



**International Convention on  
the Elimination  
of all Forms of  
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION  
OF RACIAL DISCRIMINATION

**REPORTS SUBMITTED BY STATES PARTIES UNDER  
ARTICLE 9 OF THE CONVENTION**

**Initial report of States parties due in 2000**

**Addendum**

**Georgia\***

[Original: Russian]  
[24 May 2000]

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\* This document contains the initial report of Georgia, due on 2 July 2000.

The information submitted by Georgia in accordance with the consolidated guidelines for the initial part of the report of States parties is contained in HRI/CORE/1/Add.90.

The annexes to the report submitted by the Government of Georgia may be consulted in the files of the secretariat.

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## **Introduction**

1. Pursuant to article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, this initial report of Georgia is submitted in accordance with the general guidelines adopted by the Committee on the Elimination of Racial Discrimination on 9 April 1980, as revised at its 984th meeting, held on 19 March 1993 (CERD/C/70/Rev.3), and its 1354th meeting, held on 16 August 1999 (CERD/C/70/Rev.4).
2. Georgia deposited its instrument of ratification with the Secretary-General on 2 June 1999. Under the provisions of article 19, paragraph 2, the Convention entered into force in Georgia on 2 July 1999.
3. The report has been prepared by the staff of the Deputy Secretary of the Georgian National Security Council responsible for the protection of human rights. Since January 2000 this service has been entrusted with the preparation of government reports for submission to United Nations treaty bodies. The National Security Council is a constitutional consultative body chaired by the President. Material submitted by a range of government bodies, including statistical and other information, has been used in the preparation of this report.
4. The report should be read in conjunction with the core document (HRI/CORE/1/Add.90), which was prepared in accordance with the consolidated guidelines for the initial part of reports of State parties to be submitted under the various international human rights instruments.
5. Having gained independence and after weathering internal conflicts, the Government, led by Head of State (subsequently President) Eduard Shevardnadze, has steered a course towards the integration of Georgia into international and European structures.
6. On 24 March 1992 Georgia became a member of the Conference on (now Organization for) Security and Co-operation in Europe. In July 1992 it signed the Helsinki Final Act of 1975, and on 21 January 1994 it signed the Paris Charter of 1990.
7. On 27 April 1999 Georgia became a full member of the Council of Europe.
8. On 6 October 1999 Georgia's Minister of State signed the protocol on accession to the Marrakesh Agreement establishing the World Trade Organization (WTO). Following parliamentary ratification of this protocol, Georgia officially became a full member of WTO.

## **I. GENERAL INFORMATION**

9. Article 14 of the Georgian Constitution states that all persons are born free and equal in the eyes of the law, irrespective of their race, skin colour, language, sex, religion, political and other beliefs, national, ethnic and social origin, property and class status or place of residence.

10. Article 38 of the Constitution states:

“1. Citizens of Georgia are equal in social, economic, cultural and political life regardless of language or national, ethnic, or religious origin. According to universally recognized principles and norms of international law, all have the right to develop their culture freely without any discrimination or interference, and to use their native language in private and public life.

“2. In accordance with universally recognized principles and norms of international law, the exercise of minority rights should not interfere with the sovereignty, State structure, territorial integrity and political independence of Georgia.”

11. In accordance with article 85, paragraph 2, of the Constitution, in areas where the population does not speak the official language of Georgia, the State provides teaching in the official language and explanations of matters pertaining to legal proceedings. Persons not fluent in the official language of Georgia are provided with interpreters.

12. With regard to the status of aliens, the following legislative texts should be cited:

Constitution, article 47:

“1. Aliens and stateless persons living in Georgia have the same rights and obligations as Georgian citizens, except as stipulated otherwise by the Constitution and the law.

“2. As established by law and in accordance with universally recognized norms of international law, Georgia grants asylum to aliens and stateless persons.

“3. It is prohibited to extradite refugees who have suffered persecution on account of their political beliefs or have committed an act which is not recognized as a crime under Georgian law.”

Constitution, article 27:

“The State is authorized to place restrictions on the political activity of aliens and stateless persons.”

13. Citizenship Act, article 8: “[Aliens and stateless persons] are guaranteed the rights and freedoms which are provided for by the norms of international law and the laws of Georgia, including the right to protect their personal, property and other rights through the courts and other State bodies ...”.

