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**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
BY GEORGIA**

(received on 16 September 2009)

**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**

General

On 19 March 2009 the Advisory Committee has adopted its Opinion on compliance by Georgia with the obligations stemming from the Framework Convention for the Protection of National Minorities. The Opinion is based on the “First State Report” of the Government of Georgia submitted to the Council of Europe and the information received by the delegation of the Advisory Committee from the state agencies, non-governmental organizations and other sources during its visit to Georgia from 8 to 13 December 2008.

The Government of Georgia appreciates the efforts of the Advisory Committee in monitoring the implementation of the Framework Convention and is pleased to accept the invitation to comment on the Opinion. The Advisory Committee has indeed paid attention to many important questions and the Government of Georgia reaffirms its willingness to continue close cooperation and dialogue with the Committee in addressing its concerns.

The structure of the following comments corresponds with the structure of the part II of the Opinion; in particular comments are linked with remarks related to individual articles of the Framework Convention.

The Opinion of the Advisory Committee, along with the following comments, will be made public and forwarded to national minority organizations, therefore giving them the opportunity to reflect upon both documents and express their own views.

Article-by-Article Comments

Article 3

Scope of application of the Framework Convention

The Advisory Committee notes that, as specified by the authorities, the [Resolution of Parliament of 13 October 2005] is merely a domestic policy document, given that no declaration or reservation was made by Georgia to the Council of Europe on ratification of the Framework Convention. Notwithstanding this information, the Advisory Committee notes that, although this Resolution has not been incorporated into any domestic legally-binding text, it does form the basis of the Georgian authorities' approach to the protection of national minorities. The Advisory Committee points out that the interpretations contained in the resolution could give rise to serious concerns, were they to have practical effects on persons belonging to national minorities. (Paragraph 26)

In 2009 the Government of Georgia has approved the National Concept and Action Plan for Tolerance and Civil Integration. This document forms the basis of the Government's policy on national minorities. The National Concept explicitly indicates that its scope is not restricted to regions inhabited by substantial numbers of national minorities. In addition, under the Action Plan the regional councils consisting of local national minority organizations will be formed with the President's regional representatives in Samtskhe-Javakheti and Kvemo Kartli, as well as in regions not inhabited by substantial numbers of national minorities, such as Shida Kartli, Kakheti, Imereti and with the Government of the Autonomous Republic of Adjara.

The Collection of ethnic data

The Advisory Committee is concerned to note that, according to information supplied by the Department for Statistics, the question on individuals' ethnic affiliation will be compulsory in this new census, which would not be compatible with the principles of Article 3 of the Framework Convention, namely free expression of ethnic affiliation and the requisite optional nature of the answers to questions relating to this affiliation . . . (Paragraph 33)

The new census, that was planned to take place in 2010, has been postponed. In questionnaires prepared by the Department of Statistics, as witnessed by the 2002 census, questions about individuals' ethnic affiliation are optional. No changes in this practice should be expected. Furthermore, the Parliament of Georgia is

currently working on the draft law on personal information that will improve existing legislative standards for personal data collection. In particular, questions about ethnic and religious origin within the census will be prescribed as optional by the law.

The Advisory Committee takes note of information, obtained from official sources, according to which applicants for posts in the police force supply information about their ethnic origin, which is subsequently retained by the Ministry of the Interior. The Advisory Committee is aware that such information may prove useful when members of the police are assigned to the Georgian territory, and may facilitate communication with the different ethnic communities. At the same time, if the collection and retention of such data were not accompanied by sufficient safeguards as to the protection of personal data, this practice could be incompatible with Article 3 of the Framework Convention . . . (Paragraph 36)

Collection of information about ethnic origin of applicants by the Ministry of Internal Affairs is strictly voluntary and confidential. The General Administrative Code of Georgia regulates issues of personal data retention, processing and confidentiality in accordance with standards of international law (Article 43). Access to personal data by third parties can only be allowed with the consent of a person concerned or with the court decision for the purposes of investigation (Article 44).

Article 4

Non-discrimination legislation

The Advisory Committee notes that a number of legislative safeguards exist against discrimination, particularly any discrimination based on ethnic or religious affiliation. Article 14 of the Georgian Constitution guarantees the equality of all citizens before the law, while the Criminal Code prohibits discrimination (Article 142), and particularly racial discrimination (Article 142-1). Anti-discrimination provisions also exist in the legislation on civil and administrative matters, particularly in the Labor Code and the Law on general education (2005). The Advisory Committee nevertheless takes the view that the Georgian authorities should incorporate in existing legislation a prohibition of discrimination - particularly that based on ethnic origin - in other fields, including access to housing, social protection and public goods and services . . . (Paragraph 37)

The General Administrative Code of Georgia which regulates activities of the administrative bodies in Georgia, proscribes any discriminatory measures, including taking different decisions in respect of persons in analogous situations (Article 4). This clause covers decisions of administrative bodies, *inter alia*, on the provision of housing, social protection and public goods and services.

In addition, under the Law on the Protection of Health holders of state insurance vouchers, within the state health program, are entitled to medical services on equal conditions and without any discrimination. The decree of the Government of Georgia on “State Medical Insurance Program for Persons below the Poverty Line” (19 February 2009) states that private insurance companies must provide equal access to insurance for program beneficiaries. The Decree of the Government of Georgia on “State Program of Assistance to Voluntary Health Insurance of Population” (26 February 2009) stipulates that equal access must be ensured to medical services provided for by the “basic” insurance policy.

The Law on the Patient’s Rights prohibits discrimination based on race, language, religion and ethnicity.

. . . Furthermore, the sources of information available to the Advisory Committee refer to a widespread lack of confidence in the judicial system, particularly among persons belonging to national minorities, who are not inclined to go to the courts if their rights are violated . . . (Paragraph 38)

In 2008 the Institute for Polling and Marketing with the financial assistance of USAID has conducted a survey aimed at determining the level of satisfaction with the judicial system among the Georgian public. Six court houses have been selected and 2,000 persons involved in court proceedings (excluding public prosecutors and other state officials) have been interviewed. 54.4% of respondents were satisfied with the work of the judicial system.

In June and November of 2008 another survey was conducted by the Institute for Public Research. 2,530 persons were interviewed across Georgia. 57.8% of respondents have expressed their confidence in the judicial system. Considering that the reform of judiciary is still underway, these surveys show increasing satisfaction with the work of Georgian courts and do not support the claim that there is a widespread lack of confidence in the judicial system.

. . . [The Advisory Committee] expects sufficient human and financial resources to be given to the Public Defender's regional offices to enable them to do their work efficiently . . . (Paragraph 42)

Allocation of funds to the regional offices is solely at the discretion of the Ombudsman's Office itself. The Government of Georgia has no role to play in the distribution of financial resources from the Ombudsman's budget. In addition, the appropriate real estate has already been transferred to the Ombudsman's Office disposal for the placement of its regional offices in Kvemo Kartli and Samtskhe Javakheti.

The discriminatory effects of the application of legislation on the official language

. . . Information has reached the Advisory Committee to the effect that persons belonging to national minorities can be at a disadvantage in the judicial field as the interpretation supplied is in many cases of poor quality. (Paragraph 47)

The Georgian Code of Criminal Procedure states that if the poor quality of interpretation in criminal proceedings has influenced any of the court's decisions or findings, it is a ground for annulment of the court's judgment on appeals. So far, no such case has been brought before the Georgian courts.

Absence of identity documents

The Advisory Committee is concerned by the fact that some persons belonging to certain national minorities have no identity documents, not having been registered at birth and not appearing on civil status registers. It is reported that these persons' situation is not regularized, partly through lack of information about the administrative procedures in force, and partly because these persons are said to be sometimes obliged to pay for the services of intermediaries in order to pursue procedures which are now free of charge . . . (Paragraph 50)

On 1 June 2008 the project "Documentation of Minors in the Kvemo Kartli Region and Prevention of Birth Registration Problems" was jointly initiated by the Civil Registry Agency of Georgia under the Ministry of Justice and the non-governmental organization Legal Development and Consultations Group (LDCG). The project aimed to detect and register unregistered births, raise public awareness concerning registration and its necessity, obtain and analyze extra specific information on reasons behind unregistered births in Kvemo Kartli.

The project involved eight municipalities inhabited by substantial numbers of national minorities: Tsalka, Marneuli, Gardabani, Bolnisi, Dmanisi, Tetrtskaro and Sagarejo. Trilingual (Georgian, Azeri and Armenian) informational posters, leaflets and brochures were widely distributed. The Civil Registry Agency provided special techniques, such as photo cameras and photocopying machines, to reduce expenses for the beneficiaries. Within the program, in total, 2,163 beneficiaries

were identified. By the end of the first 10 month (from 1 June 2008), administrative procedures were initiated for documentation of 1,317 beneficiaries. By May 2009 862 beneficiaries had either their documentation procedures completed or received proper/required legal consultation.

