial system is the reason why people often refrain from having recourse to it. Victims of discrimination would consider that it is pointless to go to court, or that to do so might even be counterproductive<sup>5</sup>. Representatives of ethnic minorities have also explained that the notion of discrimination is not yet clear in the people's minds. It seems that judges and lawyers could also benefit from training in this respect, for instance about the concept of direct and indirect discrimination as developed in ECRI's General Policy Recommendation N°7 on national legislation to combat racism and racial discrimination.

20. ECRI considers that, in addition to taking measures to improve the implementation of existing provisions against racial discrimination, the Georgian authorities should add to the existing civil and administrative legislation, particularly as regards the adoption of provisions ensuring its full implementation. For instance, given the difficulties complainants face in collecting the necessary evidence in discrimination cases, the law should facilitate proving discrimination by providing a system of sharing the burden of proof in such cases, as recommended in ECRI's General Policy Recommendation No 7 on national legislation to combat racism and racial discrimination. The principle of sharing the burden of proof, which should apply only in the field of civil and administrative law and not criminal law, means that the complainant should establish facts allowing for the presumption of discrimination, whereupon the onus shifts to the respondent to prove that discrimination did not take place.

21. ECRI again recommends that the Georgian authorities ensure the proper implementation of the civil and administrative law provisions prohibiting racial discrimination by informing the general public about the notion of discrimination, and the content and scope of the provisions prohibiting racial discrimination. It recommends, in this respect, that the authorities take measures specifically aimed at ethnic and religious minorities. ECRI also recommends that the Georgian authorities strengthen the initial and in-service training in racial discrimination issues offered to judges and that they offer the same training to lawyers.

22. ECRI recommends that the Georgian authorities complement the civil and administrative law provisions prohibiting racial discrimination by reinforcing legal mechanisms, for instance by providing a system of shared burden of proof in such cases. On this point, ECRI invites the Georgian authorities to draw on the part of its General Policy Recommendation No.7 on national legislation to combat racism and racial discrimination dealing with civil and administrative law.

### **Anti-discrimination bodies and other institutions**

23. ECRI is pleased to note that the Georgian Ombudsman (hereinafter: the Public Defender) continues to play a significant role in defending the rights of minority groups in Georgia, especially ethnic and religious minorities, and in combating discrimination. The Council of Ethnic Minorities and the Council of Religions which were established in 2005 and have been running since then under the auspices of the Public Defender play a significant consultative role and have become major partners of the government and all public authorities in matters related to ethnic and religious minorities. For instance, the Presidential Administration signed a Memorandum of Cooperation with the Council of Ethnic Minorities in June 2008. The Office of the Public Defender also runs a

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<sup>5</sup> See also above: "Criminal law provisions against racism and intolerance".

Tolerance Centre which monitors the situation and addresses problems of intolerant acts against members of ethnic, religious or other minorities. The Tolerance Centre is tasked with promoting tolerance in Georgia and it has organised a large number of activities such as competitions in the field of media, education and sport with a view to promoting tolerance among the respective target groups. The Public Defender regularly reports on problems faced by the ethnic and religious minority groups and addresses recommendations to the authorities on how to improve the situation. He plays a significant role in the field of combating religious intolerance as mentioned in another section of this report<sup>6</sup>. ECRI is pleased to note that the Public Defender is in the process of opening regional branches, in particular in places mainly inhabited by ethnic minorities.

24. ECRI notes with interest that there are many other institutions in Georgia whose activities play a positive role in combating racism and intolerance. The State Minister for Reintegration created in 2008 is tasked with, among other things, promoting the civil integration of all ethnic minorities living in Georgia. The Civil Integration and Tolerance Council was established in 2005 mainly to develop the project of a National Concept and an Action Plan on Tolerance and Civil integration<sup>7</sup>. It is now entrusted with the task of monitoring the implementation of this Action Plan. The Parliamentary Committee for Human Rights and National Minorities is yet another body which works in favour of defending the rights of minority groups in Georgia. Finally, there is also a Special Adviser to the President on Civil Integration Issues.
25. While noting that the Public Defender already has a number of competencies in the field of combating racism and racial discrimination not least through the role played by its Tolerance Centre, ECRI believes that the authorities should consider establishing a specialised body to combat racial discrimination. In particular ECRI believes that the competencies of this specialised body should include the possibility to hear and consider complaints and petitions concerning cases of racial discrimination between private parties, such as between private employers and their employees, and to seek settlements either through amicable conciliation or, within the limits prescribed by the law, through binding and enforceable decisions.
26. Given the key role played by the Public Defender in combating racism and racial discrimination, ECRI recommends that the Georgian authorities continue to support this institution. Special care should be taken to consult the Public Defender as well as the Council of Religion and the Council of Ethnic Minorities under this institution's auspices, and to co-operate with it fully, in particular by heeding its recommendations.
27. ECRI strongly encourages the Georgian authorities to set up in the near future an independent specialised body to combat racism and racial discrimination, in accordance with ECRI's General Policy Recommendation N°2 on specialised bodies to combat racism, xenophobia, antisemitism and intolerance at national level and General Policy Recommendation N°7 on national legislation to combat racism and racial discrimination. ECRI particularly emphasises the need to ensure that this body is independent and has the legal capacity and the necessary human and financial resources to hear and consider complaints concerning cases of racial discrimination between private parties.

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<sup>6</sup> See below: "Discrimination in various fields: - Education" and "Vulnerable/Target Groups: - Religious minorities".

<sup>7</sup> See below: "The National Concept for Tolerance and Civil Integration".

## II. Discrimination in Various Fields

### Education

28. In its second report, ECRI recommended that the Georgian authorities maintain their efforts towards appreciably improved education for children of ethnic minorities notably by improving teacher training and the standard of school textbooks and curricula in minority languages. At present, Georgia has 409 schools giving instruction in a language other than Georgian (hereinafter referred to as minority schools).
29. The Georgian authorities are confronted with the challenge of doing their utmost to enhance knowledge of the State language among minority pupils to facilitate their integration into Georgian society while giving them the possibility of receiving education in their own mother tongue. The current situation is a transitional one, as the Ministry of Education is reforming at the same time the general system of education, the teaching of Georgian as a second language and the teaching in and of minority languages. It is not possible to mention all the steps taken by the Georgian authorities to improve the educational system and access of pupils belonging to ethnic minorities to education in this report. In general, ECRI notes that the Georgian authorities are conscious of the obstacles facing ethnic minorities in the field of education and that they are making commendable efforts to take the relevant measures to overcome these obstacles. While representatives of ethnic minorities recognise that the State is doing a lot to solve existing problems, they consider that much more needs to be done to ensure that children belonging to ethnic minorities do not suffer from disadvantages preventing them from accessing higher education and employment on an equal footing with Georgian-speaking children. ECRI describes below the progress that has been achieved in a number of fields; it realises that many shortcomings remain and that they will only be overcome if the authorities keep reforming and improving the educational system at the same pace and allocate all the necessary human, financial and infrastructural resources to that purpose.
30. ECRI notes with interest that in the framework of a general reform of educational structures, the authorities have taken measures to improve the learning environment of pupils attending minority schools, for instance by reconstructing or building minority schools. Measures have also been taken to improve the learning of Georgian language by pupils belonging to ethnic minorities. A project was launched in 2007 to develop a new curriculum on teaching Georgian as a second language. Progressively, new textbooks on teaching Georgian as a second language are being developed and distributed free of charge to pupils in minority schools. However, for the moment, not all of these pupils have received the textbooks free of charge. In March 2009, the Georgian language curriculum was approved. One of its purposes is to improve the teaching of Georgian in pre-school education centres which will be established in the Samtskhe-Javakheti and Kvemo Kartli regions, mainly inhabited by minority groups. Textbooks and other materials will be provided as well as manuals on parental education. Measures have been taken to increase the number and improve the professional skills of teachers who teach Georgian as a second language. ECRI notes that further efforts are needed to ensure that these teachers know the local minority language, as this is considered by specialists to be one of the conditions for improving the quality of teaching Georgian as a second language.
31. Two of the major problems facing Georgian society as a whole are the lack of command of Georgian language by ethnic minorities and their isolation from the majority population. ECRI therefore believes that the School Partnership



Programme which was implemented from 2004 to 2007 was an interesting project contributing to finding solutions to this isolation and linguistic problems. The goal of the programme was to foster the civic integration of teachers and pupils by creating a network of schools based throughout the country. Common activities and exchanges of students and teachers between schools attended by Georgian-speaking pupils and schools attended by pupils with another mother tongue, such as Armenian or Azerbaijani, have been organised in the framework of this project. This kind of initiative must be welcomed as it brings together pupils of different ethnic and linguistic backgrounds and gives them an opportunity to meet, exchange, and establish friendly relations. In the end, such initiatives contribute to the integration of Georgian society. ECRI notes that the authorities are conscious of the benefit that such projects could have and that they intend to renew the experience as soon as possible and extend it throughout the country.