14. Legal Status of Aliens Act, article 3: “Aliens in Georgia enjoy the same rights and freedoms as Georgian citizens ... Aliens in Georgia are equal before the law irrespective of their origin, social and property status, race, national origin, sex, education, language, and religious, political and other beliefs ... Georgia protects the lives, personal inviolability, rights and

freedoms of aliens present in its territory ... Georgia protects the rights and lawful interests of stateless persons permanently resident in Georgia [albeit] temporarily outside its borders just as it safeguards the rights and lawful interests of its own citizens ...”.

15. The constitutional provisions against discrimination are amplified in a series of regulations. Article 4 of the Citizenship Act, for example, states that all Georgian citizens are equal before the law without any distinctions of a discriminatory nature. According to article 4 of the General Administrative Code, everyone is equal before the law and administrative bodies. “It is prohibited to restrict or obstruct the exercise of the legitimate rights, freedoms or interests of any party to administrative legal proceedings, or to afford a party any unlawful advantage, or to take any discriminatory measures against a party. When the circumstances of two given cases are identical, it is prohibited to hand down different decisions in respect of different persons” (ibid., paras. 2 and 3). The Education Act states that all persons have the right to receive an education (art. 3, para. 1) and that the State is under an obligation to ensure that the same educational facilities are provided throughout the national territory (art. 39, para. 2).

16. Provisions ensuring strict compliance with the principles of non-discrimination are also to be found in other Georgian legislative acts currently in force.

17. Article 142 of the new Criminal Code (Infringement of equal rights), which enters into force in June 2000, states that:

“1. Infringement of equal rights on account of race, skin colour, language, sex, attitude to religion, religious faith, political or other beliefs, national, ethnic, social or class origin, membership of a voluntary association, origin, place of residence or property status, as a consequence of which human rights have been substantively violated, shall be punishable by a fine or attachment of earnings for a period of up to one year, or deprivation of liberty for a period of up to two years.

“2. Similar acts committed in an official capacity or which entail serious consequences shall be punishable by a fine or deprivation of liberty for a period of up to three years ...”.

18. In the provisions of certain other articles of the Criminal Code (namely article 109, concerning aggravated homicide; article 117, concerning intentional grievous bodily harm; article 126, concerning torture; article 258, concerning disrespect for the dead; article 407, concerning genocide; and article 411, concerning wilful violation of the norms of international humanitarian law during armed conflicts), the element of “racial, religious, national or ethnic intolerance” in the commission of a crime is considered to be an aggravating circumstance and renders the perpetrator liable to stiffer penalties.

#### **A. Ethnic composition of the population**

19. A brief account of the ethnic composition of the Georgian population is contained in paragraphs 24 and 25 of the core document. It should be noted that ethnic minorities have been

living in Georgia for centuries. Georgia has always prided itself on its ethnic and religious tolerance, which explains why dozens of nationalities have found refuge and a second home on Georgian soil.

20. The table below shows the ethnic breakdown of the Georgian population as revealed by censuses, the most recent of which was conducted in 1989. It is currently not possible to furnish absolutely precise statistics, given the heavy migration flows of recent years, which have resulted in tens of thousands of Georgian citizens (including members of national minorities) leaving the country. The censuses also include the population of Abkhazia and former South Ossetia. At the time of writing, owing to the conflicts that have taken place in these two territories, Georgia does not exercise de facto jurisdiction in these areas. Consequently only rough assessments of the populations of these self-proclaimed republics can be provided, and it is difficult to guess at their ethnic composition.

21. Under the rules for census-taking, a respondent's nationality is determined according to self-designation, and not in accordance with the entry in his or her passport. The nationality of minors is determined by their parents.

#### Ethnic composition of the population

	Thousands of persons			Percentage of total population		
	1959	1979	1989	1959	1979	1989
Total population	4 044.0	4 993.2	5 400.8	100	100	100
Georgians	2 600.6	3 433.0	3 787.4	64.3	68.8	70.1
Abkhaz	62.9	85.3	95.9	1.6	1.7	1.8
Ossetes	141.2	160.5	164.1	3.5	3.2	3.0
Russians	407.9	371.6	341.2	10.1	7.4	6.3
Ukrainians	52.2	45.0	52.4	1.8	0.9	1.0
Azerbaijanis	153.6	255.7	307.6	3.8	5.1	5.7
Armenians	442.9	448.0	437.2	11.0	9.0	8.1
Jews	51.6	28.3	24.8	1.3	0.6	0.5
Assyrians	-	5.3	6.2	-	0.1	0.1
Greeks	72.9	95.1	100.3	1.8	1.9	1.9
Kurds	16.2	25.7	33.3	0.4	0.5	0.6