In 2009 the project has been expanded to cover entire Georgia. The project aims to collect full data concerning unregistered births and determine scope of statelessness. Overall objective is to tackle problems of registration of vulnerable groups, in particular a) persons whose birth certificate and other identification documents were issued by authorities of the South Ossetian Autonomous Republic whose archive does not exist anymore; b) around 16,000 IDPs from August 2008 Russia-Georgia war accommodated in the places of compact settlement; c) around 400 stateless Chechen refugees and their unregistered children born in Georgia; and d) around 1,600 stateless persons residing all over Georgia. The project includes capacity building of the Civil Registry Agency, public awareness raising campaign among the target groups, door-to-door mobile group visits to problematic villages for identification and registration purposes, and provision of free legal aid.

Protection by law-enforcement agencies

The Advisory Committee takes note with concern of allegations of inadequate protection of persons belonging to the Azeri minority by law enforcement agencies in the areas bordering Armenia (in Kvemo-Kartli). Credible reports that these persons have been victims of acts of violence, land and other property seizures and thefts of cattle have been brought to the attention of the Advisory Committee . . . (Paragraph 52)

On 27 October 2003 two cases of seizure of the property belonging to Georgian citizens of Azerbaijani ethnicity by citizens of Armenia have been reported in Dmanisi municipality. In the first case four Armenian citizens have robbed and bitten up two Georgian citizens of Azerbaijani ethnicity in the village Irganchia. The perpetrators took away 7 cattle. In course of investigation two out of four perpetrators have been identified. They were absconding from the Georgian police and in 2004 were tried in absentia by the Dmanisi district court. In 2007 under the Convention on Legal Assistance and Legal Affairs in Civil, Family and Criminal Matters (Minsk, 1993) the judgment was transferred for enforcement to the Armenian authorities.

The second case also involved a citizen of Armenia who, on his way to Armenia, accidentally found cattle belonging to Georgian citizens of Azerbaijani ethnicity at the territory of Georgia near the Georgian-Armenian border, secretly misappropriated the cattle and crossed the border. On 8 October 2003 the alleged

perpetrator Mr. N. Pogosian brought back the cattle to the Georgian territory, handed it to the police in the village of Mecevani and absconded later. Mr. Pogosian was declared as wanted by the Georgian police and in 2004 he was tried in absentia. In December 2006 Mr. Pogosian illegally crossed the Georgian-Armenian border, entered Georgia and was detained by Georgian authorities; in 2007 he was sentenced to four years of deprivation of liberty and fined with 5000 GEL.

Article 5

Legislative framework and general policy on the integration and the protection of national minorities

. . . Since the ratification of the Framework Convention in October 2005, no legislative progress directly connected with the protection of minorities has been noted, notwithstanding a number of legislative proposals put forward by civil society. (Paragraph 56)

Several important legislative amendments have been adopted since the ratification of the Framework Convention contributing to the protection of rights and interests of national minorities.

In 2006 the Criminal Code has been amended to aggravate liability for certain types of racial discrimination (Article 142¹); racial, religious and ethnic grounds have become aggravating circumstances for a number of serious crimes, such as premeditated murder (Article 109), premeditated health injury (Article 117), assault (Article 126), disrespect to the deceased (Article 258).

In 2006 the new Labor Code has been adopted with strong guarantees against direct and indirect discrimination (Article 2).

In 2007 provision against discrimination in access to state health program has been included in the Law on Protection of Health. Holders of state insurance vouchers are entitled to medical services on equal conditions and without any discrimination (Article 19).

In 2008 the Law on Broadcasting has been amended to include the obligation of the Public Broadcaster to spend 25% of its program budget on programs related to South Ossetia and Abkhazia, as well as on programs in minority languages (Article 33).

. . . [The Advisory Committee] nevertheless, like the representatives of national minorities, considers that, in order to produce effects, [National Concept for Tolerance and Civic Integration] should be more detailed and accompanied by adequate resources and clear legislative safeguards in the various fields of interest to national minorities . . . (Paragraph 58)

The National Concept for Tolerance and Civil Integration has been approved by the Government of Georgia in 2009. It is accompanied with the Action Plan providing for detailed program of activities that are already being implemented or are planned to be realized within the next five years. Implementation of these activities will be funded from the state budget.

The Civil Integration and Tolerance Council under the President of Georgia, consisting of *inter alia* members of Parliament and persons belonging to national minorities, is currently working on legislative initiatives aimed at enhancing protection of minority rights.

Support for the preservation and development of the culture and identity of persons belonging to national minorities

. . . The Advisory Committee nevertheless notes with concern that, in many cases, national minorities have no representation in the management of cultural establishments, which are often run by persons belonging to the majority population. Furthermore, the cultural activities of these establishments have been decreasing . . . and the status of some establishments has declined . . . (Paragraph 62)

National minorities can also obtain funding for their cultural activities from the Ministry of Culture. It is often the case, however, that they are neither informed about the opportunities that exist nor consulted when subsidies are allocated. The Advisory Committee notes in this respect that there is no specific budget set aside for the cultural development of national minorities, which have to compete for project funds with all other NGOs. Thus the actual level of financial assistance available to the organizations of minorities is far from meeting the needs that exist . . . (Paragraph 63)

Since 2004 the Ministry of Culture, Monument Protection and Sports of Georgia runs the special program aimed at supporting cultural centers of national minorities. It is designed to assist national minorities in preservation, development and popularization of their cultures and further integration into the larger Georgian cultural sphere. The program is being implemented on the basis of the

Davit Baazov State Historic and Ethnographic Museum of Georgian Jews, the Centre for Georgian Cultural Relationships “Caucasian House”, the Mirza-Fathali Akhundov Museum of Azerbaijani Culture, the Centre of Russian Culture in Georgia, Tbilisi State Armenian Drama Theatre, Tbilisi State Azerbaijani Drama theatre and etc. Majority of staff and management in these cultural establishments are national minorities. For example, in the Russian and Azerbaijani state academic theatres only 14 and 17 persons are Georgians out of 107 and 29 staff members accordingly.

Neither the status, nor the number of cultural activities of these organizations has declined. On the contrary, the budgetary support has seen increase in almost four times for the last four years from 100,000 to 373,000 GEL. In particular, funding of the Mirza-Fathali Akhundov Museum of Azerbaijani Culture has increased from 15,000 to 29,400 GEL, Armenian and Azerbaijani theatres will receive 130,000 GEL each this year instead of 95,000 and the budget of the “Caucasian House” will be 29,400 GEL from 10,000 in 2005. With this financial support numerous exhibitions, performances, presentations, discussions and other activities have been organized, including publishing of the collection of “Archeology, Ethnology, Study of Folklore of the Caucasus”. In minority-populated municipalities other initiatives have also been realized. In particular, 25 Armenian, 15 Azerbaijani, 14 mixed, and 5 Ossetian libraries, as well as numerous craft schools and clubs have been established.

Information about grants is disseminated in the print media and published on the web-site of the Ministry of Culture, Monument Protection and Sports of Georgia. Moreover, in accordance with the National Concept and Action Plan for Tolerance and Civil Integration the memorandum of cooperation will be signed between the Council of Ethnic Minorities under the Ombudsman’s Office and the Ministry of Culture, Monument Protection and Sports of Georgia. The memorandum will establish the system of cooperation, whereby national minorities will receive first-hand information about funding opportunities and will take part in the decision-making process, including on allocation of state subsidies.

The Advisory Committee notes the particular concern of national minorities as to the situation of their religious and historical buildings and the absence of appropriate state support . . . (Paragraph 64)

The Ministry of Culture, Monument Protection and Sports of Georgia has been funding rehabilitation works for historical and cultural monuments for years irrespective of their religious or national belonging, including the most recent restoration of 19th century synagogue that was badly damaged by the earthquake few years ago. It is also making an inventory of stationary cultural heritage

monuments and objects across Georgia for the purpose of providing further protection and care. To this day numerous monuments of national minorities have been registered, including 50 Gregorian (Armenian) churches, 10 mosques, 35 jame mosques and 5 synagogues.

Since 2007 the Ministry of Culture, Monument Protection and Sports of Georgia has been making an inventory of Ottoman monuments on the Georgian territory. At the first stage of the initiative valuable architectural objects contained in archives and museums in Tbilisi and several dozens of Turkish monuments located in Samtskhe-Javakheti and Adjara (mosques, jame mosques, baths and etc.) have been studied and restoration works have been planned.

Article 6

Inter-ethnic relations and integration

Furthermore, the Advisory Committee is concerned to note that the majority population's knowledge of the history and cultural heritage of national minorities remains limited, particularly in respect of those of the numerically small minority groups, such as the Kurds, Yezidi, Assyrians and Avars . . .
(Paragraph 71)

Members of national minority communities in Georgia, as well as artists from neighboring states regularly participate in art, drama and music festivals and contests. In 2008 the Ministry of Culture, Monument Protection and Sports has organized the joint exhibition of Georgian and Azerbaijani painters in Tbilisi and other regional centers across Georgia. In 2009 international music and drama festivals have been held in Tbilisi, where Armenian and Azerbaijani artists took part.