32. The authorities have also taken measures to give pupils belonging to minorities, and in particular ethnic Armenians and Azerbaijanis, the possibility of receiving education in their own mother tongue. For instance, the Ministry of Education is in the process of developing and distributing textbooks in minority languages to replace textbooks sent by kin-states. This should contribute to enhancing the equality of opportunity in access to higher education, as the new textbooks will necessarily be more adapted to the Georgian exams. However, partly due to financial reasons, not all pupils have access to the textbooks produced in Georgia and it is important that rapid solutions be found in this respect. In order to identify the best solutions to improve the command of both Georgian and mother tongue by ethnic minority pupils, the authorities are exploring the solution of multilingual teaching through the establishment of pilot schools and they started a project of multilingual curriculum in 40 minority schools in 2009.
33. In its previous report, ECRI noted that, as part of the education reform, a centralised system of entrance examinations for all of Georgia's state-run universities was introduced as from the school year 2005-2006. Among the subjects tested are Georgian language and literature. Representatives of ethnic minorities and civil society in general have pointed out the difficulties which that change has caused for non-Georgian-speaking students. In the first years of implementation of the new system, the number of members of ethnic minorities being admitted to university had fallen significantly on account of their failing the Georgian language and literature test. The authorities have realised that the new system has put ethnic minority students in a disadvantageous situation notably because of their poor knowledge of Georgian. The new system was even a disincentive to education in Georgia, as many of these students preferred to study abroad, mainly in their kin-State where they generally remained afterwards. The authorities have therefore taken a range of measures which seem to have already brought some positive results, as the number of minority students passing the centralised exam is increasing again. ECRI notes that one of the solutions found was to establish a quota of students from Armenian- and Azerbaijani speaking schools who receive a grant to study at a Georgian university. 60 students benefited from such a grant in 2009. Another measure which was put in place was to give the possibility to students belonging to ethnic minorities to follow preparatory courses to reinforce their knowledge of Georgian before undergoing the exams. According to the authorities, a third measure was to reserve, as from 2010, 5% of university places for Armenian and 5% for Azerbaijani speakers who would sit the entrance examination in their native language. Similar arrangements would be put in place, as from 2012, for Ossetian and Abkhazian speakers. Minority students admitted through this scheme would follow a Georgian-language programme during their first university year. ECRI considers that, while all these efforts are to be welcomed, there is still some way to go before there is a

system of higher education in Georgia which guarantees full equality of opportunity to non-Georgian speaking students.

34. ECRI again strongly recommends that the Georgian authorities maintain their efforts towards appreciably improved education for pupils of ethnic minorities in order to guarantee that, when they leave school, they will have equal access to higher education and employment. The authorities should press ahead with their reforms of teaching in and of minority languages. In particular, ECRI encourages the Georgian authorities to explore the solution of multilingual education in this respect.
35. ECRI strongly urges the Georgian authorities to continue and reinforce their efforts in reforming the teaching of Georgian to pupils belonging to ethnic minorities. To this purpose, ECRI recommends in particular that the teachers who are trained in teaching Georgian as a second language know the language of the ethnic minority pupils whom they will teach and that the textbooks on Georgian as a second language be distributed free of charge to all pupils concerned. ECRI recommends that the Georgian authorities organise school partnerships and exchanges between Georgian speaking schools and non-Georgian speaking schools, in particular schools based in the Samtskhe-Javakheti and Kvemo Kartli regions, with a view to promoting contacts between pupils of different cultural and linguistic backgrounds.
36. ECRI is pleased to note the existence of State projects developed in the field of teaching tolerance and respect for other ethnic and religious groups among pupils and that the new curriculum adopted on 26 September 2006 prohibits all forms of discrimination against pupils (ethnic, religious, linguistic grounds). To give one example of an interesting initiative, ECRI notes that a textbook on “religious diversity and intercultural education” has recently been distributed in Georgian schools. However, non-governmental organisations and representatives of minorities consider that further efforts are needed to include information on the culture and history of ethnic minorities in the general curriculum and to remove from textbooks, and particularly history textbooks, negative portrayal of ethnic and religious minorities. The authorities have indicated that they have put in place mechanisms to ensure that the textbooks developed recently and those to be developed in the future do not contain any negative references of this sort and that the curricula better reflect ethnic and religious diversity of Georgia.
37. ECRI recommends that the Georgian authorities pursue their work on quality control of school curricula and textbooks. Textbooks must not contain any derogatory or insulting references to any minority group at all. ECRI encourages the Georgian authorities to revise school curricula and textbooks, particularly history books, so as to include information on ethnic minorities’ culture and history and to make pupils aware of the advantages of a multicultural society.
38. In its second report, ECRI noted that too much emphasis was placed on teaching the majority religion (Orthodox catechism) in state schools. There was a compulsory course on religion in the previous school curriculum. ECRI is pleased to note that the curriculum concerning teaching of religious issues was revised in 2006 in order to reflect religious and cultural diversity more accurately. As of 2007, public schools cannot impose any compulsory course on religion anymore; they may only choose to introduce in their programmes an elective course on history, culture and the role of religions in society. In accordance with the new perspective, this course cannot concern only one religion in particular; it should inform pupils about the diverse religions existing in the world. Textbooks to be used as pedagogical tools in the framework of such courses have already been prepared and they have undergone the

scrutiny of a special commission to guarantee that this material reflects religious neutrality. This reform is recent and, according to some sources, it is still necessary to monitor the manner in which the reform is being implemented in all Georgian schools to ensure that the new approach is duly followed by all educational staff without exception.

39. While progress has been achieved in terms of religious neutrality in the curriculum, ECRI is concerned about persisting allegations, already noted in its second report, that children who do not belong to the majority religion are sometimes subjected to pressure and harassment by teachers or other pupils on account of that. The legislation on education clearly prohibits any form of discrimination on the grounds of religion and the displaying of religious symbols in public schools for reasons other than academic ones. However, some teachers allegedly put pressure on pupils belonging to religious minorities for instance by displaying religious signs in the classroom or by speaking in favour of the majority religion, even when they teach subject matters that have nothing to do with religious issues. The authorities have indicated that they have not received official complaints of discrimination on the grounds of religion in schools. The authorities have stressed that, in any case, there is a system of inspection applying to all schools throughout Georgia. Therefore, if instances of discrimination against pupils belonging to a minority religion are brought to the Ministry of Education's attention, then the teachers concerned would be subject to disciplinary sanctions. ECRI notes that the Tolerance Centre of the Office of the Public Defender is closely monitoring all issues related to possible human rights abuses in the field of freedom of religion at school. The Centre regularly draws the Ministry of Education's attention to alleged cases of misbehaviour by teachers when they are reported to it. It seems, therefore, that this question requires further examination by the Georgian authorities in order to have a clear picture of the situation and to take any remedial measures which would prove to be necessary to ensure full religious neutrality in public schools.

40. ECRI recommends that the Georgian authorities monitor the implementation by all public schools of the new curriculum which provides for an elective course on religions to make sure that the actual content of teaching on religions fully reflects the official content of the course, which should be based on the principle of neutrality and diversity in accordance with the new official curriculum. ECRI recalls that the authorities should ensure that pupils are given an instruction on religion which complies with the scientific neutrality essential in any educational approach.

41. ECRI recommends that the Georgian authorities approach each individual public school with a clear message concerning the need to recognise and respect religious diversity in schools. Measures should be taken to ensure that all teachers respect the principle of religious neutrality as provided for in the legislation, in particular through providing compulsory initial and ongoing training for all educational staff on teaching in a multicultural environment. The authorities should also ensure that no pupils are discriminated against or bullied at school on account of their religion and apply the necessary sanctions if they identify any cases of discrimination.

### **Employment, Administration of Justice and other Fields**

42. According to some sources, there are problems of discrimination in the fields of employment or administration of justice that target ethnic minorities. For instance, it has been reported that language is a factor which sometimes puts ethnic minorities at a disadvantage in access to employment particularly in the public sector as some of them do not sufficiently master the Georgian language. According to some sources, the language factor is not always sufficient to

explain why a person belonging to an ethnic minority does not get a job, and other “hidden” factors may play a role. Some sources also stress that, in certain cases, the quality of interpretation from and into the official language provided in judicial procedures is so low that the members of ethnic minorities who do not master Georgian find themselves in a disadvantaged position in comparison to Georgian speakers in access to justice. Other commentators point out that some members of ethnic minorities have the feeling of being discriminated against and of being treated as second-class citizens. However, it is also reported that in some cases, despite this feeling, the situation in which the ethnic minorities find themselves does not appear to be significantly different from that affecting the majority population.