22. Neither during the Soviet period nor subsequently has Georgia witnessed the kind of anti-Semitism which so often lay at the root of human rights violations in the Soviet Union. Indeed, half the synagogues that existed in the Soviet Union were built and flourished in Georgia. It is worth noting that in the 1970s Georgia was the only Soviet republic that permitted tens of thousands of Georgian Jews to emigrate to Israel. In 1999 Georgia solemnly celebrated the 2,600-year-old Jewish presence in the country.

#### **B. Status of women**

23. On 22 September 1994 Georgia acceded to the Convention on the Elimination of All Forms of Discrimination against Women. It thereby committed itself to fulfil the provisions of that instrument and to submit periodic reports to the relevant United Nations treaty body.

In 1998 Georgia submitted its initial report to the Committee on the Elimination of Discrimination against Women (CEDAW). The report was considered by the Committee at its twenty-first session in June 1999. The Committee was positive in its assessment of the measures taken by Georgia to implement the Convention, but it also suggested a series of recommendations on issues of concern. In pursuance of these recommendations, the State Commission for the Formulation of Policies to Advance Women, established in February 1998, drew up a draft presidential decree on measures to strengthen the protection of women's rights in Georgia. The draft was discussed at a meeting of the Georgian Government and signed by the President. Under this Decree, the State Commission has been entrusted with the ongoing supervision of the National Plan of Action for the Advancement of Women (adopted in June 1998 pursuant to a presidential order) and the elaboration of a national programme to combat violence against women, including domestic violence. The programme was prepared and in February 2000 the President issued a decree endorsing the plan to combat violence against women for the period 2000-2002.

24. Since 1997 the Georgian Government and the United Nations Development Programme (UNDP) have been involved in a joint project on women in development. The initial phase of this project (1998-1999) focused mainly on overcoming gender stereotypes, raising public awareness of the main issues involved and encouraging a more proactive role for women in the social, economic and political life of the nation. Implementation of this project has spurred public interest in women's issues, the establishment and work of the State Commission for the Formulation of Policies to Advance Women and the implementation of the National Plan of Action. Despite financial constraints, the Government's appropriation in the State budget for the year 2000 for this programme (60,000 lari) demonstrates its interest in gender issues.

25. The main problems affecting the enjoyment of women's rights in Georgia are:

Inadequate female representation in decision-making bodies and central and local legislatures and executive structures (in the judiciary, by contrast, approximately half the judges are female);

The increase in poverty during the transitional period, particularly among people on fixed incomes (workers paid by the State and pensioners). This is attributable, *inter alia*, to the financial and budget crisis and the many months of arrears in the payment of State salaries and pensions;

The fact that unemployment is higher among women than among men, coupled with the impossibility in practice of finding work for specialists with higher education (the labour market is currently dominated by comparatively low-skilled jobs in the service and commercial sectors);

The repercussions of internal conflicts, as a result of which thousands of women have been displaced from their homes;

Insufficient awareness of women's rights and freedoms and machinery for protecting these rights and freedoms; the generally low level of legal literacy (this applies also to men).

26. Detailed information about the non-discriminatory character of Georgian legislation, its freedom from sex bias, its application in practice, the work of institutions involved in women's issues, problems of gender equality and the wider issue of the advancement of women may be found in the initial report under the Convention on the Elimination of All Forms of Discrimination against Women and the introductory statement made by the Georgian delegation when this report was considered by CEDAW. The original Russian versions of these documents are annexed to the present report.

### **C. International obligations**

27. Under article 6 of the Georgian Constitution, international treaties or agreements concluded by Georgia which do not run counter to the Basic Law "take precedence over domestic regulatory acts" (para. 2). This constitutional rule provides for the direct application of international treaties and defines the status of such instruments in the hierarchy of legal rules in force in Georgia.

28. This constitutional provision is amplified in the Regulations Act, which recognizes an international treaty concluded by Georgia as a regulatory act. This means that an international treaty concluded by Georgia must be enforced by the courts just as they would enforce a domestic regulatory act. As in most European countries, international treaties in Georgia rank second only to the Constitution in the legal hierarchy.