The "Caucasus Foundation" with the support of the Government of Georgia is implementing programs aimed at promotion of cultures and traditions of the peoples of Caucasus. Activities of the "Caucasus Foundation" include scientific studies of historic, ethnographic and cultural heritage of the peoples of Caucasus, organization of festivals and exhibitions for popularization of their folklore, funding publications on their history, religions, traditions and etc. For the years 2009-2012 the "Caucasus Foundation" plans to publish ethnological and archeological encyclopedias of the Caucasus; prepare documentaries on the history of Caucasus, history and religious traditions of Ingushetia and Dagestan and their close cultural ties with Georgia; publish corpus of alphabet of the peoples of the north Caucasus; organize conference on archeology, ethnology and folklore of the peoples of Caucasus and etc.

The Centre for Georgian cultural relationships “Caucasian House” with the financial assistance of the Ministry of Culture, Monument Protection and Sports of Georgia has implemented numerous activities for the promotion of national minorities’ cultures. In particular, famous pieces of the Armenian poetry have been translated and various works on Armenian folklore and history have been published.

Since 2006 the Ombudsman’s Office has been publishing the monthly journal “Solidarity”, which addresses culture, history, traditions and other important aspects of lives of national minorities.

In 2008-09 the Tolerance Center under the Ombudsman’s Office has published two books “Religions in Georgia” and “Ethnic Communities in Georgia”. The publications tell the story about the culture, history and traditions of all ethnic and religious groups living in Georgia. As a pilot project they have been used in several public schools in Tbilisi and regions to teach students about ethnic and religious diversity of Georgia. At the end of the course the contest in acquired knowledge about different religious and cultural traditions has been organized between these schools. The Tolerance Center will enhance the project next year to cover more public schools across Georgia.

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

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

. . . School textbooks sometimes convey stereotyped images, as well as prejudice against [national minorities], thus creating obstacles to the promotion of mutual respect . . . (Paragraph 71)

See comments on paragraphs 98 and 140.

. . . It also emphasizes that it is essential for persons belonging to national minorities to be closely involved in the implementation of the action plan and in the work of the Civic Integration and Tolerance Council . . . (Paragraph 72)

The Memorandum of Cooperation was signed between the Civil Integration and Tolerance Council under the President of Georgia and the Council of Ethnic Minorities under the Ombudsman's Office in 2008. There has been constant cooperation between the President's Council and the Council of Ethnic Minorities in the drafting process of the National Concept and Action Plan for Tolerance and Civil Integration. The high level of cooperation will be retained in monitoring the implementation of this document.

In May 2009 the conference on implementation strategies of the National Concept and Action Plan has taken place in Gudauri under the auspices of the President's Council. Representatives of the Council of Ethnic Minorities and civil society organizations have jointly developed recommendations on effective monitoring mechanisms and participation of minorities in the implementation process.

In accordance with the Action Plan memorandums of cooperation will be signed between the Council of Ethnic Minorities under the Ombudsman's Office and the following ministries: the State Ministry of Reintegration; the Ministry of Education and Science; the Ministry of Culture, Monument Protection and Sports; the Ministry of Regional Development and Infrastructure; the Ministry of Justice; the Ministry of Internal Affairs; The Ministry of Economic Development; the Ministry of Refugees and Accommodation. The memorandums are aimed to establish systems of cooperation and consultation, as well as monitoring of the Action Plan that will ensure greater participation of national minorities in the decision-making process on issues of their interest.

It is also envisaged by the Action Plan to create regional councils with the offices of regional representatives of the President of Georgia in Kvemo Kartli, Samtskhe-Javakheti, Kakheti, Shida Kartli, Imereti and with the Government of the Autonomous Republic of Adjara. The regional councils will be composed of representatives from local national minority organizations and will perform advisory functions on civil integration issues.

The fight against racism and intolerance

. . . In [regions inhabited by substantial numbers of national minorities], particularly Kvemo-Kartli, persons belonging to national minorities remain underrepresented in the local police. (Paragraph 78)

The official policy of the Ministry of Internal Affairs of Georgia is to give priority to minority applicants when recruiting police officers in regions inhabited by substantial numbers of national minorities. As a result, the number of Azerbaijani police officers has increased from 152 in 2007 to 243 in 2009. There is also a

positive dynamic with respect to Armenian police officers. Their number has increased from 323 to 383 for the last two years.

The media and tolerance

The Advisory Committee is concerned to note that the history, culture, languages and concerns of national minorities receive little media coverage, although the Law on broadcasting gives explicit terms of reference to the public audiovisual service in this respect . . . (Paragraph 80)

The news program on the Public Broadcaster is aired in 5 minority languages Abkhazian, Ossetian, Armenian, Azerbaijani and Russian. The weekly talk-show Italian Yard is totally devoted to national minorities. It aims to promote civil integration by encouraging discussion on various topics, ranging from women's rights and education to cultural traditions and music.

The Public Radio also airs daily news programs in 5 minority languages mentioned above, plus Kurdish. Every week the Public Radio broadcasts analytical program in Russian and the program Our Georgia which focuses on the history of ethnic and religious minorities, their traditions and culture.

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

The Ministry of Culture, Monument Protection and Sports provides financial support to Azerbaijani and Armenian language newspapers (See also comments on paragraph 109).

In 2008 the electronic database www.diversity.ge was created jointly by the President's Council for Tolerance and Civil Integration and the UN Association of Georgia. It offers information on the history and culture of national minorities living in Georgia, updated news on national minority related developments in the country, access to relevant legislation database as well as the comprehensive list of projects and programs being carried out by the state and different local and international organizations. The web-site is trilingual and provides its services to users in Georgian, Russian and English languages, thus improving the accessibility of the information resources for all audiences.

According to the information at the Advisory Committee's disposal, cases occur of incitement by certain media to religious intolerance and to the dissemination of prejudice against religious denominations other than the Georgian Orthodox Church. It also seems that, following the August 2008 conflict, certain media outlets are voicing anti-Russian sentiments with increasing frequency, which might negatively affect persons belonging to the Russian minority . . . It consequently takes the view that appropriate measures should be taken when stereotyping or intolerant speech are disseminated, although these should not impinge on editorial independence of the media . . .
(Paragraph 81)

Anti-Russian sentiments can only be considered as normal after August 2008 Russian aggression, although the Committee must bring more convincing evidence for its claim that stereotyping and intolerant comments against Russian minority have even been voiced in the Georgian media. Needless to say, that not a single case of hate crime has taken place since the war against persons belonging to Russian minority.

Furthermore, the Georgian legislation provides for appropriate mechanisms against incitement to intolerance based on ethnic or religious belonging. In particular, the Law on Broadcasting proscribes programs that in any form create substantial threat of incitement to racial, ethnic or religious hatred, discrimination against any group or violence (Article 56). Broadcasters are also prohibited to broadcast programs that aim to offend or discriminate against a person or a group of persons based on ethnicity or religion, or emphasize their religion or ethnicity groundlessly (Article 56).

Similar guarantees against incitement to hatred or intolerance on religious and ethnic grounds can be found in the Broadcasters' Code of Conduct (Article 31). In particular, broadcasters are obliged to avoid making unjustified parallels between religious or ethnic belonging and negative events, promoting stereotypes and using offensive expressions against religious or ethnic groups (Article 33).

The Advisory Committee notes that a code of ethics for public broadcasting was adopted in 2006, and that a similar instrument for all broadcasters should come into force in 2009. It nevertheless seems, according to the information available to the Advisory Committee, that the procedures in place to monitor both compliance with ethical standards and the work of the media in general is not effective enough . . . (Paragraph 82)

The Broadcasters' Code of Conduct has been developed by the Georgian National Communications Commission in close cooperation with international experts. In

particular, experts from the Council of Europe have examined the draft Code of Conduct and expressed satisfaction with its strict provisions against discrimination and incitement to hatred, as well as with mechanisms of implementation. The Law on Broadcasting, which sets the legislative framework for the Code of Conduct, has also been positively assessed by the European Commission for Democracy through Law (the Venice Commission). The Broadcasters are obliged to create public appellate bodies that will review complaints from the public and take binding decisions. The National Communications Commission exercises overall supervision over the system and is empowered to sanction broadcasters for failing to ensure effectiveness of the complaints procedure.

In 2006 the Public Broadcaster has adopted the Code of Ethics and created the Monitoring Unit to oversee observance of ethical and professional standards of journalism. The Monitoring Unit also considers complaints from the public and takes binding decisions. In addition, the Code of Ethics is part of the contracts signed by the Public Broadcaster's journalists and its breach may result in appropriate sanctions.

The Meskhetian Turks

. . . [The Advisory Committee] notes in fact that these persons face a number of obstacles, including the fact that the repatriation application forms have to be completed in Georgian or in English (it should be borne in mind that the majority of applicants for return do not speak these languages), and the fact that they are required to supply certificates that are expensive and/or difficult to obtain. Furthermore, the distribution of repatriation application forms to the persons concerned began at a late stage in 2008, when the statutory deadline for receipt of applications was 31 December 2008. . . (Paragraph 84)

In this context, the Advisory Committee welcomes the authorities' decision on 28 December 2008 to extend by six months the deadline for the lodging of such repatriation applications with the Georgian authorities, and expects that further extensions will be granted in this respect. . . (Paragraph 85)

The Government of Georgia would like to stress that the use of the term “Meskhetian Turks” by the Advisory Committee is not correct. Under the Georgian legislation the right to repatriation is given to “Forcefully Deported Persons from Georgia by the Former Soviet Union in the 1940s” (FDPs). The only way of determining their correct ethnicity is through self-identification.