43. While there are some studies dealing with the situation of ethnic minorities which touch upon the question of discrimination among many other issues, to the best of ECRI’s knowledge, there has been no systematic and exhaustive study on possible direct or indirect discrimination against ethnic or religious minority groups yet. In the absence of cases being brought to courts<sup>8</sup>, of detailed and reliable statistical data<sup>9</sup> or thorough studies on the phenomenon of racial discrimination, the information available to date does not appear to be sufficient to establish whether racial discrimination exists in Georgia and, if so, to what extent.
44. ECRI believes that it is therefore necessary to look closely into the matter in order to have a clear picture of the situation and to take any remedial action that is necessary where discriminatory patterns, be they of a direct or indirect nature, intentional or structural, are identified in areas such as employment and administration of justice, by paying particular attention to the worrying allegations mentioned in this section. In this context, ECRI refers to its recommendations made in other parts of this report, in particular “Anti-Discrimination Bodies and other Institutions” above, and “Monitoring Racism and Racial Discrimination” below.

### **III. Racist Violence**

45. Information communicated to ECRI does not suggest that violence based on ethnic grounds is a particularly serious problem in Georgia. ECRI addresses the question of the criminal justice system’s response to racist acts in another part of this report<sup>10</sup>.
46. ECRI notes with deep concern that cases of harassment and verbal and physical abuse against persons belonging to religious minorities<sup>11</sup> have continued to be reported in recent years. There are also instances of interference with places of worship or private property belonging to members of religious minorities. The perpetrators of these acts are generally persons belonging to the local majority population. Such cases are said to occur throughout the country and they generally target non-traditional religious minorities and in particular Jehovah’s Witnesses, but there seems also to be an increasing number of cases where Muslims are victims of this type of harassment. According to some sources, not all of these cases are reported to the Georgian authorities for a number of reasons addressed elsewhere in this report<sup>12</sup>. However, this information is by its nature difficult to verify and would

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<sup>8</sup> See above: “Civil and administrative law provisions against racial discrimination”.

<sup>9</sup> See below: “Monitoring racism and racial discrimination”.

<sup>10</sup> See above: “Criminal law provisions against racism and intolerance”.

<sup>11</sup> For other issues concerning religious minorities, see below: “Vulnerable/Target Groups: - Religious minorities”.

<sup>12</sup> See above: “Criminal law provisions against racism and intolerance”.

require further exploration from the authorities to try to identify the real extent of the problem.

47. The response of the prosecution services to manifestations of religious intolerance has continued to progress over recent years. The Human Rights Unit of the General Prosecutor's Office has continued to follow up on all cases of manifestations of religious intolerance and to open prosecutions against alleged perpetrators. There is a system of official statistics on the number of such cases and on their outcome. These statistics show that, on average, less than 20 cases relating to religion have been reported to and investigated by prosecutors every year since 2006. Some of these cases have resulted in the perpetrators being sentenced to prison or other sanctions<sup>13</sup>.
48. Recent reports by the Public Defender and other sources indicate that the outcome is less positive as regards the response by the police to instances of religious intolerance. It seems that in some cases local police do not take appropriate action when they are informed of a case of an attack on grounds of religion. The following problems have been brought to the attention of ECRI: some police officers apparently do not react promptly when asked to intervene; others do not really investigate the case or rapidly give up the investigation. It can also happen that when the police open an investigation, they do not take the religious motivation into account. Apparently, the Office of the Public Defender plays a positive role in drawing the attention of the police to specific cases which qualify as violence on religious grounds, so that this element is duly taken into account in the investigation.
49. ECRI urges the Georgian authorities to pursue and reinforce their efforts to combat violent manifestations of religious intolerance involving physical assault and/or attacks on property effectively.<sup>14</sup> ECRI strongly recommends to this end that the police thoroughly investigate offences committed on religious grounds, including by fully taking the religious motivation of ordinary offences into account. In particular, specific guidelines should be provided to police officers on the steps to be taken when an incident of religious intolerance is reported to them. ECRI encourages the Georgian authorities to consider the possibility of establishing units within each police division which specialise in dealing with such offences and the issuing of ministerial circular letters and other documents to raise awareness among the police of the need vigorously to counter offences motivated by religious hatred.

#### **IV. Racism in Public Discourse**

50. In its second report, ECRI noted that stereotyping of and prejudice against ethnic and religious minorities were still very common. ECRI expresses its concern at recent reports continuing to mention the existence of stereotypes, prejudice and misconceptions towards ethnic and religious minorities being expressed in Georgia, in particular by politicians, in the media and in school textbooks<sup>15</sup>. Other groups, such as Chechens, are also said to be sometimes victims of stereotyping in the media mainly by being associated with crime and terrorism<sup>16</sup>. While there has been some progress in promoting the culture of ethnic minorities as indicated below, it is generally agreed that the majority population remains insufficiently sensitive to the problem and, to a large extent, is unaware of the culture or situation of ethnic and religious minorities.

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<sup>13</sup> See above: "Criminal law provisions against racism and intolerance".

<sup>14</sup> See also recommendations made above: "Criminal law provisions against racism and intolerance".

<sup>15</sup> Concerning textbooks, see also above: "Discrimination in various fields: - Education".

<sup>16</sup> Concerning the refugees from Chechnya, see below: "Vulnerable/Target groups : - Asylum seekers and Refugees".

51. ECRI is all the more concerned by reports according to which the situation concerning racism in public discourse has deteriorated in some aspects due to recent events, although it is difficult to assess the current situation and the way it may develop in the absence of comprehensive studies or surveys on this subject. There is an economic and financial crisis in the country and political discord with Russia and the two breakaway regions has led to tensions which developed into a five-day armed conflict in August 2008 followed by the occupation of some parts of the territory of Georgia. Some commentators have raised the problem of excessive nationalist and anti-Russia rhetoric allegedly used by a number of politicians. The propaganda is sometimes said to target Russians, Abkhazians and Ossetians, describing them as “enemies”. Some politicians or media reportedly portray all ethnic minorities as a possible “threat to security”. ECRI is worried about the possible escalation of ethnic tensions if the aggressive tone said to be used by some politicians and media continues. It is therefore essential that the authorities take a firm stance against any attempt to exploit racist, xenophobic or other forms of intolerance for electoral gain.
52. There was a certain amount of mistrust between the different ethnic groups already before the August 2008 conflict, as noted by ECRI in its previous report. This wariness has apparently increased in recent months. For instance, there seems to be a certain level of suspicion among the majority population towards members of ethnic minorities who claim their rights, as some members of the majority population have the feeling that these minorities are not loyal to the State and that such claims might turn into possible separatist trends. Some commentators stress that the climate of opinion towards members of religious minorities and in particular “non-traditional” minorities has worsened in recent times and this is said to lead to cases of manifestations of religious intolerance against these groups<sup>17</sup>.
53. However, ECRI would like to stress that, according to many sources, the level of tolerance with respect to ethnic Russians, Abkhazians and Ossetians and other ethnic minorities remains high among the Georgian population even after the August 2008 conflict. The authorities have indicated that they repeatedly underline the need to avoid targeting and stigmatising ethnic Russians and other ethnic minorities in the current context and how important it is to make the distinction between the political situation in the region and interethnic relations in Georgia, a message which seems to be rather well received by people. Broadly speaking, it seems that Georgian public opinion makes a distinction between discord at the political level and interethnic relations. Therefore, representatives of ethnic minorities, including ethnic Russians and ethnic Ossetians, do not complain of any particular form of discrimination or hate speech on the part of members of the majority population, although some Ossetian representatives have stressed that there is a general feeling of unease and insecurity among the Ossetian minority, due to the August 2008 conflict and its aftermath.
54. In this context, ECRI believes it necessary to introduce tools which can be used to combat racist and intolerant speech by politicians and in the media. ECRI discusses in another part of this report the question of criminal law provisions prohibiting incitement to racial hatred<sup>18</sup>. There are also similar provisions in the Law on Broadcasting. The Broadcasters’ Code of Conduct adopted in 2009 also contains provisions prohibiting hate speech and broadcasters are under the duty to create public appellate bodies that will receive complaints from the public and take binding decisions in this field. However, it seems that these

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<sup>17</sup> See below: “Vulnerable/Target Groups: - Religious minorities”.

<sup>18</sup> See above: “Criminal law provisions against racism and intolerance”.

provisions have not yet been applied and some commentators suggest that the mechanisms put in place for their implementation are not efficient and should be ameliorated.

