

NATIONAL LEGAL MEASURES TO COMBAT RACISM AND INTOLERANCE IN THE MEMBER STATES OF THE COUNCIL OF EUROPE

GEORGIA, Situation as of 31 December 2005

General Overview: Georgia

Preliminary Note: this table is self-sufficient and is not accompanied by an explanatory note

COUNTRY: Georgia	Constitutional provisions	Specific Legislation	Criminal Law	Civil and Administrative Law
Norms concerning discrimination in general	Yes	Yes	Yes	Yes
Norms concerning racism	Yes	No	Yes	Yes
Relevant jurisprudence	No	No	No	No

Constitutional Law: Georgia

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Constitutional provisions	Scope	Related jurisprudence	Remarks
Article 14 Equality before the law	Every human being is born free and is equal before the law regardless of race, skin color, language, sex, religion, political or other beliefs, national, ethnic and social background, origin,		

	property, title of nobility or place of residence.		
Article 38 Non-discrimination And equality of rights	<p>1. Citizens of Georgia are equal in social, cultural and political life regardless of their national, ethnic, religious or linguistic origin. According to universally recognized principles and norms, they have the right to develop their own culture without any discrimination or interference. They may use their language in private and public life.</p> <p>2. In accordance with universally recognized principles and norms of international law, the exercise of minority rights should not oppose the sovereignty, state system, territorial integrity and political independence of Georgia.</p>		
Article 47 Equality of foreign citizens and stateless persons	Foreign citizens and stateless persons living in Georgia have the same rights and obligations as the rights and obligations of citizens of Georgia with some exceptions envisaged by the Constitution and the law.		

Criminal Law: Georgia

Preliminary Note: this table is self-sufficient and is not accompanied by an explanatory note

Offence	Source	Scope	Sanction	Relevant jurisprudence	Remarks
Murder motivated by racial, religious, national or ethnic intolerance	Criminal Code 1999 Article 109	Premeditated murder under aggravated circumstances motivated by racial, religious, national or ethnic intolerance.	-provides for punishment of imprisonment for 10 to 20 years, or for life.		
Infliction of serious injury motivated by racial, religious, national or ethnic intolerance	Criminal Code 1999 Article 117	Premeditated infliction of serious injury motivated by racial, religious, national or ethnic intolerance.	-provides for punishment of imprisonment for 1 to 8 years For a person previously convicted of premeditated murder under Article 109: -provides for punishment of imprisonment for 5 to 12 years		
Torture	Criminal Code 1999 Article 126	Systematic beating or other kinds of violence which subsequently caused physical or psychological suffering of a person motivated by racial, religious, national or ethnic intolerance.	- provides for punishment of imprisonment for 2 to 3 years		
Racial discrimination	Criminal Code 1999 Article 142 as amended	Racial discrimination is an act committed with the intention of inciting ethnic or	Racial discrimination shall be punishable by deprivation of liberty for up		

and changed in 2003 racial hatred or conflict, injuring national dignity, or directly or indirectly restricting human rights or granting advantages on the grounds of race, skin colour, social status or national or ethnic affiliation.

The same act, committed with the use of violence that endangers life or health, or with the threat of such violence, or through abuse of one's official position. Shall be punishable by deprivation of liberty for up to five years.

The acts referred to above if committed by an organized group, or if they resulted in the death of the victim or other serious consequences. Shall be punishable by deprivation of liberty for a period of three to eight years.

Humiliation of dead person	Criminal Code 1999 Article 258	1) Desecration of grave or corpse , destruction or damage of graves, monuments or other cemetery constructions committed on the grounds of racial, religious,	- is punishable by paying a fine or compulsory work useful for society for 120 to 180 hours, or reformatory work or 1 year of
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		national or ethnic intolerance. 2) Robbery of things located in tomb or things located on the grave committed on the grounds of racial, religious, national or ethnic intolerance.	imprisonment. - provides punishment up to 3 years of imprisonment.
Premeditated violation of International Humanitarian Law during armed conflicts	Criminal Code 1999 Article 411	Premeditated violation of International Humanitarian Law during international and civil armed conflicts, namely antihumanitarian acts based on apartheid or racial discrimination, which degrades human dignity	- provides punishment from 15 to 20 years of imprisonment, or life sentence term
Genocide	Criminal Code 1999 Article 407	The act of genocide committed according to agreed plan for partial or total destruction of group of people unified under national, racial, religious or other signs by means of murder of the members of the union, premeditated creation of hard life conditions,	- provides punishment from 8 to 20 years of imprisonment, or life sentence term.

violate
restriction of
birth giving
process, forcedly
passing children
from one ethnic
group to another

Civil and Administrative Law: Georgia

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Provision	Scope	Consequences of breach	Relevant jurisprudence	Remarks
Election Code Universal Suffrage Article 5.	<p>Elections prescribed by the Law are universal: Any citizen of Georgia who by the date of the election has attained the age of 18 years and who meets the requirements prescribed by the Law, enjoys the active electoral right, except for the persons who, under the Constitution of Georgia and/or in accordance with the Law have restricted suffrage;</p> <p>Any citizen of Georgia who meets the requirements of the Law may be elected to office (the passive electoral right), except for those persons who, under the Constitution of Georgia and/or in</p>			

accordance with the Law have restricted eligibility. A person who has been declared non compos mentos by the court or is to be placed in a penitentiary institution in accordance with a court judgment is not eligible to take part in elections and referenda.

Legal Status of Aliens Act (1993)

According to the Legal Status of Aliens Act of 3 June 1993, aliens are guaranteed the rights and freedoms provided by the legislation of Georgia. Their legal status is determined by the Constitution, the Act and other enactments of the Republic, as well as by international conventions and universally recognized international norms relating to the protection of human rights (art. 2). Aliens in Georgia are equal before the law, irrespective of origin, social and material status, race, nationality, sex, education, language, religion,

political or other
views, occupation,
etc. Georgia
protects the life,
security of person,
and rights and
freedoms of aliens
on its territory (art.
3).