Applications for repatriation must be completed in the state language of Georgia and English, as one of the most commonly spoken languages in the world. This

decision is final and will not be reconsidered. Furthermore, every document required from applicants is necessary for successful repatriation process.

The delays in the application process have been caused by the Russian aggression on August 2008. As a result, on 26 December 2008 the Parliament of Georgia has amended the “Law on the Repatriation of Forcefully Deported Persons from Georgia by the Former Soviet Union in the 1940s” and extended the deadline of submitting applications for 6 months from 1 January to 1 July 2008. At the request of international organizations, the Parliament of Georgia has again amended the Law on July 2009 and extended the deadline for another 6 months to 1 January 2010. The Government of Georgia wants to make clear that no further extensions must be expected.

Article 7

Exercise of the right to freedom of association and freedom of expression

The Advisory Committee notes that Article 6 of Georgia's law on political associations, adopted on 31 October 1997, explicitly prohibits the setting up of political parties on a regional or territorial basis. The Advisory Committee observes that this provision has already been invoked as a ground for refusing to register a political association representing the interests of the Armenian minority (Virkh). It may therefore be interpreted as restricting the scope for persons belonging to national minorities to set up political parties representing their legitimate interests . . . (Paragraph 86)

The denial of registration to the “People’s Party Virkh” was based on Articles 6 and 14 of the Law on Political Associations. Article 6 does indeed prohibit setting up of political parties on a regional or territorial basis. However, it does not present any obstacles to the establishment of a political party which aims, *inter alia*, to advance legitimate interests of persons belonging to national minorities. Article 14 prohibits setting up of political parties with the name similar to that of an already existing party. The political party named “People’s Party” had already existed at that time and applicants were given opportunity to correct the mistake within the period specified in the Law. The period was missed and they were denied the registration.

Although the situation has improved over recent years, the Advisory Committee is particularly concerned at the reports of serious problems in the exercise of the right to freedom of expression and opinion by members of non-governmental organizations, human rights defenders and independent journalists. Non-governmental sources also refer to attempts by persons in high places in governmental structures or by political representatives to influence the editorial policy and programmes of the media. (Paragraph 87)

The Advisory Committee notes with concern information about persons belonging to national minorities who have been subjected to pressure, and even harassment, by representatives of State bodies when their viewpoints differed from those of the authorities . . . (Paragraph 88)

So far, no cases of harassment or pressure have been brought to the attention of Georgian law enforcement agencies or judicial bodies. If the Advisory Committee provides more detailed information about any of these alleged incidents appropriate action will be taken in accordance with the law. The Georgian legislation provides strong guarantees against harassment and interference with freedom of expression. Under the Criminal Code of Georgia harassment of persons on the basis of viewpoints or in connection with their political, professional or religious activities (Article 156) and unlawful interference with the work of journalists (Article 154) is punished by deprivation of liberty of up to 3 and 2 years respectively. The Law on Freedom of Speech and Expression provides for editorial independence of journalists, in particular their right to take editorial decision in accordance with their own conscience (Article 3).

Persons belonging to the Armenian minority, in particular, drew the attention of the Advisory Committee and other international bodies to the situation of activists defending the rights of Armenians who had been arrested and imprisoned on extremely serious charges, which they regarded as ill-founded . . . (Paragraph 89)

It is difficult to comment on specific cases without specifying them. The Government of Georgia is ready to provide appropriate information if it is informed about those allegedly arrested. However, as a matter of principle, ethnic origin of a person cannot serve as an excuse for “extremely serious” or any other types of crimes. Whether the charges are ill-founded or not will be determined through due legal process.

Article 8

Exercise of the right to freedom to manifest one's religion and to form religious institutions, organizations or associations

. . . One of the main concerns of national minorities in respect of religion is the question of the legal status and registration of religious organizations. The Advisory Committee notes in fact that, while the Georgian Orthodox Church is recognized and protected as both a Church and a public entity, other religious groups can only register as non-governmental organizations or non-profit-making private-law associations, so they cannot enjoy the same conditions in respect of the exercise of their religious activities . . . (Paragraph 92)

The public-private division between the status of the Georgian Orthodox Church (GOC) and other registered religious groups is largely symbolic. The latter receive the same legal protection and respect for their religious activities as the GOC. The only slight difference concerns the tax breaks. This practice corresponds to the European experience exemplified by Great Britain, Spain and etc. The Government of Georgia considers that any attempt to grant specific status to religious groups will only result in unnecessary controversy over the definition and would make little practical difference.

. . . The Advisory Committee also notes with concern acts of vandalism committed in April 2008 against the Jewish cemetery in Batumi, and reports of disrespectful acts and provocation in some traditional Azeri cemeteries. (Paragraph 93)

Since 2006 only one case of desecration of cemetery on racial grounds has been reported. It took place in Batumi on 1 May 2008. Damaged graves belonged to the Jewish family; the perpetrator has drawn swastikas on them. The police has initiated investigation under the article 258 (3) (b) of the Criminal Code of Georgia, which envisages crime of disrespect towards deceased based on racial, religious, national or ethnic intolerance. The Police has questioned all the relevant witnesses and investigation is ongoing.

Return of religious properties

. . . Strong tensions were reported to it in relation to, inter alia, the return of Armenian churches and the attempts of the Georgian Orthodox Church to take over some of these buildings (as in the case of several churches in Tbilisi, including the Surb Norashen church used by the Armenian community since the 15th century), notwithstanding the agreement concluded between the Armenian Apostolic Church and the Georgian Orthodox Church on arrangements for resolving the property issue . . . (Paragraph 96)

The Government of Georgia is acknowledging its full responsibility to determine the lawful owner of the Norashen church and other religious buildings recognized as stationary cultural heritage monuments and protect them from any damage. At the same time, the question of ownership, due to its high sensitivity, requires careful study and investigation. As a result of the agreement reached between the parties, the committee of experts will be set up to determine the rightful owner of the Norashen church. Until then, the moratorium has been declared on any construction works on the territory of the church.

Religious education

. . . According to information supplied by non-governmental sources, publicly-run schools continue to offer an optional course in religion, mainly providing teaching about the Georgian Orthodox faith, notwithstanding the Church's independence of the State and the statutory separation between public education and religious education. Furthermore, non-Orthodox pupils are apparently quite often the subjects of attitudes of intolerance, or even hostility, among other pupils and their teachers. In addition, these sources report inadequate conduct by certain teachers, who tend to impose Georgian Orthodox religious practices in the school context, in spite of the aforementioned principle of separation and the existence of different faiths among the pupils . . . (Paragraph 98)

Teaching of history of religions is part of social sciences and includes teaching of origin/formation of religions, the role of a religion in a society, religions of the world and etc. The claim that information about other religions in textbooks is limited and in some cases textbooks bear the imprint of negative stereotyping is not accurate. Since 2006, in accordance with the procedure of textbooks' licensing/approval, different textbooks are recommended to schools for teaching history of religions. Each of these textbooks has undergone the expertise by the special commission and meets the required criteria of antidiscrimination, neutrality and diversity.

The Ministry of Education and Science of Georgia (MoES) in accordance with the Law on General Education supervises public schools to refrain from administering any religious ritual or ceremony. They are also guarded against using any religious symbols except for educational purposes. Furthermore, the draft Model Teacher's Professional Code of Ethics has been developed by the Teachers' Professional Development Centre (TPDC), which must be approved by the Minister of Education and Science. After approval, public schools will have to develop their own Codes in accordance with the Model Teacher's Professional Code of Ethics. The draft Model Code provides for the establishment of an environment conducive to the fully-fledged development of students' individual personalities and for this purpose prohibits different treatment of students by teachers based on their ethnic, religious and linguistic belonging.

The cases of discrimination against pupils based on religious background have not been officially reported to the MoES. In accordance with the Law on General Education and draft Model Teacher's Professional Code of Ethics teachers will be held responsible for any discriminatory acts based on student's religious identity.

In addition, for the last several years the MoES has been implementing different target programs to promote tolerance and intercultural understanding. In particular, all educational institutions administering pre-service teacher training programs have been provided with the Religious Diversity and Intercultural Education textbooks. The Children's Tolerance Education Program (CTEP) has been implemented in 2004-2006 by the National Curriculum and Assessment Center under the MoES with the support of International organizations. The CTEP activities included creation of 42 children's television episodes on tolerance, intercultural understanding and conflict resolution, development of tolerance education materials (Student's Book and Teacher's Manual) and related teacher trainings, establishment of tolerance clubs and related extra-curricular activities in public schools.

In 2004-2007 the MoES implemented "School Partnership Program" aimed at increasing understanding and cooperation among national minority students and their Georgian peers. The main objectives of the program were to reduce the problem of cultural and civil isolation of national minorities, and support acquisition of the Georgian language. To this end, the program envisaged building the partnership between Georgian and non-Georgian language schools, teachers, students and their parents.