29. The International Treaties Act states that, following signature (ratification), international treaties concluded by Georgia become part of domestic legislation and as such are self-executing, unless special measures are required for their enforcement (art. 6, paras. 1 and 3).

30. Thus, in the event of an inconsistency between the Georgian Constitution and an international treaty, the Constitution takes precedence. If an inconsistency arises between an international treaty and a domestic regulatory act, the international treaty takes precedence.

31. Georgia is a signatory to the following international treaties:

(a) Convention on the Prevention and Punishment of the Crime of Genocide (entered into force on 11 October 1993);

(b) Geneva Conventions of 12 August 1949 and the Protocols additional thereto (entered into force on 14 March 1994);

(c) Convention on the Rights of the Child (entered into force on 2 July 1994);

(d) International Covenant on Economic, Social and Cultural Rights (entered into force on 3 August 1994);

(e) International Covenant on Civil and Political Rights (entered into force on 3 August 1994);



- (f) Optional Protocol to the International Covenant on Civil and Political Rights (entered into force on 3 August 1994);
- (g) Second Optional Protocol to the International Covenant on Civil and Political Rights (entered into force on 22 June 1999);
- (h) Convention on the Elimination of All Forms of Discrimination against Women (entered into force on 25 November 1994);
- (i) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (entered into force on 25 November 1994);
- (j) Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity (entered into force on 29 June 1995);
- (k) Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees (entered into force on 30 May 1999);
- (l) European Convention for the Protection of Human Rights and Fundamental Freedoms and Protocols Nos. 2, 4, 6, 7 and 11 thereto (entered into force on 20 May 1999);
- (m) European Cultural Convention (entered into force on 25 April 1997);
- (n) European Convention on Mutual Assistance in Criminal Matters (entered into force on 11 January 2000).

32. As a full member of the Council of Europe, Georgia has also undertaken to become a party to the following regional human rights treaties:

- (a) European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the Protocols thereto (one year after becoming a member of the Council of Europe);
- (b) European Framework Convention for the Protection of National Minorities (one year after becoming a member of the Council of Europe). The Convention was signed on 21 January 2000 and is due to be ratified by Parliament;
- (c) European Charter for Regional or Minority Languages (one year after becoming a member of the Council of Europe);
- (d) European Social Charter (revised) (three years after becoming a member of the Council of Europe).

33. The relevant internal procedures have been set in motion to facilitate accession to all the above-mentioned instruments.

## II. INFORMATION RELATING TO ARTICLES OF THE CONVENTION

### Article 2, paragraph 1

34. Fundamental human rights and freedoms are enshrined in chapter II of the Georgian Constitution. Under article 7 of the Basic Law, Georgia recognizes and abides by fundamental human rights and freedoms as eternal and supreme human values. In exercising power, the people and the State are limited by these rights and freedoms as self-executing law. The Georgian Constitution does not gainsay other universally recognized rights, freedoms and safeguards of individuals and citizens which are not explicitly mentioned therein yet which derive naturally from the principles enshrined in the Constitution (art. 39).

35. Article 26 of the Constitution states that “all persons have the right to form and join voluntary organizations” (para. 1) and that, “in accordance with the organic law, Georgian citizens have the right to form political parties and other political associations and to participate in their activities” (para. 2).

36. Article 26 of the Constitution specifically states that “the formation and activities of social and political associations ... which foment ethnic, local, religious or social strife are prohibited” (para. 3). Only the courts may decide to suspend or prohibit the activities of voluntary and political associations, and only in circumstances and in accordance with procedures established by law (ibid., para. 6).

37. According to the Constitution, the President of Georgia may restrict certain rights and freedoms throughout the country or in designated areas during states of emergency or martial law:

Inviolability of personal freedom (art. 18);

Inviolability of private life (art. 20);

The right to property (art. 21);

Freedom of movement (art. 22);

Freedom of information (art. 24);

Freedom of assembly (art. 25);

Freedom of labour (art. 30);

The right to strike (art. 33);

The right of access to information held by official institutions (art. 41).

In such circumstances, the President must submit his decision to Parliament for ratification within 48 hours (art. 46, para. 1). No other rights and freedoms provided for by the Constitution may be curtailed or restricted under any circumstances.