55. In times of political tension and conflict, ECRI believes that it is not only necessary to combat racism and intolerance, it is also essential to promote mutual understanding and peaceful coexistence between different groups, and that politicians, the media, the Georgian authorities and Georgian society as a whole have a role to play in this respect. ECRI is pleased to note that the Georgian authorities have adopted a National Concept on Tolerance and Civil Integration which provides for a large number of measures to promote tolerance towards ethnic minorities among Georgian society<sup>19</sup>. ECRI underlines, however, that this promotion of tolerance should also benefit other minority groups living in Georgia, such as religious minorities. The Georgian authorities have made progress in the coverage of the culture, history and concerns of ethnic minorities in public media. For instance, the Law on Broadcasting requires that the Public Broadcaster reflect ethnic, cultural, linguistic and religious diversity in its programmes and put on air programmes in minority languages and on the minorities living in the country. The radio station of the Public Broadcaster broadcasts the program “Our Georgia” covering ethnic and religious diversity issues. The Broadcasters’ Code of Conduct mentioned above contains a number of provisions on the need to respect diversity and promote tolerance.
56. ECRI recommends that the Georgian authorities monitor the situation as concerns manifestations of stereotypes, prejudice and misconceptions of minority groups and in particular ethnic and religious minorities, in political discourse and in the media. ECRI recommends that the Georgian authorities take all necessary measures, such as awareness raising campaigns, in order to advance reconciliation, build mutual trust between different ethnic groups, and foster mutual understanding between the majority population and minority groups so as to promote tolerance and peaceful co-existence in the country.

## **V. Vulnerable/Target groups**

### **Roma**

57. In its previous report, ECRI noted that there was very little information on the current number and situation of Roma communities in Georgia and recommended that the Georgian authorities closely monitor their situation, ensure that they are taken into account in government-run civil integration programmes and respond swiftly in the event of any manifestations of intolerance or racial discrimination against their members.
58. ECRI notes that the Public Defender and some members of civil society have studied the situation of Roma living in Georgia and that their work has brought to light the principal problems faced by these groups. According to non-governmental estimations, there are 1 500 Roma living throughout the country. Roma seem to suffer from widespread prejudice and a certain form of marginalisation which partly explains the extreme poverty in which some of them live. Some Roma do not have identification documents, a fact that hampers their access to social services such as health care. ECRI is concerned that there seems to remain a problem of low school attendance among Roma children. The school drop-out rate among them is very high and there are very few of them who pursue their studies beyond primary school level.

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<sup>19</sup> See below: “The National Concept for Tolerance and Civil Integration”.

59. ECRI notes the recent setting up of several NGOs representing the interests of the Roma. Another encouraging sign is the ongoing process of registration by the Civil Registry Agency of some ethnic minorities including Roma in order to solve the problem of lack of identification documents. However, it seems that more efforts are needed on the part of the Georgian authorities to ensure that all members of the Roma communities become fully-fledged citizens of Georgia.
60. ECRI strongly recommends that the Georgian authorities ensure that Roma are taken into account in government-run civil integration programmes and in particular the National Concept for Tolerance and Civil Integration. The authorities should take measures to respond swiftly in the event of any manifestations of intolerance or racial discrimination against members of Roma communities.
61. ECRI recommends that the Georgian authorities monitor the situation of Roma children in the field of access to education and take all the steps that will be identified as necessary to ensure that all Roma children enjoy equal opportunities in this field.

### **Meskhethian Turks**

62. In its second report, ECRI recommended that the Georgian authorities take a range of measures to enable Meskhethian Turks who so wish, to return to live in Georgia. This recommendation concerns those deported in the 1940s by the Soviet authorities from the region of Meskhethia, now known as Samtskhe-Javakheti. ECRI recalls, as it did in its second report, that the use of the term Meskhethian Turks to designate this group of persons is not free from controversy. Although - in the view of several experts - the great majority of the persons concerned identify themselves as Meskhethian Turks, some do not. The authorities have stressed that national legislation uses the term “forcefully deported persons from Georgia by the former USSR in the 40s of the 20th century” in respect of the entire group. ECRI fully respects the principle of self-identification.
63. ECRI notes with interest that a “Law on Repatriation of Persons Forcefully Deported from Georgia by former USSR in the 40s of the 20<sup>th</sup> century” was adopted on 11 July 2007. It is not possible to discuss all the details of the Law and its implementation in this report and ECRI hopes that the Georgian authorities will follow the recommendations made by other bodies of the Council of Europe in this respect<sup>20</sup>, particularly concerning problems raised by representatives of Meskhethian Turks with regard to the large number of documents that are required for applying for return and that are difficult to obtain for several reasons. There seems to be some progress to be made in the implementation of the provisions on the acquisition of citizenship, for instance to ensure that there will be no problems of statelessness during the process of changing nationalities and to respond to concerns voiced as to technical difficulties encountered in applying for Georgian citizenship. It is important to find and implement suitable solutions in this respect as the acquisition of citizenship plays a key role in the integration process of repatriation applicants. The authorities have explained that the deadline for submitting the applications required for obtaining the status of repatriate expired on 1 January 2010; approximately 5800 applications were submitted. Furthermore, they indicated that amendments were made on 1 December 2009 to the above-mentioned Law on Repatriation; following these amendments, persons seeking the status

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<sup>20</sup> See for instance, Advisory Committee on the Framework Convention for the Protection of National Minorities, Opinion on Georgia, adopted on 19 March 2009, ACFC/OP/I (2009)001, p. 83-85.



of repatriate were given an additional period of four months to eliminate any inaccuracies in the application and/or the enclosed documents. The authorities have also indicated that, according to the amendments, a Government Decree on "Granting the Citizenship of Georgia through a Simplified Procedure to Individuals Enjoying Repatriate Status" is going to be adopted by 1 April 2010; under the decree in question no person with repatriate status should be left without citizenship.

64. In this report, ECRI would like to focus on the general climate of opinion towards Meskhetian Turks and the whole repatriation process. ECRI already expressed its concern at the climate of opinion in its previous report where it underlined that Meskhetian Turks seemed to suffer from a certain level of hostility among some segments of the Georgian population, especially among some members of the Armenian population living in the region from which the deported persons originated. According to several sources, despite efforts to inform the general public about the situation of Meskhetian Turks for instance through TV programmes, this problem remains acute. The root of this hostility apparently lies in lack of information among the general public and in the existence of misconceptions which are sometimes propagated by some media about Meskhetian Turks.
65. ECRI notes with interest that some NGOs are supporting the repatriation process in a number of ways, not least by preparing the ground for the integration of these persons. Existing projects provide for language training, legal advice and assistance in finding a job. ECRI understands that the State has not adopted any specific plan of action as regards the integration of Meskhetian Turks. ECRI believes that, for the repatriation process to be a full success, it is important that, when the authorities take measures concerning this issue, they do not neglect the essential dimension of integration. Integration is a two-way process involving both majority and minority communities. Therefore requirements in this field must extend to society as a whole and not be focused solely on Meskhetian Turks.
66. ECRI recommends that the Georgian authorities maintain their efforts in favour of the repatriation process of formerly deported persons and in particular to make sure that no undue limitations impede the acquisition of citizenship by repatriation applicants.
67. ECRI recommends that the Georgian authorities launch an awareness-raising campaign among the Georgian population in general, and in particular the Armenian population living in the region from which the Meskhetian Turks originate, in order to explain the historical reasons for these persons' return and to avoid any forms of intolerant reaction against them from members of the majority population as well as from the local population living in the areas where Meskhetian Turks will be returning. ECRI also recommends that the Georgian authorities reinforce their efforts towards measures in favour of the integration of Meskhetian Turks, notably by devising a comprehensive strategy in this respect, which would address issues such as language learning, access to education and employment.

### **Religious minorities**

68. According to the 2002 census, 83.9% of Georgia's population belong to the Orthodox Church, 9.9% are Muslims and 3.9% are members of the Armenian Apostolic Church, while other religious groups such as Catholics, Jews, Lutherans and Yezids account for less than 1% each. These religions have been practised for a long time in Georgia and are, therefore, widely regarded as "traditional" there. More recently, especially since Georgia became

independent, new religious movements have appeared, such as Jehovah's Witnesses, Baptists, Seventh Day Adventists and Pentecostals. The number of people practising these religions is very small. ECRI deals with the issue of violent manifestation of religious intolerance in another part of this report<sup>21</sup>.