Article 9

Access of persons belonging to national minorities to information in their minority languages

. . . The Advisory Committee takes the view that, whatever the practicalities adopted to this end, the consultation of national minorities in the definition of the editorial policy of the public broadcasting service, and their direct participation in the preparation of programmes, are essential to ensure that their communities' life and concerns are properly reflected therein . . .
(Paragraph 104)

Under the Law on Broadcasting the Public Broadcaster creates public councils to ensure that interests of different social groups are respected in its programs (Article 41). The councils perform advisory functions and make recommendations, *inter alia*, on fulfillment of content requirements set by the Law, including reflection of ethnic, cultural and religious diversity of Georgia and airing programs about national minorities and in their native languages. Since 2006 two councils of ethnic and religious minorities have been operating with the Public Broadcaster in accordance with the Law.

. . . In practice, public radio and television do not cover the whole of Georgian territory, and the persons belonging to national minorities who live in certain regions face a news vacuum in the national media . . . (Paragraph 108)

The Action Plan for Tolerance and Civil Integration provides for the rehabilitation of the Public Broadcaster's transmission system to ensure that its programs are available in regions inhabited by substantial numbers of national minorities.

. . . The Advisory Committee notes that, to date, there are newspapers in Georgia published in their own language by Armenians, Assyrians, Azeris, Germans, Greeks and Russians, as well as in Georgian and in Russian by Jews. Three of these publications are State-financed: "Gurjistan", which is published in Azeri, "Vrastan" in Armenian, and "Svobodnaya Gruzia" in Russian. The representatives of minorities find this support inadequate and consider that the authorities should enter into a firmer commitment to assist them in this area. The Advisory Committee calls on the authorities to consider giving greater support to national minorities' print media. (Paragraph 109)

There has been positive dynamic in providing financial support to national minorities' print media for the last several years. Within the program "Support for Literature Development", the Ministry of Culture, Monument Protection and

Sports of Georgia has been funding Azerbaijani and Armenian Language newspapers. Since 2004 the budgetary support has increased from 10 000 to 40 000 GEL for the Azerbaijani language newspaper “Gurjistan” and from 15 000 to 55 000 GEL for the Armenian language newspaper “Vrastan”.

Articles 12 and 14

Teaching of or in minority languages

Firstly, the schools which teach in a minority language face a general lack of resources, especially quality textbooks . . . The Advisory Committee is pleased to note that textbooks are now being translated into the minority languages, and that new textbooks are being prepared in those languages . . . This process, however, still encounters difficulties insofar as the distribution of these textbooks does not yet reach all the schools concerned, and problems still exist in terms of the quality and cost as well as the training of teachers to work with these new tools . . . (Paragraph 125)

Under the general educational policy on national minorities, the Ministry of Education and Science of Georgia (MoES) manages a number of short-term and long-term programs. Their primary goal is to promote civil integration of national minorities through support of quality and inclusive education, enhancement of state language acquisition via multilingual education programs, and improvement of accessibility and equity of educational opportunities.

The Government of Georgia acknowledges that deficiency of resources, especially of textbooks and teacher training remains a challenge not only for non-Georgian language schools but for many other schools in Georgia. While attempting to overcome these barriers the MoES maintains its focus on individual needs of every student applying participatory, research based decision-making approach to policy development.

Provision of textbooks to non-Georgian language schools

Out of 2,300 general educational institutions in Georgia there are 409 non-Georgian language schools (including schools with sectors where language of instruction is other than Georgian and schools with Russian, Armenian, Azeri and Ossetian as the sole language of instruction): 140 Armenian language schools, 124 Azerbaijani language schools, 142 Russian language schools and 3 Ossetian language schools.

Within the process of reform of the general education system, new national curriculum and textbooks have been developed for minority language schools. In

2005, for the first time, the MoES started to subsidize textbooks that were aligned with the national curriculum for minority language schools.

In 2005-2006, considering the need for development of new textbooks to implement new standards of teaching and learning Georgian as a second language, two volumes of such a textbook were developed. The textbook "Tavtavi" was built on relevant criteria for language competency levels proposed by the European Council's "European Language Portfolio" and the "Common European Framework of Reference for Languages: Teaching, Learning and Assessment". The first volume of "Tavtavi" package includes a textbook, a students' book, and a teacher's book. The second volume includes a textbook, a students' book, a teacher's book and a portfolio. In 2007 the third volume of "Tavtavi" has been developed. Three volumes of "Tavtavi" have been distributed among all non-Georgian language schools free of charge. The evaluation of effectiveness of "Tavtavi" has also been undertaken within the same program.

In 2006-2007 the National Curriculum and Assessment Center (NCAC) implemented the piloting training-programs in schools. The piloting aimed at testing the new national curriculum, development of new content/subject area textbooks and establishment of experimental schools. The piloting program included 30 minority language schools, including 10 schools from Kvemo Kartli and 10 schools from Samtskhe-Javakheti.

In 2007 the NCAC implemented the "Georgian as a Second Language" project. The purpose of the project was to develop the new curriculum for Georgian as a second language for students in minority language schools.

In 2008 the MoES distributed 34,438 textbooks in 7 districts (Bolnisi, Tetrtskaro, Tsalka, Gardabani, Marneuli, Dmanisi and Rustavi) of Kvemo Kartli. In addition, 16,883 school textbooks were distributed among schools of 6 districts (Borjomi, Ninotsminda, Akhalkalaki, Akhaltsikhe, Adigeni and Aspindza) in Samtskhe-Javakheti.

In 2008 the NCAC distributed 7,290 textbooks (Georgian Language, Biology, Math, Music, Art and Foreign Languages) at schools in Kvemo Kartli and 4,497 textbooks in Samtskhe-Javakheti. In addition, all students in grade 5 were provided with geography and Georgian language textbooks. All students in grades 6 through 11 in minority language schools were provided with the same content area textbooks.

In 2008 within the "State Language Teaching and Learning Program for Minority Language Schools" all students in grade 2 were provided with the textbook "Let's Learn Georgian". Overall, 7,000 copies of the textbook were distributed.

In 2009 Minister of Education and Science has approved the program “Improving Availability of Textbooks for non-Georgian Language Students” with the budget of 543,600 GEL. As a result, 6,025 ninth graders in non-Georgian language schools will be provided with textbooks of Georgian History, Geography, and Civic Education (translated in their native languages) for academic year 2009-2010 (overall 18,075 textbooks). In addition, 300 non-Georgian language schools will introduce a system of “renting textbooks” that will improve availability of textbooks for 28,221 Azerbaijani, 15,255 Armenian and 8,453 Russian students at non-Georgian language schools. All minority language schools (including those with minority language sectors) will also be provided with the textbook “Georgian as a Second Language” for 6,025 third graders.

Teachers’ professional development

The Government of Georgia is acknowledging the need for further professional development of teachers not only at non-Georgian language schools but also at many other schools throughout the country. For this purpose, the Teachers’ Professional Development Centre (TPDC) under the auspices of the MoES has been established by the President’s Decree (26 June 2006). It is a self-regulating professional body for teachers and seeks to create the effective national quality assurance system in Georgia to help teachers, schools and those who provide education for teachers reach internationally acceptable standards of performance. As an independent authoritative body, it co-operates with the pedagogical and academic community to prepare recommendations for the Government of Georgia in respect of teaching profession.

Despite existing challenges in non-Georgian language schools, several special programs regarding teachers’ professional development have been implemented by the MoES and the TPDC. The program for teaching Azerbaijani language in non-Georgian language schools in Kvemo Kartli has been launched with the support of OSCE/HCNM. The program encompassed creation of appropriate standards and training of teachers. 500 teachers have been trained within this program.

To secure successful implementation of the school grant program, the TPDC has developed the “Project Development Manual” and delivered special training sessions for general education schools concerning “School Improvement Projects”. Successful schools were entitled to receive grants. In 2005-06 21 schools in Kvemo Kartli and 18 in Samtskhe-Javakheti participated in the project.

The TPDC and NGO “Center for Civil Integration and Intercultural Relations” translated the journal “Teacher” into Armenian and Azerbaijani languages and distributed 1290 copies in non-Georgian language schools. Within the same project “Theories of Teaching and Development” and “Teaching and Assessment” were translated into Armenian and Azerbaijani languages and 1,290 copies have

been distributed in non-Georgian language schools of Kvemo Kartli and Samtskhe-Javakheti. These publications are supplementary materials that aim to help teachers in preparation for certification exams and improving teaching practices.

Teachers' professional development standards have been translated into Armenian and Azerbaijani languages and 900 copies of the publication were distributed among schools and resource centers.

Since 2006 the National Curriculum and Assessment Center (NCAC) has been publishing the newspaper "Dialogue" which gives opportunity to school administrators, teachers, students and their parents to address experts with questions, get the feedback and share their experience and views. From 2007 "Dialogue" has been translated into Azerbaijani and Armenian languages and distributed in regions inhabited by substantial numbers of national minorities.