38. The principles of equality before the law and equal rights as enshrined in articles 14 and 38 of the Constitution are clearly reflected in a number of other legislative acts and are discussed in greater detail in the section of this report devoted to article 5 of the Convention. It is the responsibility of the legislative, executive and judicial branches, and of local government bodies, to put these principles into practice.

39. The Civil Code, in formulating general principles concerning the registration of legal persons, states that the purposes of legal persons must not “run counter to existing law, acknowledged moral standards or the constitutional and legal principles of Georgia” (art. 31, para. 2). Only when these conditions are met may a legal person be registered by the courts or the Ministry of Justice (depending on the type of organization, i.e. association or fund).

40. The formation and activities of political parties are regulated by the organic law on political associations of citizens. Under article 5, paragraph 2, of this instrument, the formation and activities of parties whose purpose is “to foment ethnic, local, religious or social strife” is prohibited. The founding of parties on strictly regional or territorial lines is likewise prohibited (art. 6).

41. The procedure for banning political parties is set out in the same law. Under article 36, only the Georgian Constitutional Court may decide to ban a party. As justification for its decision, the Constitutional Court may cite the activities of a party which foments ethnic, local or social strife (art. 36).

42. Article 252 of the new Criminal Code (Formation of an unlawful association, direction thereof or participation therein) states:

“1. The formation of a religious, political or voluntary association which practises violence towards individuals, or the direction of such an association shall be punishable by a fine or deprivation of liberty for up to three years.

“2. Participation in the type of association indicated in paragraph 1 shall be punishable by a fine or deprivation of liberty for up to two years.”

### **Article 2, paragraph 2**

43. The Constitution contains provisions to ensure the proper development and protection of minorities and guarantee their full and equal enjoyment of human rights and fundamental freedoms. Article 31 stipulates that the State shall ensure the equal social and economic development of all parts of the national territory. The law provides for special privileges to encourage the social and economic development of highland regions. According to article 34, the State shall promote the development of culture and create conditions for the unrestricted participation of citizens in cultural life, the expression and enrichment of cultural identity, and the recognition of national and universal values (para. 1).

44. Article 38 of the Constitution (cited in para. 10 above) is also germane to a discussion of article 2, paragraph 2, of the Convention.

45. For several years there had been a heated debate in Georgia on whether to adopt a special law on national minorities. A relevant bill was jointly drafted by the Committee for the Protection of Human Rights and Ethnic Relations and the Centre for the Study of Inter-Ethnic Relations at the Georgian Academy of Sciences. Representatives of minority communities were involved in the drafting process, and the bill was submitted to Parliament for consideration in 1994. However, owing to differences of opinion on the need for and desirability of such a law, the bill never received the lawmakers' assent.

46. Georgia signed the European Framework Convention for the Protection of National Minorities when it became a full member of the Council of Europe. In addition to other commitments, this instrument requires the adoption within two years of an appropriate domestic regulatory act that takes account of the principles agreed at the Parliamentary Assembly of the Council of Europe in 1993.

47. A Committee for Human Rights and Ethnic Relations operated under the authority of the Georgian Parliament from 1995 to 1999. The realization that national minorities have an important role to play in national and social life, and the need to engage them more actively in building a genuinely democratic country, led to the establishment of an innovative structure in the highest legislative body, namely the Committee on Civil Integration. This body is responsible for establishing the legislative underpinnings for the intensified development of integration processes in Georgian society and strengthening the prerequisites for the formation of civil society. Promoting more effective fulfilment of the States international human rights obligations is also considered highly important.

48. The first elections to local government bodies since independence were held in November 1998, and human rights commissions were subsequently formed in many sakrebulo (local elective bodies).

49. A Presidential decision of 1998 established the post of assistant to the Head of State for inter-ethnic issues. An ethnic Russian, a professor and well-known academic, has been appointed to this post. His secretariat comprises representatives of various nationalities (Armenians, Azerbaijanis and Russians) and includes well-known cultural figures and former parliamentarians. The assistant's main duties include collaboration with voluntary associations of minorities and diasporas, and maintaining contact with Georgian communities abroad. A satatbiro (council) of representatives of national communities and voluntary formations bringing together approximately 60 minority non-governmental organizations (NGOs) has been formed under the authority of the Department for Inter-Ethnic Relations in the Office of the President. During the reporting period the Presidential assistant organized a number of meetings and round tables attended by representatives of minority voluntary associations in Georgia. Among other things, the participants discussed a law for the protection of national minorities. Periodic monitoring is carried out in areas with large non-indigenous ethnic populations.