69. In its second report, ECRI referred to a range of outstanding issues raised by representatives of religious minorities in a number of fields, such as the existence of obstacles due to unnecessary bureaucracy to opening or building a place of worship. While some representatives of religious minorities have mentioned that there has been progress in some respects, for instance as concerns the possibility for members of their clergy to have access to prisons in order to visit prisoners, they have pointed out that other issues remain unresolved including disputes related to the restitution of religious property to some Churches or the adequacy of the legal status of "non-profit private-law corporations" as the only status currently available for religious minorities wishing to register under Georgian law. ECRI notes with interest the increasing role played in interreligious and intercultural dialogue by the Council of Religions which was established in 2005 under the auspices of the Public Defender<sup>22</sup>. ECRI hopes that the Georgian authorities will maintain the dialogue with the religious minorities concerned, as they have done so far, in order to seek solutions which would be acceptable for all parties in respect of the above-mentioned issues. ECRI also recalls that religious minorities should be given the full benefit of the civil integration process launched by the authorities and in particular the National Concept for Tolerance and Civil Integration.
70. ECRI recommends that the Georgian authorities pursue their dialogue with representatives of religious minorities, in particular in the framework of cooperation with the Council of Religions under the auspices of the Public Defender, in order to find appropriate solutions to outstanding issues such as the need to overcome obstacles to construction or opening of places of worship and the question of the legal status of religious minorities.

### **Ethnic minorities**

71. As noted by ECRI in its second report, according to the 2002 census, ethnic minorities account for 16.7% of the population of Georgia<sup>23</sup>. While ethnic minorities are distributed throughout the country, there are two major regions where there is a concentration of ethnic minorities. In the Kvemo-Kartli region of south-east Georgia, on the border with Armenia and Azerbaijan, Azerbaijani form a sizeable proportion of the population and even, in some places such as Marneuli, outnumber Georgians and form the majority. In the Samtskhe-Javakheti region of southern Georgia, on the border with Armenia and Turkey, Armenians form a large majority of the population, in some districts indeed a very large one (over 90%, as at Ninotsminda and Akhalkalaki). ECRI would like to refer to the Opinion issued on 19 March 2009 by the Advisory Committee on the Framework Convention for the Protection of National Minorities as this document contains findings which are of relevance to the question of integration of ethnic minorities.<sup>24</sup>

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<sup>21</sup> See above: "Racist violence".

<sup>22</sup> See also above: "Anti-discrimination bodies and other institutions".

<sup>23</sup> The Azerbaijani minority accounts for 6.5% and the Armenian minority for 5.7% of the population. There is a large number of smaller groups such as Russians (1.5%) and Ossetians (0.9%). The figures quoted in this report date back to 2002 and they have not been updated since then.

<sup>24</sup> Advisory Committee on the Framework Convention for the Protection of National Minorities, Opinion on Georgia, 19 March 2009. ACFC/OP/I (2009)001.

72. In its second report, ECRI encouraged the Georgian authorities to maintain their course of rebuilding and consolidating trust between ethnic minorities, on the one hand, and the Georgian state and Georgian society, on the other, by means of contact and dialogue for bringing about an integrated society in which ethnic minorities fully play their part. In particular, it recommended that the Georgian authorities maintain their efforts to improve all current and future officials' command of Georgian and that they identify and implement all possible means of reinforcing the participation of ethnic minorities in public and political life.
73. ECRI recalls that particular attention needs to be paid to the language issue, which is a key aspect of successful integration into Georgian society. It is important that all Georgian citizens understand and speak Georgian so as to enjoy genuine equality of opportunities in all fields of life. ECRI notes with concern that the lack of knowledge of Georgian remains the main obstacle to ethnic minorities' integration. However, it also notes with interest the efforts on the part of the Georgian authorities in favour of teaching Georgian, the official language of the State<sup>25</sup>, to adults who are members of ethnic minorities, for instance by establishing in some regions Language Houses where they can attend Georgian language courses<sup>26</sup>. However, these efforts need to be maintained and reinforced, notably by adopting incentive measures to encourage the learning of Georgian.
74. Armenians, Azerbaijanis and other ethnic minorities in the south and south-east still suffer from isolation not only because of the language barrier but also due to a lack of appropriate infrastructures, notably in the fields of transport and communication. ECRI is pleased to note that the authorities are making efforts to reach out the main regions where ethnic minorities live, and that these efforts have already yielded some positive results: roads have been built to link these regions to the capital and living conditions have been improved, notably through the introduction of a network of gas supply. However, it will still take a great deal of time and efforts significantly to improve the situation in this respect. Another factor of isolation for the ethnic minorities living outside the capital is the limited access to information in their language on the situation in Georgia. In this respect, ECRI notes with interest the progress accomplished in terms of media communication with ethnic minorities who now have an improved access to media from Georgia in their language. This type of initiative is to be welcomed as a tool of integration. In fact, while taking measures in favour of the learning of the official language by ethnic minorities, the State should avoid any assimilation which would deprive ethnic minorities of the possibility or capability of using their own language. This is particularly true for ethnic minorities who are numerically very small and/or without any kin State and who need further support from the Georgian authorities in order to preserve their culture and language.
75. As already noted by ECRI in its previous report, it is generally admitted, even in the absence of reliable figures, that ethnic minorities are under-represented in the civil service, political institutions such as parliament and the government, and also local institutions, even in those regions where they are the majority community. Further efforts are needed in order to ensure a satisfactory level of participation of ethnic minorities in the public and political life of the country. In this respect, ECRI believes that the Zurab Zhvania School of Public Administration, established in June 2005 and based in Kutaisi, could play a

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<sup>25</sup> Article 8 of the Georgian Constitution provides that Georgian is the official language of the country with Abkhazian in Abkhazia.

<sup>26</sup> Concerning the teaching of Georgian to pupils at school, see above: "Discrimination in various fields of life: - Education".

significant role in improving the situation. The aims of this institution for higher education are to enhance democratic government and self government in the regions, counting those densely populated by ethnic minorities, and to train public servants, including from ethnic minorities. The students belonging to ethnic minorities receive special training to learn Georgian. In 2006-2008, 133 Azerbaijani students and 124 Armenian students attended this school. ECRI notes with concern that there are shortcomings in the functioning of the school as the time devoted to learning Georgian (currently six months) remains insufficient. The authorities are conscious of the shortcomings in the current curriculum and they are preparing a new one in which teaching of Georgian would be given a higher priority. ECRI notes with interest that the authorities also plan to open a branch of the school in a region with a large ethnic minority population. However, ECRI takes note of worrying allegations according to which many persons belonging to ethnic minorities who have successfully completed their studies in this school encounter serious difficulties in finding a job in public administration upon graduation.

76. In general, ECRI notes that the Georgian authorities are conscious of the remaining obstacles on the way to a full integration of Georgian society where ethnic minorities can find their place as fully-fledged citizens and they are trying to find solutions to these problems in consultation with the minority groups concerned. To this end, they have adopted a National Concept for Tolerance and Civil Integration which covers all of the concerns mentioned above as well as a range of other challenges in integration. ECRI, therefore, hopes that this Concept will be fully implemented so as to improve the general situation of ethnic minorities in Georgia and ensure in the end equal opportunities in all fields of life for their members.

77. ECRI recommends that the Georgian authorities continue taking concrete measures to rebuild and consolidate trust between ethnic minorities on the one hand and the Georgian State and Georgian society on the other by means of contact and dialogue for bringing about an integrated society in which the ethnic minorities fully play their part. It refers in this respect to the recommendation made below, concerning the National Concept for Tolerance and Civil Integration.

78. ECRI strongly recommends that the Georgian authorities make further efforts to improve the quality of the curriculum of the Zurab Zhvania Public Administration School, in particular in so far as teaching Georgian to ethnic minorities is concerned. It also strongly recommends that the authorities develop a mechanism for assisting this school's graduates, in particular those belonging to ethnic minorities, in finding a job in public administration in accordance with their level of education.

### **Asylum Seekers and Refugees**

79. There are very few asylum seekers in Georgia. For instance, in 2008, a total of 33 persons applied for asylum. In July 2009, there were 998 persons with refugee status, out of whom 975 were of Russian nationality. The majority of Russian refugees arrived in 1999 from Chechnya. Some of them are of Chechen origin; others are Kists, who used to live in Georgia, then after settled in Chechnya, fled back to Georgia as a result of the Chechen conflict. Initially, they were almost 8,000 refugees from Chechnya but a great number of them left Georgia to resettle elsewhere.