In 2007 teachers from 94 Azerbaijani language schools were trained within the program "Enhancement of Teaching and Learning of Georgian as a Second Language in Kvemo Kartli Minority Language Schools". The program was a joint effort of the OSCE Higher Commissioner on National Minorities and the MoES.

The MoES and the Teachers' Professional Development Center (TPDC) have implemented the "Professional Development Program for Georgian Language Teachers in Minority Language Schools". So far, 250 Georgian language teachers from minority language schools have taken part in this program.

The TPDC has also been implementing programs "Qualified Georgian Language School Teachers in Regions Densely Populated by Ethnic Minorities" and "Teaching and Learning Georgian". The first program envisages high salaries for highly professional teachers of the Georgian language and literature in regions inhabited by substantial numbers of national minorities. For this purpose, teachers who have native language skills and are able to deliver quality instructions of the Georgian language and literature will be selected. Selection of local specialists who satisfy the requirements will be the priority. The TPDC will deliver purposeful training sessions for program participants and recruit them as contractees. In addition to instructing students, they will be required to enhance professional skills among their peers in teaching and learning the Georgian language and literature. By the end of the training sessions, 10 most successful teachers will be selected to perform as trainers. They will be required to deliver professional development training sessions for all teachers in their own districts willing to improve their professional skills. Selected teachers and trainers will also be required to plan and implement various activities (e.g. Georgian language clubs hosting competitions and celebrations) that will increase motivation to learn the state language among the students and local community.

School rehabilitation program

Since 2006 school rehabilitation process has been underway throughout Georgia. Dozens of non-Georgian language schools were rehabilitated within the “Iakob Gogebashvili” program. The Ministry of Education and Science of Georgia has also been implementing the school computerization program “Dear Leap” since 2005. The program aims at providing all general education schools including minority language schools with computer technology and internet access. In 2005-2008 120 Azerbaijani and 140 Armenian language schools were provided with 1,299 and 1,015 computers respectively.

. . . Efforts to preserve the languages [of numerically smaller minorities] and to ensure that they are taught depend almost wholly on the communities concerned. (Paragraph 127)

In 2009 the sub-program “Protection of Minority Languages” has been approved by the Minister of Education and Science. It envisages provision of funding for the Ossetian Sunday School based in Tbilisi. Students of the Ossetian Sunday school will have the opportunity to learn Ossetian language, culture, history and literature.

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

Equal opportunities in the education system

. . . The requirement for history, geography and literature to be taught in the Georgian language from 2010-2011 causes understandable concern to many of the parties to whom the Committee spoke, who took the view that pupils and teachers who do not speak Georgian will not be ready in time to cope with this change . . . (Paragraph 130)

The Government of Georgia understands that the objective of teaching social sciences in Georgian at all public schools by 2010-11 may be cause for concern among minority language speaking students and their parents. The Parliament of

Georgia plans to address this question before 2010-11 academic year taking into account specific circumstances in regions inhabited by substantial numbers of national minorities. This objective will only be realized when non-Georgian language schools are ready to practice the multilingual education model.

One of the main concerns expressed to the Advisory Committee by the representatives of national minorities relates to access to higher education. A compulsory university entrance examination was introduced in 2005, comprising a test in the Georgian language and literature, which represents a considerable obstacle to students from the minority-language education system. Such students have an extremely low pass rate, so their presence at Georgian universities has fallen very significantly since 2005 . . . (Paragraph 131)

Access to higher education by national minority students has been the primary concern for the Government of Georgia. Although the results of Unified National Admissions Examinations in 2005 revealed certain hindering effects of the Georgian language tests for national minorities, the positive dynamic can be seen since 2007.

The UNAE participation in Samtskhe Javakheti and Kvemo Kartli (2007-08)

2007			
	Registered	Admitted	State fellowship
Samtskhe-Javakheti	1,069	213	116
Kvemo Kartli	2,636	855	458
2008			
Samtskhe-Javakheti	572	443	136
Kvemo Kartli	1,554	1008	553

Source: National Assessment and Examination Center (2008).

The increased admission rate among national minority students has been achieved through special government programs. Specifically, the special “Preparation Course for National Minority Students in Georgian Language and General Aptitude Tests” has been developed and implemented by the Ministry of Education and Science of Georgia (MoES) in 2008. The purpose of this program was to assist national minorities in preparation for the Unified National Admissions Examinations and improve their performance in the Georgian language and general aptitude tests. More than 250 national minority students have been enrolled in these courses. They were available in areas inhabited by

substantial numbers of national minorities, including Dmanisi, Marneuli, Tsalka, Gardabani, Ninotsminda and Akhalkalaki municipalities.

Translation of testing materials into the minority languages has been another effort made by the MoES and the National Assessment and Examination Centre (NAEC) to improve the readiness of national minority students for the United National Admissions Examinations. In 2008 the MoES initiated a number of legislative changes that allowed national minority students take the United National Admissions Examinations in their native languages (except the state language tests). Specialists from Armenia and Azerbaijan have been actively involved in evaluation of translations and selection of best options. It is of utmost importance for national minority students that General Aptitude Tests have been translated in their native languages, because acquisition of the state fellowship/grant for studying at higher education institutions depends on their results.

Since 2009 student manuals for the United National Admissions Examinations are published in Azerbaijani and Armenian languages. Another important effort to increase access of national minority students to higher education has been secured by the Decree of the Government of Georgia №197. This decree commits the state to provide scholarships for students from Azerbaijani and Armenian language schools. It sets the quota of 30 students from each type of school thus committing the state to financially support at least 60 national minority students in 2009.

The Development and Reform Foundation under the President of Georgia provides scholarships for national minority students. In 2007-08 14 national minority students were selected on a competitive basis and provided with financial support for business administration undergraduate level programs in Hungary and the USA.

In addition, the Advisory Committee regrets that, according to the information received, the vocational training available to persons belonging to national minorities, especially in the regions where they live in substantial numbers, is limited. This deficiency further aggravates the exclusion of these persons from the labor market. (Paragraph 134)

There are 39 professional education centers throughout Georgia. Some of the centers are located in regions inhabited by substantial numbers of national minorities (e.g. two centers in Samtskhe-Javakheti, 4 centers in Kvemo Kartli). The rehabilitation program of professional education institutions is underway. One of the centers in Kvemo Kartli (Kazreti Professional Development Center in Bolnisi district) has already been rehabilitated within this program.

In 2005 the Zurab Zhvania School of Public Administration was established with the aim of providing the public service sector with qualified human resources and improving the quality of social services in regions inhabited by substantial numbers of national minorities. In addition, the Zurab Zhvania School of Public Administration offers special courses in the Georgian language for national minority students. In 2006-08 the school was attended by 133 Azerbaijani and 124 Armenian students.

Teaching of the Georgian language

The Advisory Committee notes that a number of measures have been taken in recent years to help the persons belonging to national minorities who do not know Georgian to learn it . . . However, the authorities' efforts still seem to be very much insufficient, and do not meet the many needs that exist (teaching of Georgian in schools, bilingual teaching, adult education, teacher training, etc), especially in rural regions where the persons belonging to minorities have few opportunities to study Georgian. In addition, according to the Advisory Committee's information, the quality of teaching and the methods used are frequently inadequate, and there is a shortage of qualified teachers to teach Georgian as a second language . . . (Paragraph 137)

Since 2004 the Ministry of Education and Science of Georgia (MoES) has been implementing a consistent integration policy towards national minorities, especially for promoting and assisting minority students in acquisition of the Georgian language beginning from pre-school level to adult education.

Under the National Concept and Action Plan for Tolerance and Civil Integration, the MoES will sign the memorandum of cooperation with the Council of Ethnic Minorities under the Ombudsman's Office. The memorandum will establish the system of cooperation that will ensure participation of national minorities in the decision making process on issues of their interest, including improvement of learning and teaching of the Georgian language.

Pre-school education system

In 2009 with the Decree №188 the Minister of Education and Science approved the "Georgian Language Program". It provides for implementation of the subprogram "Enhancement of the Georgian Language Teaching and Learning at the Pre-School Level in Regions Populated by Minority Communities". The purpose of the subprogram is to improve Georgian language skills among pre-school students by providing quality language programs. Under the subprogram pre-school education centers will be established in 6 selected general education schools located in Kvemo Kartli and Samtskhe Javakheti. The centers will be

equipped with necessary material and technical base. Special textbooks for teachers and students will be developed and published.

General education system

In 2008 the MoES with the support of the OSCE/HCNM has worked out “National Minorities’ Integration through Multilingual Education: the Policy paper and Implementation Plan for 2009-2014”. As defined in the implementation plan “Multilingual Instruction Support Program” has been approved by the Decree №185 of the Minister of Education and Science. The program aims at:

- Establishing the educational system as a main instrument for national minorities’ integration into the larger Georgian society;
- Establishing the educational system as a main instrument for fostering tolerance and developing civil society;
- Improving acquisition of the state language and minority languages at general educational institutions;
- Ensuring elaboration and implementation of national minority educational programs in line with above-mentioned goals while promoting preservation of cultural and linguistic identity of national minorities.