50. Information about other structures which deal with minority issues in various ways may be found in the section of the core document entitled “The system for the protection of human rights” (paras. 82-101).

### **Article 3**

51. Apartheid and racial segregation, referred to in article 3, are completely unknown in Georgia, which has never had laws or practices of this kind. Given the historical traditions of the Georgian people, it can safely be said that apartheid, racial segregation and similar phenomena are basically inconceivable in the country.

52. Georgia condemns racial discrimination in all its forms and manifestations. As stated above, Georgia’s domestic law clearly articulates the principles of equal rights and equality before the law in all areas of life, regardless of ethnic or racial roots or origin.

53. In line with the objectives of Georgian foreign policy, which aims to develop neutral relations with other countries with a view to strengthening cooperation, trust and mutual understanding, and taking account of the radical changes that have occurred in the political life of the Republic of South Africa, Georgia recognized South Africa and established diplomatic relations at the ambassadorial level on 23 April 1999.

54. South Africa is one of over 100 States with which Georgia maintains foreign economic relations. It is true that the volume of trade has not been very significant: in the period 1995-1998 the total value of South African exports to Georgia was just \$34,000. In 1999 this total rose significantly to \$141,600.

55. Georgia unreservedly condemns any policy, ideology or practice conducive to racial hatred or any form of “ethnic cleansing” such as that practised in the Abkhaz region of Georgia following the armed conflict of 1992-1993. Hundreds of thousands of displaced persons, a large majority of whom are women, elderly persons and children, lost their homes and means of survival and became exiles in their own country. Such has been the outcome of the policy pursued by the authorities of the self-proclaimed “Republic of Abkhazia”, the aim of which has been to “cleanse” the region of Georgians and - in many cases - representatives of other nationalities as well. Georgia firmly believes that a policy founded on racial hatred is a fundamental infringement of human rights and should be unconditionally proscribed, condemned and eliminated.

### **Article 4**

56. As stated above, it is a criminal offence to perform any act designed to infringe equal rights on the grounds of racial discrimination (Criminal Code, art. 142). Several other articles of the Georgian Criminal Code can also be cited in connection with article 4 of the Convention. It should be noted that similarly worded provisions, while not fully meeting the requirements of the Convention, also existed in previous criminal legislation in Georgia.

57. Article 408 of the Criminal Code, which deals with crimes against humanity, prescribes terms of eight to 20 years' deprivation of liberty or life imprisonment as punishment for actions that involve extensive or systematic attacks against the civilian population or individuals and take the form of murder, mass extermination, deportation or similar inhumane action resulting in serious bodily or mental harm.

58. Article 407 of the Code prescribes the same penalties for any person or persons committing the crime of genocide which it describes as "a planned act calculated to bring about the destruction, in whole or in part, of any group constituting a national, ethnic, racial, religious or other unit, by killing members of the group, causing serious harm to their health, deliberately inflicting difficult conditions of life, forcibly reducing the birth rate, or forcibly transferring children from one ethnic group to another".

59. Article 411 of the Code, which deals with deliberate violation of the norms of international humanitarian law, states that "apartheid or a similar act based on racial discrimination which degrades the individual" is a punishable offence (para. 1 (i)). The punishment is deprivation of liberty for a term of 10 to 15 years.

60. The relevant provisions of the regulatory acts designed to prevent the formation or activity of voluntary or political associations which foment racial and other strife as defined in article 1 of the Convention were discussed in more detail earlier in the report. The mechanisms for preventing and/or proscribing their activities were also discussed in that section of the report.

61. There is very little jurisprudence regarding the application of the articles of the Criminal Code that deal in various ways with racially motivated crimes. This can be attributed to the aforementioned traditions of tolerance in Georgian society. There has, however, been one racial attack which shocked public opinion and provoked unanimous condemnation.

62. In 1996 a little-known Georgian newspaper published an article containing offensive anti-Semitic material. Criminal proceedings were immediately brought against the author, Mr. G. Alaznispireli, under article 75 of the old Criminal Code (incitement to national, ethnic, etc. strife). Mr. Alaznispireli was sentenced to two years' deprivation of liberty.