80. Since ECRI's second report, refugees have been granted residence permits and travel documents which allow them to travel outside Georgia. The law on asylum is currently being revised in order to bring it in accordance with

international law and standards in this field. Over recent years, the relations of refugees from Chechnya living in Pankisi with local law enforcement officials and the local population have improved together with the level of security. However, the living conditions of refugees from Chechnya in Pankisi remain dire because there are few income-generating opportunities in the region. ECRI notes with interest that integration projects are run in the region by non-governmental organisations in favour of the refugees and that the authorities, in cooperation with the UNHCR, have launched a campaign of naturalisation of refugees who wish to stay in Georgia and obtain Georgian citizenship. Despite some information indicating persisting prejudice against Chechens among the general population in Georgia<sup>27</sup>, ECRI is pleased to note that these prejudices do not prevail in Pankisi, where the interethnic relations are peaceful and the local population shows its solidarity with the refugees from Chechnya in many ways, irrespective of their ethnic origin.

81. ECRI again recommends that the Georgian authorities pursue their revision of asylum law with a view to improving it and bringing it into line with international standards in the matter. For this purpose, it invites them in particular to take account of UNHCR's relevant comments.
82. ECRI recommends that the Georgian authorities reinforce their efforts to take measures in favour of the integration of refugees and in particular refugees from Chechnya living in the Pankisi valley, by creating and supporting capacity-building projects and pursuing the naturalisation process of refugees who wish to obtain Georgian citizenship.

## **VI. Situation of internally displaced persons as a result of the conflicts within the territory of Georgia**

83. In its second report on Georgia, ECRI encouraged the Georgian authorities to continue constructive dialogue with all the relevant national and international interlocutors in order to find solutions to issues raised by the return of internally displaced persons to their homes in full compliance with their rights and dignity and to the questions regarding the status of the regions of South Ossetia and Abkhazia within the State of Georgia. It recommended that the Georgian authorities continue and intensify their efforts to ensure that internally displaced persons have decent living conditions, in particular as regards housing. ECRI encouraged the Georgian authorities to take measures aimed at assisting mutual integration of displaced persons and the local population and to take particular care that displaced persons have full access to employment and education.
84. In the first half of the 1990s Georgia underwent two armed conflicts: the first, from 1990 to 1992, in Tskhinvali Region/South Ossetia following South Ossetia's 1990 declaration of independence; the second conflict, from 1992 to 1993, in Abkhazia. From 7-12 August 2008, a five-day armed conflict took place involving, on the one hand, Georgian forces and, on the other, Russian, South Ossetian and Abkhazian. All these conflicts have caused deaths both in the civilian population and the military, destruction of properties and other serious consequences. There were also flows of internally displaced persons (hereinafter: IDPs) within Georgia as a consequence of each conflict.
85. ECRI addresses the consequences of the August 2008 conflict on the general climate of opinion towards minority groups in another section of this report<sup>28</sup>. ECRI also notes that in August 2008 the Commissioner for Human Rights of the

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<sup>27</sup> See above, "Racism in public discourse".

<sup>28</sup> See above, "Racism in public discourse".

Council of Europe adopted six principles for urgent human rights and humanitarian protection (the right to return; the right of displaced persons to care and support; the right to be protected against dangers from remnant of war; the right to protection against lawlessness; protection and exchanges of detainees and prevention of hostage-taking; international assistance and presence)<sup>29</sup>. These principles were fully endorsed by the Committee of Ministers of the Council of Europe during their informal meeting in New York on 24 September 2008. ECRI hopes that these principles will receive all the necessary attention and would like to focus in this section on the follow-up of its previous recommendations concerning IDPs.

86. As far as IDPs on the territory controlled by the Georgian authorities are concerned, the Georgian authorities have indicated that before August 2008, Georgia had already up to 300 000 internally displaced persons from previous conflicts. According to the authorities, while approximately 130 000 internally displaced persons fled as a consequence of the August 2008 conflict, 100 000 returned to their place of living and little more than 30 000 have not yet returned at the time of the writing of this report. The great majority of IDPs are ethnic Georgians. However there are also among them persons of other ethnic origin, for instance IDPs of Ossetian origin who fled from South Ossetia in August 2008.
87. ECRI notes with interest that, since the adoption of its second report, the Georgian authorities have taken a number of significant measures aimed at improving the situation of all IDPs. The Law on Property Restitution and Compensation on the Territory of Georgia for the victims of conflict in the former South Ossetian Region entered into force on 1<sup>st</sup> January 2007. The Action Plan adopted on 30 July 2008 on the basis of the 2007 State Strategy for IDPs was readjusted to take into account the situation resulting from the August 2008 conflict. The Government of Georgia therefore adopted an amended Action Plan on 28 May 2009 (by Decree N°403). This Action Plan spans four years (2009-2012). ECRI notes with interest that the 2007 State Strategy provides for two major goals: to create conditions for dignified and safe return of IDPs on a voluntary basis, and to support decent living conditions for the displaced population and their participation in society.
88. ECRI welcomes all the measures taken by the Georgian authorities to improve the situation of the conflict-affected population. As it is not possible to mention all of them in this report, ECRI notes in particular that steps have been taken to solve the housing problems of IDPs. They target both IDPs from the 1990s and the “new” IDPs. For instance, the authorities have provided assistance in the rehabilitation of damaged houses and collective centres, built new houses and settlements for new IDPs and provided financial compensation to those who opted for private housing. The privatisation process of collective centres through transfer of ownership to IDPs has started. The authorities have also taken measures in fields other than housing, in particular to ensure access to education of IDPs children and students and to grant medical assistance to IDPs. An information strategy is being drafted in order to ensure that all IDPs know their rights.
89. However, many IDPs still face serious difficulties in several fields of life. In general, they experience dire living conditions due to poverty. Those who are in collective centres (former schools or kindergartens, for instance) suffer because they lack decent housing conditions. The criteria for the selection of collective

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<sup>29</sup> See Thomas Hammarberg, Council of Europe Commissioner for Human Rights, Human Rights in Area affected by the South Ossetia conflict, Special mission to Georgia and Russian Federation, 22-29 August 2008, CommDH(2008)22, 8 September 2008, p.3.

centres to be privatised is criticised for being ambiguous. The IDPs concerned apparently do not receive enough information about the privatisation process. In general, IDPs also face obstacles in their integration process as there is a serious lack of jobs and other income-generating opportunities where they live. They have to rely on financial assistance from the State, which is deemed to be insufficient to cover their basic needs. Between 5 000 and 6 000 people displaced by the 2008 conflict have not yet been able to register and obtain IDP status. This complicates their access to financial and medical assistance although measures have been taken to ensure that even unregistered IDPs receive assistance from the State. There is insufficient psychological assistance for those with severe mental problems as a result of the conflict.

90. The authorities are conscious of all the shortcomings described above. They have indicated that they are trying to respond with very limited means to an emergency situation. At the same time, their objective is both to find durable solutions to facilitate integration of IDPs and to create the conditions for the exercise of the right to return. Just after the August 2008 conflict, some had expressed fear that the IDPs from previous conflicts might be neglected by the authorities which would only take measures in favour of new IDPs. However, ECRI notes that the authorities pay particular attention to finding solutions not only for new IDPs but also for those who have been displaced for more than 15 years. Furthermore, the authorities emphasised that there is no discrimination on grounds of ethnic origin or any other grounds in the enactment and application of State measures. This was corroborated by many non-official sources. ECRI is also pleased to learn from various sources that the interethnic relations amongst the IDPs population are considered to be peaceful and friendly. In particular, the relations are apparently good between ethnic Ossetian and ethnic Georgian IDPs who live together in collective centres in Gori. The same can be said of relations between IDPs and the local population wherever the IDPs are settled.

91. ECRI strongly encourages the Georgian authorities to pursue their efforts to improve the dire situation of the conflict-affected population and in particular all persons who remain displaced following the August 2008 conflict, including those persons who have not yet obtained IDP status, and from other conflicts. In particular, the Georgian authorities should continue their efforts to ensure decent living conditions for all displaced persons. Efforts should be made to ensure a fair and transparent privatisation process of collective centres. The authorities should provide for psychological assistance for all the conflict-affected persons in need of such assistance.

92. ECRI recommends that the Georgian authorities should continue and intensify their efforts towards the integration of IDPs. They should put special emphasis on remedying to unemployment of IDPs through drawing job-creation schemes and fostering income-generating activities. At the same time, it is important that the authorities maintain their efforts towards ensuring a safe, voluntary and dignified return of all IDPs, including through a constructive dialogue with all the relevant national and international interlocutors, in order to find solutions to issues raised by the return of IDPs.