The program builds upon the results and best practices of Multilanguage education (MLE) project (Cimera/OSCE/HCNM, 2006-2008) that created methodological tools and training programs piloted at primary schools in regions inhabited by substantial numbers of national minorities. Considering that development and integration of multilingual education programs nationwide requires considerable institutional and human capacity building, as well as development of monitoring and evaluation mechanisms, the MoES decided to start in 2009 with development and piloting of the MLE programmes’ integration mechanisms in 40 non-Georgian language public schools. The MLE programmes’ samples for all stages of education will be developed by the National Curriculum and Assessment Center (NCAC). The MLE handbook for schools, as well as teaching and learning supplementary materials will also be developed and distributed among minority language schools.

Adult education

In 2007 adult education centers, “Language Houses”, have been established in Samtskhe-Javakheti (Akhalkalaki and Ninotsminda municipalities). The centers serve members of different social groups, including teachers, public servants and social workers. In 2008 the centers provided Georgian language courses to 682 attendees. In addition, Georgian language learning centers will be established in Kvemo Kartli (Bolnisi and Dmanisi municipalities).

A particular problem arises in respect of history teaching, with the persons belonging to national minorities disputing the way in which their history is presented in school textbooks. The Advisory Committee is aware that history teaching is a highly sensitive subject in the Caucasus. It nevertheless calls on the Georgian authorities to ensure an objective and pluralistic approach to the teaching of history and to improve the content of history textbooks, drawing on proposals that might be made by boards of historians including persons belonging to national minorities . . . (Paragraph 140)

The reform process of the national curriculum is supported by simultaneous development and introduction of new textbooks. The National Curriculum and Assessment Center (NCAC) has adopted the new procedure for textbook development that envisages close cooperation between curriculum experts, schools and publishers. Prior to introduction in general education schools, new textbooks are licensed by the NCAC for piloting, piloted and evaluated based on the quality of textbook alignment with the national curriculum and educational standards.

Considering the afore-mentioned procedure, all licensed history textbooks encompass the contribution/history of national minorities in the creation of the history of Georgia. In addition, several history textbooks and teachers' supplementary materials have been developed in order to promote multi-perspective approach as the main tool of history teaching ("Living in Diversity," "Using Different Approaches in History Teaching" and etc.).

Article 13

Private education in minority languages

The Advisory Committee has been informed of the various steps taken to obtain from Georgian authorities' permission for [an Armenian-language or a multilingual] university to be set up [in Akhalkalaki], so far without success. It has also understood from its dialogue with the authorities that they were not opposed to the setting up of such an institution. It therefore expects the authorities to continue their discussions on this subject with the persons concerned and to ensure that no unjustified obstacle impedes the exercise by the persons belonging to national minorities of their right to set up and manage their own private educational establishments, as set out in Article 13 of the Framework Convention. (Paragraph 142)

The Government of Georgia welcomes private initiatives aimed at improving access to higher education by national minorities. It is ready to continue dialogue with relevant stakeholders and ensure that every issue related to creation of

private educational institutions is resolved in full compliance with the Georgian legislation and international agreements. The illustration of this attitude is the “Akhalkalaki Higher Education Institution - College” which has obtained the license for higher educational activity on 10 January 2008 and has already admitted students for the 2008-09 academic year.

On 14 November 2008 the Ministry of Education and Science (MoES) has received a letter from several Armenian NGOs operating in Samtskhe-Javakheti. It did not constitute a formal request for license or permission to establish the private university, but contained the recommendation to the Government of Georgia about creating Armenian-Georgian state university. The MoES has replied by explaining the procedures to follow for obtaining the license and expressed its willingness to provide additional information. Since then, no further enquiries or letters have been received by the MoES. The Government of Georgia is of the view that there are no unjustified obstacles for setting up a private university, but at the same time believes that the Framework Convention does not oblige the contracting states to create a state university. Nonetheless, since 1920 the cathedra of Armenology exists with the Ivane Javakhishvili Tbilisi State University. It offers courses in a) Armenian language, its history and dialectology; b) Armenian literature and folklore; c) history of Armenia, historiography, epigraphy-paleography, and history of the Armenian Church.

Article 15

Institutional structures

According to the representatives of national minorities, the existence of several State structures with responsibilities in this field complicates their dialogue with the authorities. They believe that decision-making capacity and responsibility are thereby dispersed and weakened. They also deplore the lack of contact points for minority issues at local level. The Advisory Committee considers that it would be necessary to clarify the responsibilities of the various actors involved in minority policy and to identify a structure responsible for coordinating Government policy on the protection of national minorities . . .
(Paragraph 144)

The National Concept and Action Plan for Tolerance and Civil Integration clearly defines responsibilities of those state agencies engaged in determining and implementing the state policy on national minorities. In particular, the State Ministry of Reintegration is responsible for coordinating implementation of the Action Plan. Before 5th of every month government agencies implementing the Action Plan will present their reports to the State Ministry of Reintegration. On December 10th every year, the State Ministry of Reintegration will present its

report to the Government and the Civil Integration and Tolerance Council under the President of Georgia on implementation of the Action Plan. The President's Council will monitor the implementation process, develop recommendations and consider proposals on changes and amendments to the Action Plan.

The Action Plan also provides for creation of regional councils with the Offices of President's regional representatives in Kvemo Kartli, Samtskhe-Javakheti, Shida Kartli, Kakheti and Imereti, and with the Government of the Autonomous Republic of Adjara. The regional councils will consist of local national minority organizations and will perform advisory functions on civil integration issues.

Participation in public affairs: elected assemblies

. . . Representatives of the Armenian minority informed the Advisory Committee that the existing electoral and administrative divisions, particularly in Samtskhe-Javakheti, prevent equality of voting rights from being achieved, with municipalities where there is an Armenian majority corresponding to far fewer electoral constituencies than those where persons belonging to the majority population live . . . (Paragraph 148)

The problem of electoral divisions is not specific to Samtskhe-Javakheti, but common across Georgia with bigger cities receiving far less representation in the elected bodies on both local and national level. In 2009 the Parliamentary working group has been set up to address shortcomings in the existing electoral legislation of Georgia. The question of electoral boundaries will also be discussed by the working group and any concerns will be taken into account.

Participation in the public service and in the executive

The Advisory Committee expresses its concern at the under representation of persons belonging to national minorities in the executive, particularly in posts of responsibility . . . (Paragraph 151)

Given the lack of the integrated mechanism for determining the ethnic origin of civil servants it is impossible at this stage to show the positive dynamic in recruiting persons belonging to national minorities to the public service as witnessed by the police (see also comments on paragraph 78) and appointment of national minorities to the offices of high responsibility. In particular, two ministers, several deputy ministers, two advisers of the President of Georgia and many other high ranking officials are self-declared national minorities. The Parliament of Georgia is currently working on the draft law on personal

information that will provide possibility of developing the unified approach towards increasing recruitment of persons belonging to national minorities.

Consultative mechanisms for national minorities

While it welcomes the existence of the Council for Ethnic Minorities, the Advisory Committee deeply regrets that insufficient account has been taken of the recommendations that it has prepared and addressed to various relevant ministries and to Parliament . . . (Paragraph 156)

The recommendations made by the Council of Ethnic Minorities under the Ombudsman's Office have been given sufficient account by the Government of Georgia. Recommendations already fulfilled are as follows:

5.1.1 *The Ministry of Culture, Monuments Protection and Sports is recommended to design and implement a respective state program for the preservation and development of the traditions and cultural heritage of the national minorities*

See comments on the paragraph 63.

5.1.3 *The State Council for Integration and Tolerance is recommended to devise main trends and strategy of the state policy for providing adequate access to information for national minorities and include them the State concept for the protection and integration of National Minorities. It is further recommended that the council cooperates with minority representatives in the process*

The National Concept for Tolerance and Civil Integration defines improving national minorities' access to information as one of its strategic priorities. In particular, rehabilitation of the public broadcaster's transmission system to improve its coverage in regions inhabited by national minorities, support for broadcasting programs and print media in minority languages and ensuring participation of national minorities in TV and radio programs are contained in the Action Plan.

The Memorandum of Cooperation was signed between the Civil Integration and Tolerance Council under the President of Georgia and the Council of Ethnic Minorities under the Ombudsman's Office in 2008. There has been constant cooperation between the President's Council and the Council of Ethnic Minorities in the drafting process of the National Concept and Action Plan for Tolerance and Civil Integration.

5.1.5 *The GPB is recommended to support shows and programs enhancing civil, social and cultural integration and ensure regular production and broadcasting of TV and radio programs raising awareness and increasing familiarity of Georgian*

citizens with the history and culture of the ethnic minorities residing in Georgia, as well as their input and contribution to the development of the Georgian state

See comments on the paragraph 71.

5.1.6 The Georgian government is recommended to increase support to the state language teaching programmes in the regions compactly populated by national minorities (where there is sufficient demand and necessity)

See comments on the paragraph 199.