63. According to the Ministry of Internal Affairs, no criminal prosecutions for racially-motivated crimes as defined in the Convention were instituted in Georgia in 1998-1999.

## Article 5

### (a) **The right to equal treatment before the tribunals and all other organs administering justice**

64. Article 42 of the Georgian Constitution says in part:

"1. All persons have the right of appeal to the courts to protect their rights and freedoms. [...]"

“9 Any person who suffers damage wrongly caused by the State, self-governing bodies or their officials shall be guaranteed full compensation by the courts from State resources.”

This right is set out as a constitutional norm which cannot be restricted or made conditional.

65. Under the Ordinary Courts Act, “all persons are entitled to have their rights and freedoms defended through the courts, either privately or by representatives” (art. 3, para. 1). The Act also states that “justice shall be administered on the basis of the equality before the law and the courts of all parties to a case; court proceedings shall be conducted on the basis of equality of rights and the adversarial principle” (art. 6, paras. 1 and 2). The Supreme Court of Georgia, the highest court and court of last instance for the administration of justice throughout the country, exercises its authority on the principle of equality and the adversarial principle (Supreme Court Act, art. 2).

66. Under the Constitutional Court Act, both Georgian and non-Georgian individuals may, if they consider that the rights and freedoms recognized in chapter II of the Georgian Constitution, have been violated, bring before the Constitutional Court suits concerning the constitutionality of regulatory acts or specific norms relating thereto which run counter to the aforementioned chapter of the Basic Law (art. 39, para. 1).

67. The Code of Civil Procedure stipulates, in part, that:

Any person may have (his or her) rights defended in court. Cases are heard pursuant to applications by the persons seeking to have their rights or legally defined interests upheld (art. 2, para. 1);

In civil matters, justice shall be administered exclusively by the courts on the basis of the equality of all persons before the law and the courts (art. 5).

68. Article 9, paragraph 1, of the Code of Criminal Procedure stresses that “all are equal before the law and the courts, regardless of race, nationality, language, sex, social status, wealth, position, place of residence, religion, belief and other such circumstances”. The hearing of criminal cases shall be open in all courts (*ibid.*, art. 16, para. 1).

69. The Georgian language is used in both criminal and civil proceedings in Georgia, while Abkhaz is also used in Abkhazia. In addition, the Codes of Criminal and Civil Procedure stipulate that persons who are not fluent in the language of the proceedings may rely on the services of an interpreter (Code of Criminal Procedure, art. 17, and Code of Civil Procedure, art 9). During oral proceedings in a criminal trial, all court or investigative documents required by law must be translated for the parties or for the defendants into their mother tongue or into a language which they know.

70. In civil law, citizens occasionally find themselves unable to exercise their right to initiate court proceedings because they cannot afford the court costs. Although the courts are legally entitled to waive official fees for citizens in great need and, when necessary, have lawyer fees paid by the State (Code of Civil Procedure, art. 47, paras. 1 and 2), this seldom happens in

practice. It is interesting to note that several NGOs run programmes that provide free legal assistance to socially vulnerable individuals. Under the Municipal Lawyer Programme in Tbilisi lawyers are available in police stations round the clock to provide detained and arrested persons with legal assistance and ensure that their rights are respected. These lawyers' services are paid for out of the municipal budget.

**(b) The right to security of person and protection by the State against violence or bodily harm**

71. Under article 13 of the Constitution, Georgia undertakes to protect its citizens irrespective of their location.

72. Article 18 of the Constitution establishes the right of every person to freedom and personal inviolability. Arrest or other restrictions on personal freedoms are prohibited without a court order. Failure to comply with this article is punishable by law, and a person who is unlawfully detained or arrested has the right to compensation.

73. The Constitution specifically stipulates that "A person's life is inviolable and is protected by law" (art. 15, para. 1). Torture and inhuman, cruel or degrading treatment or punishment are prohibited (art. 17, para. 2).

74. The obligation to respect the right to personal security and protection from State brutality derives also from Georgia's international human rights obligations as a future party to the International Covenant on Civil and Political Rights, the Convention against Torture and the European Convention for the Protection of Human Rights and Fundamental Freedoms.

75. On 11 November 1997 capital punishment was officially abolished in Georgia. It was last imposed in February 1995. The current Criminal Code establishes life imprisonment as the severest form of punishment (art. 40, para. (k)); for minors under the age of 16 it is deprivation of liberty for up to 10 years. For those ranging in age from 16 to 18 years, when the offence is particularly serious, it is more than 10 but no more than 15 years' deprivation of liberty (art. 88, paras. 1 and 2).