- ***Areas currently not under the effective control of the Georgian authorities***

93. Due to the conflicts which occurred in the 1990s and 2008, Georgia is now no longer in real or effective control of parts of its territory. Although ECRI has had the chance to discuss this issue with the competent Georgian authorities and has been informed of the State Strategy "Engagement through Cooperation", the present state of affairs prevents ECRI from examining the situation of populations in the parts of Georgia which are not actually controlled by the

Georgian authorities to whom the present report is addressed. ECRI hopes that a constructive dialogue between all the relevant national and international interlocutors will bring about a peaceful and durable solution to the conflict. In line with its mission, ECRI registers its deep concern at allegations that ethnic cleansing took place against ethnic Georgians in South Ossetia in the context of the August 2008 conflict. Furthermore, ECRI wishes to express its concern at allegations that ethnic Georgians living in the Gali region of Abkhazia are confronted with serious restrictions in receiving access to education in their mother tongue.

## **VII. Conduct of Law Enforcement Officials**

94. The Georgian authorities have indicated that they have continued to take a number of steps to combat illegal behaviour on the part of law-enforcement officials since ECRI's second report. In particular, they have underlined that they have adopted anticorruption measures, developed a guide on the prevention of excessive use of force by the police and improved the quality of police detention facilities. Despite these measures, which have apparently brought about significant progress in combating illegal behaviour by law enforcement agents, some cases of ill-treatment on the part of police officers are still reported. The Public Defender is competent for receiving and investigating complaints of illegal police behaviour and he can make recommendations to the relevant authorities in this field.
95. As already noted by ECRI in its previous report, there is a widely held view that minority groups are not particularly targeted by illegal behaviour on the part of law-enforcement officials. It is nevertheless important that, when taking measures to combat illegal behaviour on the part of police officers, the authorities pay particular attention to the vulnerability of some minority groups, which may be, for instance, related to their lack of knowledge of the Georgian language. This problem concerns not only members of ethnic minorities but also non-citizens. The authorities have indicated that interpretation is provided, when necessary, in contacts with the police<sup>30</sup>. They have added that the police provide each person who is arrested with a document on their rights and that this document does not only exist in Georgian but also in minority languages. Nevertheless, ECRI notes with concern allegations of harassment of Chechens who cross the Georgian border by Georgian border control officials.
96. The authorities have stressed that they have taken steps to encourage the recruitment of persons belonging to ethnic minorities in the police force, particularly in regions where these minorities live in substantial numbers, as they are conscious of the added value of ethnic diversity in the police. The police entrance examination is in Georgian but there are preparatory Georgian language courses especially tailored to the needs of members of ethnic minorities who would like to become police officers. The authorities have also indicated that the candidates who have passed the entrance examination are provided with Georgian language courses in parallel to their studies if necessary. The number of police officers belonging to ethnic minorities has increased in recent years.
97. ECRI again recommends that the Georgian authorities take further steps to put an end to all illegal behaviour by law enforcement officials, particularly towards members of minority groups. It is important for the Georgian authorities to make clear to society that such conduct by law enforcement officials will not be tolerated and will be punished.

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<sup>30</sup> See, however, above "Discrimination in various fields: - Employment, administration of justice and other fields" concerning the issue of quality of interpretation in the judicial system.



98. ECRI recommends that the Georgian authorities look into any allegations of harassment by border control officials against persons of Chechen origin that might be reported to them in order to take any remedial action that they would identify as required in this field.
99. ECRI recommends that the Georgian authorities pursue and reinforce their efforts in recruiting members of under-represented minority groups into the police and ensure that they have equal opportunities for progress in their careers. ECRI also recommends that the Georgian authorities train the police in policing a diverse society. ECRI strongly encourages the Georgian authorities to continue their efforts towards a constructive dialogue with representatives of ethnic and religious minorities on issues relating to policing.

#### **VIII. The National Concept for Tolerance and Civil Integration**

100. ECRI welcomes the enactment by Decree N°348 of the Prime Minister of Georgia of the National Concept for Tolerance and Civil Integration and of its Action Plan on 8 May 2009. The goals of the Concept and its related Action Plan can be summarised in the following way: to create an environment of tolerance and respect in Georgia; to promote equal opportunities for all citizens, including in education; to ensure the effective participation of ethnic minorities in all fields of life; and to create the necessary conditions for the preservation and development of ethnic minorities' culture and identity. To achieve its goals, the Concept provides for six main "Directions", which are entitled: rule of law; education and state language; media and access to information; political integration and civil participation; social and regional integration; and culture and preservation of identity. The Concept was drafted in consultation with ethnic minorities, in particular by involving the Council of Ethnic Minorities under the auspices of the Public Defender. Specialists in the field of integration and the promotion of tolerance have welcomed this document not only as showing a real commitment by the State to work in favour of the integration of ethnic minorities but also as an exhaustive and ambitious strategy addressing all the main obstacles encountered by ethnic minorities in the integration process.
101. While it is too early to assess the implementation of the Action Plan which has just started, ECRI notes with interest that under the Direction entitled "Rule of Law" in the Concept, it is indicated that two of the objectives of the Concept are to ensure the effective protection of national minorities against discrimination and to raise awareness among public officials of anti-discrimination legislation. However, the related Action Plan does not include any projects aimed at implementing the Rule of Law Direction. ECRI notes with regret that this means that, for the moment, no concrete measures are envisaged to reach the objectives related to combating discrimination. ECRI would like to emphasise that combating discrimination is an integral part of any integration strategy and hopes that the authorities will soon propose specific measures in this field and, in doing so, take into account the recommendations made in this respect in other sections of this report<sup>31</sup>.
102. ECRI strongly recommends that the Georgian authorities fully implement the National Concept for Tolerance and Civil Integration and ensure that it brings about positive changes by allocating all financial and other resources necessary to achieve the objectives pursued. ECRI recommends that measures related to combating discrimination be added to those already provided in the Action Plan and, in this context, refers to the recommendations made elsewhere in this report, in particular with respect to civil and administrative law provisions against racial discrimination.

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<sup>31</sup> See in particular: "Civil and administrative law provisions to combat racial discrimination".

## **IX. Monitoring Racism and Racial Discrimination**

103. ECRI is worried about the lack of sufficiently detailed information about the situation of the various minority groups in Georgia. In ECRI's view, the collection of data broken down by ethnic origin would make it easier to identify areas of life in which there is direct or indirect racial discrimination and to find the best means of combating those forms of discrimination<sup>32</sup>.
104. The national census that was due to take place in January 2010 has been postponed. ECRI hopes that the census takes place as soon as possible as the last census dates back to 2002. The next census should be designed so as to give a clear picture of the situation of minority groups in fields such as employment, housing, healthcare and education, in full respect of the principles mentioned in the following recommendation.
105. ECRI strongly encourages the Georgian authorities to establish a comprehensive and consistent system for collecting data making it possible to assess the situation regarding the various minority groups in Georgia and to determine the extent of racism and direct or indirect racial discrimination in different fields of life. In this connection it recommends that they envisage collecting data broken down according to categories such as ethnic or national origin, religion, language or nationality, so as to identify signs of discrimination. At the same time, the authorities should ensure that this collection is systematically carried out in accordance with the principles of confidentiality, informed consent and individuals' voluntary self-identification as members of a particular group. This data collection system should be developed in close co-operation with all those concerned, including civil society organisations. The system should also take into consideration the potential existence of cases of double or multiple discrimination.

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<sup>32</sup> See also above: « Discrimination in various fields: - Employment, administration of justice and other fields ».

## INTERIM FOLLOW-UP RECOMMENDATIONS

The three specific recommendations for which ECRI requests priority implementation from the authorities of Georgia, are the following:

- ECRI strongly urges the Georgian authorities to continue and reinforce their efforts in reforming the teaching of Georgian to pupils belonging to ethnic minorities. To this purpose, ECRI recommends in particular that the teachers who are trained in teaching Georgian as a second language know the language of the ethnic minority pupils whom they will teach and that the textbooks on Georgian as a second language be distributed free of charge to all pupils concerned. ECRI recommends that the Georgian authorities organise school partnerships and exchanges between Georgian speaking schools and non-Georgian speaking schools, in particular schools based in the Samtskhe-Javakheti and Kvemo Kartli regions, with a view to promoting contacts between pupils of different cultural and linguistic backgrounds.
- ECRI recommends that the Georgian authorities launch an awareness-raising campaign among the Georgian population in general, and in particular the Armenian population living in the region from which the Meskhetian Turks originate, in order to explain the historical reasons for these persons' return and to avoid any forms of intolerant reaction against them from members of the majority population as well as from the local population living in the areas where Meskhetian Turks will be returning. ECRI also recommends that the Georgian authorities reinforce their efforts towards measures in favour of the integration of Meskhetian Turks, notably by devising a comprehensive strategy in this respect, which would address issues such as language learning, access to education and employment.
- ECRI strongly recommends that the Georgian authorities make further efforts to improve the quality of the curriculum of the Zurab Zhvania Public Administration School, in particular in so far as teaching Georgian to ethnic minorities is concerned. It also strongly recommends that the authorities develop a mechanism for assisting this school's graduates, in particular those belonging to ethnic minorities, in finding a job in public administration in accordance with their level of education.