5.1.7 The Georgian parliament, MoES, regional and local authorities, Public defender of Georgia are recommended to establish an inter-ministerial workgroup affiliated with the CNM which would evaluate the effectiveness of the existing state program for teaching the Georgian language to national minorities and elaborate recommendation on its improvement as needed

The National Council for Tolerance and Civil Integration under the President of Georgia, which is the intergovernmental body and consists of, *inter alia*, the deputy Minister of Education and Science of Georgia, has signed the memorandum of cooperation with the Council of Ethnic Minorities under the Ombudsman's Office. The President's Council is responsible for monitoring implementation and developing recommendations in respect of the National Concept and Action Plan for Tolerance and Civil Integration, including programs designed to assist national minorities in acquiring the state language.

In addition, under the Action Plan, the memorandum of cooperation will be signed between the Ministry of Education and Science and the Council of Ethnic Minorities. The memorandum will provide members of the Ombudsman's Council with the opportunity to submit recommendations and be consulted on issues on their interest, including on state language teaching programs.

5.1.8 The Georgian government is recommended to additionally fund pre-entrance training courses in Georgian language for school-leavers from public schools with non-Georgian instruction language

See comments on the paragraphs 199 and 131.

5.1.9 The Ministry of Education and Science of Georgia is recommended to create additional incentives/resources (stipends, scholarships etc.) for the students wishing to work in educational sector in minority regions after graduation

See comments on the paragraph 195.

5.1.10 Local self-governance units in minority regions of Georgia are recommended to introduce the system of funding the education of Georgian language instructors and other needed specialists for public schools in the respective administrative units.

The Government of Georgia considers this recommendation to be already fulfilled as the Ministry of Education and Science runs the special program which provides

high salaries for teachers of the Georgian language in regions inhabited by substantial numbers of national minorities. (See also comments on the paragraph 195)

5.1.12 *The GPB is recommended to ensure preparation and airing of the programs promoting the history and culture of the ethnic minorities residing in Georgia, as well as their input and contribution to the development of the Georgian state*

See comments on the paragraph 71.

5.1.13 *The Georgian government and MoES are recommended to ensure that the textbooks utilized in Georgian public schools for teaching history, geography and civic education courses include information about culture, traditions, history, religion of various ethnic groups residing in Georgia as well as information about their input and contribution to the development of the Georgian state. The textbooks should promote the cultural diversity, tolerance and inter-cultural dialogue. The engagement of national minorities in the process of preparation of such textbooks is highly recommended*

See comments of the paragraphs 71, 98 and 140.

Participation in social and economic life

The Advisory Committee notes that a significant proportion of persons belonging to national minorities is particularly affected by unemployment and poverty, mainly because they live in regions which are highly disadvantaged both economically and in terms of infrastructure, and which have poor links with the rest of Georgian territory, not only for reasons of history, geography and climate, but also because of an unequal redistribution of resources between regions. This particularly applies to the regions of Samtskhe-Javakheti and Kvemo-Kartli . . . (Paragraph 157)

Equation transfers

The “Law on the Budget of Local Self-Governing Units” provides for yearly equating transfers from the central budget to ensure equation of financial resources available among different municipalities in exercising their exclusive competences. The amount of equation transfers is determined based on objective criteria, including the difference between increase of budget costs and incomes of local self-governing units. Thus, one and the same formula applies to all municipalities, which does not support the claim that resources are unequally distributed between regions inhabited by substantial number of national minorities and other regions of Georgia.

The Cheap Credit Program

The Government of Georgia runs the Cheap Credit Program aimed at boosting employment and developing local small and medium entrepreneurs by improving access to credit at low interest rates. The Program has also allowed city municipalities in minority-populated areas to implement the following projects: technological re-equipment of rose essential oils and wood processing factories in Lagodekhi and Telavi, Kakheti region (GEL 255,000); development of construction materials production and honey production in Gardabani, Kvemo Kartli region (GEL 900,000); opening of places of milk delivery, and development of livestock farming and foodstuffs production in Ninotsminda, Akhaltsikhe and Aspindza, Samtskhe-Javakheti (GEL 5,192,000); the technological re-equipment of a grain crops processing factory in Kaspi, Shida Kartli region (GEL 330,000); equipment of a wood-pulp and shavings factory and twisted furniture producing factory in Mtskheta, Mtskheta-Mtianeti region (GEL 561,500).

Millennium Challenge Program

The main goal of Georgia's Millennium Program is eradication of poverty through economic development. Program funds are used for the rehabilitation of infrastructure and development of manufacturing industry in the regions. The program encompasses several ongoing projects.

Rehabilitation of the central road in Samtskhe-Javakheti with overall cost of 65 million USD: the rehabilitation works are being carried out on the Partskhisi-Gokhnari (Tetrtskaro municipality), Gokhnari-Nardevi (Tsalka municipality), and Nardevi-Satkhe (Ninotsminda municipality) sections of the road. This is a three-year project and envisages conclusion of works by 2011. With the rehabilitation of the transport network and building bypass roads in these districts the project will create encouraging conditions for the development of trade, tourism, and other types of business activity.

Rehabilitation of the main north-south gas pipeline: the second phase of rehabilitation works on the main gas pipeline has been launched in January 2008. The project aims to rehabilitate damaged sections of the Main North-South Gas Pipeline, ensuring security and reliability of the gas supply to the country, as well as preventing ecological pollution.

Development of Regional Infrastructure: the project involves rehabilitation of the Bakuriani (Samtskhe-Javakheti) water-supply system and will be finished by 2010. The goal is to provide the local population with a 24-hour healthy water-supply, which will significantly improve conditions for tourism and business development, and increase agricultural productivity and competitiveness.

Agri-business Development Project: the project encompasses Kakheti, Kvemo Kartli, Shida Kartli, and Imereti regions. The goal is to turn small-scale farms into commercial, profitable agribusinesses through grant investments, technical assistance and provision of market information. It is planned to fund approximately 250 projects by 2011 creating 2,450 jobs in these areas and indirectly benefiting approximately 54,000 farmers.

Access to employment and economic activities

. . . Furthermore, the Advisory Committee has been informed that access to various occupations in the spheres of education, social services, etc, increasingly depends on success in the Georgian language tests, further reducing the opportunities for persons belonging to national minorities to find employment in the public sector (see also remarks in respect of Articles 10 and 14 above). The Advisory Committee urges the Georgian authorities to ensure that the setting of language tests does not constitute an insurmountable obstacle to the recruitment or retention in public-sector employment of persons belonging to national minorities . . . (Paragraph 159)

By the end of 2009 the Ministry of Education and Science of Georgia and the National Examination Center plan to conduct schools principals' elections in those schools which did not elect their principles in 2007 competition. Minority language schools are among the participating schools. In order to place minority candidates at par with their peers from the majority, the MoES has developed the draft decree on the procedures of the elections. According to the draft, minority candidates will be able to take the qualification tests in their native languages. In addition, the MoES is introducing the subprogram "Preparation of School Principalship National Minority Candidates for Testing". The subprogram intends to offer special preparatory courses for national minority candidates and prepare those elected for the school principal's office.

Privatization and access to land

. . . It notes that the adoption of the 2005 Law on privatization of State agricultural land has enabled certain inequalities in land distribution to be corrected, particularly relating to land adjoining the border. The Advisory Committee calls on the Georgian authorities to continue to give all due attention to this question, so as to ensure fair and equal access for all to the land privatization process, in so far as this has long-term implications for the effective participation in economic life of the persons belonging to national minorities . . . (Paragraph 162)

In 2009 the Prosecutor's Office of the Marneuli municipality has initiated the investigation on the bases of collective letter of population of village Beshtasheni in Tsalka, mainly inhabited by Azerbaijani minority. The letter accused employees of the Marneuli municipality for intentionally excluding Beshtasheni population from the auction on the rent of the land near the village. 24 persons residing in Beshtasheni were questioned by the prosecutor, they denied allegation against Marneuli municipality and noted that they had missed the deadline for providing the necessary documentation and for this reason were unable to participate in the auction. At this stage the investigation is still ongoing.

Article 18

International agreements on the protection of national minorities

The Advisory Committee notes that a number of bilateral co-operation agreements exist with Azerbaijan, Armenia and the Russian Federation, covering various fields which may have an impact on the situation of persons belonging to national minorities, such as education and culture. Nevertheless, the Advisory Committee finds it disconcerting that no agreements have been concluded since the end of the 1990s with Armenia or Azerbaijan. (Paragraph 168)

Georgia has signed 9 cooperation agreements with Armenia since the 1990s. In October 2001 Georgia and Armenia concluded the agreement on "Friendship, Cooperation and Security", where they have committed themselves to ensure full and effective protection of rights and freedoms of national minorities, including their right to receive education in the native languages and preserve distinct ethnic, religious, cultural and linguistic identities. In addition, 30 cooperation agreements signed between Georgia and Armenia in the 1990s are still in force.

Georgia has signed 20 cooperation agreements with Azerbaijan since the 1990s. In particular, in June 2004 Georgia and Azerbaijan concluded the agreement on "Cooperation in the Education Sphere", which provides for, *inter alia*, provision of Azerbaijani language textbook to Azerbaijani language schools in Georgia by the Ministry of Education of Azerbaijan. In addition, 54 cooperation agreements signed between Georgia and Azerbaijan in the 1990s are still in force.