

**Resolution CM/ResCMN(2014)7
on the implementation of the Framework Convention for the Protection of National Minorities
by Georgia**

*(Adopted by the Committee of Ministers on 11 June 2014
at the 1202nd meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Articles 24 to 26 of the Framework Convention for the Protection of National Minorities (hereinafter referred to as “the Framework Convention”);

Having regard to Resolution Res(97)10 of 17 September 1997 setting out rules adopted by the Committee of Ministers on the monitoring arrangements under Articles 24 to 26 of the Framework Convention;

Having regard to the voting rule adopted in the context of adopting Resolution Res(97)10;¹

Having regard to the instrument of ratification deposited by Georgia on 22 December 2005;

Recalling that the Government of Georgia transmitted its State report in respect of the first monitoring cycle under the Framework Convention on 16 July 2007;

Whereas the Advisory Committee accepted the invitation of the Government of Georgia to send a delegation to gather further information in Georgia, this visit taking place from 8 to 13 December 2008;

Whereas the Advisory Committee’s opinion on the implementation of the Framework Convention by Georgia was adopted on 19 March 2009 and then transmitted to the Permanent Representative of Georgia and communicated to the Permanent Representatives of all member States as document CM(2009)82 dated 14 May 2009;

Whereas the Government of Georgia submitted its written comments on the opinion of the Advisory Committee, these written comments having been communicated to the Permanent Representatives of all member States as document CM(2009)82 add;

Having examined the Advisory Committee’s opinion and the written comments of the Government of Georgia;

Having also taken note of comments by other governments;

Recalling that the member States of the Council of Europe have defined the principles to be respected and the obligations which flow from them under the Framework Convention in order to ensure the effective protection of national minorities and the rights and freedoms of persons belonging to those minorities, within the rule of law, respecting the territorial integrity and national sovereignty of States;

Reaffirming its support for the respect for the principles of international law set out in the United Nations Charter, the CSCE Helsinki Final Act and other relevant texts;

Noting that in its opinion, the Advisory Committee indicated that one of the purposes of the Framework Convention is to contribute to stability and peace in Europe and to promote international co-operation without prejudice to the territorial integrity of each State,

¹ In the context of adopting Resolution Res(97)10 on 17 September 1997, the Committee of Ministers also adopted the following rule: “Decisions pursuant to Articles 24.1 and 25.2 of the Framework Convention shall be considered to be adopted if two-thirds of the representatives of the Contracting Parties casting a vote, including a majority of the representatives of the Contracting Parties entitled to sit on the Committee of Ministers, vote in favour”.

1. Adopts the following conclusions concerning the implementation of the Framework Convention by Georgia:

- It is to be welcomed that ratification of the Framework Convention has triggered a debate in Georgia and that discussion is continuing in connection with the introduction of a more comprehensive legislative framework for the protection of national minorities. It is to be hoped that, as a result of this debate, Georgia will be able to devise a legislative framework for the protection of national minorities and introduce an open, comprehensive, long-term policy making it possible to respond appropriately to existing and future needs, in accordance with the principles set out in the Framework Convention. It is important that persons belonging to national minorities are fully involved in this debate. The government has stressed the need to promote tolerance and integration and the recent adoption of the National Concept on Tolerance and Civic Integration is to be welcomed; it is to be hoped that it will be effectively implemented.
- As the consequences of the 2008 conflict are adversely affecting the implementation of the Framework Convention throughout the entire territory of Georgia, efforts should be stepped up to ensure full respect for the principles of the Framework Convention in order to guarantee the rights of persons belonging to national minorities.
- In its opinion, the Advisory Committee welcomed the fact that the humanitarian measures taken by the Georgian Government are applied in the same way to all those affected by the 2008 conflict, regardless of their ethnic affiliation, and that interethnic relations among the displaced persons appear to be generally good.
- The linguistic rights of persons belonging to national minorities are still a major challenge facing the authorities. Whilst they are making efforts to make it easier for those persons belonging to national minorities who are not familiar with the Georgian language to learn it, these efforts do not constitute an appropriate response to existing needs. Improving facilities for learning Georgian should therefore be a priority for the authorities. They should also ensure that the policy of promoting the Georgian language is not pursued to the detriment of the linguistic rights of persons belonging to national minorities, the effective enforcement of which requires more resolute measures, both in the legislative framework and in its implementation.
- In the field of education, the lack of resources invested in tuition provided in minority languages means that the pupils concerned are not on an equal footing with other pupils. Against this background, the reforms undertaken in the Georgian education system are to be noted. In particular, the recent legislative changes to the national university entrance examination procedure and the establishment of a quota system for speakers of minority languages are to be welcomed. It must be emphasised that equal access is essential, with no unjustified obstacles, to higher education for pupils who have studied in minority language schools. More generally, the authorities should take all the measures needed to promote full and effective equality for persons belonging to minorities in the education system.
- Participation of persons belonging to national minorities in the country's cultural, social and economic life and in public affairs remains limited. Their inadequate command of the Georgian language is one of several factors accounting for their marginalisation. The authorities should take vigorous measures to remove legislative and practical obstacles to the participation of persons belonging to national minorities in elected bodies and in the executive, and allow minorities to be better represented in the public service. Consultation of representatives of national minorities by the authorities, particularly through the Council for Ethnic Minorities, should be more systematic, and the recommendations and proposals of this unique body representing minorities should be given all the necessary attention. Moreover, the Georgian authorities should take more resolute measures to promote the effective participation of persons belonging to national minorities in the socio-economic life of the country.
- Increased religious tensions mentioned in the opinion of the Advisory Committee, which particularly affect persons belonging to national minorities, are a cause of concern. The authorities should make every effort to combat this phenomenon and, in general, all forms of intolerance based on ethnic or religious affiliation. It is also necessary to increase efforts to promote mutual understanding and intercultural dialogue between the majority population and persons belonging to national minorities, by means of a balanced policy that takes full account of the rights of persons belonging to minorities.

2. Recommends that Georgia take appropriate account of the conclusions set out in section 1 above, together with the various comments in the Advisory Committee's opinion.

3. Invites the Government of Georgia, in accordance with Resolution Res(97)10:

- a.* to continue the dialogue in progress with the Advisory Committee;
- b.* to keep the Advisory Committee regularly informed of the measures it has taken in response to the conclusions and recommendations set out in sections 1 and 2 above.