A process of interim follow-up for these three recommendations will be conducted by ECRI no later than two years following the publication of this report.



## **BIBLIOGRAPHY**

This bibliography lists the main published sources used during the examination of the situation in Georgia. It should not be considered as an exhaustive list of all sources of information available to ECRI during the preparation of the report.

### **European Commission against Racism and Intolerance (ECRI)**

1. Second report on Georgia, 30 June 2006, CRI(2007)2
2. Report on Georgia, 22 June 2001, CRI(2002)2
3. General Policy Recommendation No. 1: Combating racism, xenophobia, antisemitism and intolerance, October 1996, CRI(96)43
4. General Policy Recommendation No. 2: Specialised bodies to combat racism, xenophobia, antisemitism and intolerance at national level, June 1997, CRI(97)36
5. General Policy Recommendation No. 3: Combating racism and intolerance against Roma/Gypsies, March 1998, CRI(98)29
6. General Policy Recommendation No. 4: National surveys on the experience and perception of discrimination and racism from the point of view of potential victims, March 1998, CRI(98)30
7. General Policy Recommendation No. 5: Combating intolerance and discrimination against Muslims, March 2000, CRI(2000)21
8. General Policy Recommendation No. 6: Combating the dissemination of racist, xenophobic and antisemitic material via the Internet, December 2000, CRI(2001)1
9. General Policy Recommendation No. 7: National legislation to combat racism and racial discrimination, December 2002, CRI(2003)8
10. General Policy Recommendation No. 8: Combating racism while fighting terrorism, March 2004, CRI(2004)26
11. General Policy Recommendation No. 9: The fight against antisemitism, June 2004, CRI(2004)37
12. General Policy Recommendation No. 10: Combating racism and racial discrimination in and through school education, December 2006, CRI(2007)6
13. General Policy Recommendation No. 11: Combating racism and racial discrimination in policing, June 2007, CRI(2007)39
14. General Policy Recommendation No. 12: Combating racism and racial discrimination in the field of sport, December 2009, CRI(2008)48

### **Other sources**

15. Administration of the President of Georgia, Tolerance and Civil Integration – State Policy, 2008
16. Human Rights in Georgia, Reports of the Public Defender of Georgia first half of 2006 (2007), second half of 2006 (2007), first half of 2007 (2008), second half of 2007 (2008)
17. The Public Defender's Office of Georgia, Council of Religions – Social Concept, received November 2009
18. Report on the human rights situation in the areas affected by the conflict in Georgia, First report, Document presented by the Secretary General of the Council of Europe, 16 April 2009, SG/Inf(2009)7
19. 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 of the Council of Europe, 30 June 2009, SG/Inf(2009)9
20. Report on the human rights situation in the areas affected by the conflict in Georgia, Third report (July-September 2009), Document presented by the Secretary General of the Council of Europe, 19 October 2009, SG/Inf(2009)15
21. Parliamentary Assembly, Resolution 1603 (2008), Honouring of Obligations and Commitments by Georgia, 24 January 2008

22. Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) Report Honouring of obligations and commitments by Georgia, Doc. 11502 rev, 23 January 2008
23. Parliamentary Assembly Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), The consequences of the war between Georgia and Russia, 1 October 2008, Doc. 11724
24. Parliamentary Assembly Committee on Migration, Refugees and Population, The humanitarian consequences of the war between Georgia and Russia, 12 January 2009, Doc. 11789
25. Parliamentary Assembly, Resolution 1647 (2009), Implementation of Resolution 1633 (2008) on the consequences of the war between Georgia and Russia, 28 January 2009
26. Report submitted by Georgia pursuant to Article 25, paragraph 1 of the Framework Convention for the Protection of National Minorities, 16 July 2007, ACFC/SR(2007)001
27. Advisory Committee on the Framework Convention for the Protection of National Minorities, Comments of the Government of Georgia on the First Opinion of the Advisory Committee on the Implementation of the Framework Convention for the Protection of National Minorities in Georgia, 10 October 2009, GVT/COM/I(2009)002
28. Advisory Committee on the Framework Convention for the Protection of National Minorities, Opinion on Georgia, 10 October 2009, ACFC/OP/I(2009)001
29. Human rights in areas affected by the South Ossetia conflict, Special mission to Georgia and Russian Federation, by Thomas Hammarberg, Council of Europe Commissioner for Human Rights, Vladikavaz, Tskhinvali, Gori, Tbilisi and Moscow, 22-29 August 2008, 8 September 2008, CommDH(2008)22
30. Special mission to Georgia including South Ossetia, Summary of findings, by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, 25-27 September 2008, 30 September 2008, CommDH(2008)30
31. Special follow-up mission to the areas affected by the South Ossetia conflict: Implementation of the Commissioner's six principles for urgent human rights and humanitarian protection, by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, 25-27 September 2008, Tbilisi, Gori, Tskhinvali and Akhagori, 21 October 2008, CommDH(2008)33cor
32. Report on human rights issues following the August 2008 armed conflict, by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, Tbilisi, Sukhumi and Gali, 8 to 12 February 2009, 15 May 2009, CommDH(2009)22
33. Special follow-up mission to the areas affected by the South Ossetia conflict: Implementation of the Commissioner's six principles for urgent human rights and humanitarian protection, by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, 12-14 November 2008, Tbilisi, Tskhinvali and Gori, 16 December 2008, CommDH(2008)37
34. Committee on the Elimination of Racial Discrimination, Concluding observations of the Committee on the Elimination of Racial Discrimination, Georgia, 27 March 2007, CERD/C/GEO/CO/3
35. Committee on the Elimination of Racial Discrimination, Information received from the Government of Georgia on the implementation of the concluding observations of the Committee on the Elimination of Racial Discrimination, 17 March 2008, CERD/C/GEO/CO/3/Add.1
36. United Nations High Commissioner for Refugees (UNHCR), Georgia: Analysis of Gaps in the Protection of Refugees, April 2008
37. George Tarkhan-Mouravi, Assessment of IDP Livelihoods in Georgia: Facts and Policies, UNHCR, Danish Refugee Council and European Union, Tbilisi, February 2009
38. Archil Abashidze, Javakheti One Year after the August War, Caucasus Institute for Peace, Democracy and Development, Policy Review October 2009
39. European Centre for Minority Issues (ECMI), Reciprocity or the Higher Ground? The Treatment of Ethnic Russians in Georgia After the 'Spy Scandal' of 2006, David Szakonyi, ECMI Issue Brief #16, February 2008

40. European Centre for Minority Issues (ECMI), A Way Out? Initial Steps Towards Addressing Romani Issues In Georgia, Giorgi Sordia, ECMI Issue Brief #21, May 2009
41. European Centre for Minority Issues (ECMI), No Way Out? An Assessment of the Romani Community in Georgia, David Szakonyi, ECMI Working Paper #39, February 2008
42. European Centre for Minority Issues (ECMI), Georgia and the European Charter for Regional or Minority Languages, Jonathan Wheatley, ECMI Working Paper #42, June 2009
43. US Department of State, International Religious Freedom Report 2006, 2007, 2008, 2009 – Georgia, 26 October 2009
44. European Centre for Minority Issues (ECMI), Institutions of Georgia for Governance on National Minorities: An Overview, Giorgi Sordia, ECMI Working Paper #43, September 2009
45. European Centre for Minority Issues (ECMI), The Integration of National Minorities in the Samtskhe-Javakheti and Kvemo Kartli provinces of Georgia – Five Years into the Presidency of Mikheil Saakashvili, Jonathan Wheatley, ECMI Working Paper #44, September 2009
46. European Centre for Minority Issues (ECMI), Ossetians in Georgia - In the Wake of the 2008 War, Giorgi Sordia, ECMI Working Paper #45, September 2009
47. European Centre for Minority Issues (ECMI), National Minorities and Educational Reform In Georgia, Salome Mekhuzla & Aideen Roche, ECMI Working Paper #46, September 2009
48. Human Rights Centre (HRIDC), Hate Crimes in Georgia, 2009
49. Human Rights Centre (HRIDC), Religious freedom report – State of freedom of religion in Georgia since the adoption of Constitutional Agreement between Government and the Orthodox Church of Georgia, 25 April 2008
50. Public Movement “Multinational Georgia” (PMMG), Alternative Report to the Georgian State Report pursuant to Article 25, paragraph 1 of the Framework Convention for the Protection of National Minorities, Tbilisi 2008
51. Tolerance, Public Association for Human Rights Protection, Georgia, Summary of reports 2007-2009 (alternative/shadow reports), 2009