76. The Criminal Code contains a section entitled "Crimes against humanity" which comprises the following Chapters: "Crimes against life" (arts. 108-116), "Crimes against health" (arts. 117-126) and "Threats to human life and health" (arts. 127-136). The Code considers violent acts against a human person to be a punishable offence and provides for appropriate sanctions. Among the most serious crimes are premeditated or aggravated murder, wilful causing of grievous or lesser bodily injury and gang rape or rape of a minor. The punishment for crimes of violence varies from three years' deprivation of liberty (for wilfully causing lesser bodily injury) to life imprisonment (for premeditated aggravated murder).

77. According to the principles of Georgian law, human life begins at the moment in the birth process when the infant becomes separate from the mother's womb. Accordingly, murder can be said to occur only from the time the foetus separates from the maternal womb, even if only partially, and regardless of whether or not it is breathing. Georgian legislation does not



criminalize artificial termination of pregnancy when the necessary legal conditions are met. However, article 133 of the Criminal Code provides for sanctions, including deprivation of liberty, for illicit abortions.

78. In Georgia murder is not permissible even if the victim desires it. Article 110 of the Criminal Code, entitled “Murder at the request of the victim”, stipulates that euthanasia is the equivalent of murder and is punishable by deprivation of liberty for a term of up to three years.

79. Even when external signs of a crime against the person are present, any action carried out as necessary for self-defence is not considered unlawful (Criminal Code, art. 28). However, murder and the causing of grievous or moderate physical harm that go beyond what is required for self-defence are considered a crime punishable by law (arts. 113 and 122).

80. Questions relating to the necessary use of firearms by law-enforcement personnel are governed by article 13 of the Police Act. The Criminal Code (art. 29, para. 1) does not consider unlawful any action aimed at capturing a criminal that does not exceed what is required to turn him over to the authorities. Punishable criminal acts also include murder or the causing of grievous or moderate physical harm during the capture of a criminal which goes beyond what is required (arts. 114 and 123).

81. From 1988 to 1998 some 26 persons were killed by firearms used by the police. An investigation found that in three cases the necessary limits had been exceeded in the apprehending of criminals. During this period the police used firearms a total of 63 times; in 18 cases the use of firearms was considered to be unlawful.

82. In the context of this article of the Convention, particular attention should be drawn to the situation around Abkhazia. Since the 1992-1993 armed conflict, the leaders of the self-proclaimed republic have continued to pursue their policy of violence directed against the Georgian population of the region, particularly in Gali district. The separatist authorities repeatedly carry out unprovoked killings, beatings and humiliation of the Georgian population who live in fear and are at risk when endeavouring to return to their homes in Abkhazia. Given the absence of a political settlement of the conflict, Georgia is not in a position to protect this category of citizens from criminal violations.

**(c) The right to participate in elections on the basis of universal and equal suffrage and to take part in government**

83. Under article 28 of the Georgian Constitution, every citizen who has reached the age of 18 has the right to participate in referendums and elections to State and local self-governing bodies. The freedom of voters to express their will is guaranteed (para. 1). Only individuals who are certified as ineligible by a court or who have been sentenced to deprivation of liberty by a court may not participate in elections and referendums (para. 2).

84. Article 74 of the Constitution, concerning referendums, stipulates that they shall be fixed by the President at his own initiative or at the request of Parliament or no fewer than 200,000 voters, and shall be held within 30 days of the receipt of such a request. A referendum

may not be held to adopt or amend a law, or in connection with questions of amnesty or pardon, to ratify or denounce international treaties and agreements or to deal with questions of infringement of fundamental human rights and freedoms.

85. The Constitutional Court is the body competent to hear disputes concerning the constitutionality of referendums and elections. This procedure may be initiated on the basis of a suit or representation by the President or by no less than one fifth of the members of Parliament, the court, the supreme representative bodies of Ajara and Abkhazia, the Public Advocate or citizens (Constitution, art. 89, para. 1).

#### *Parliamentary elections*

86. The Constitution provides that members of Parliament shall be elected on the basis of universal, equal and direct suffrage by secret ballot (art. 49, para. 1). The right to stand for election is granted to legally registered citizens' political organizations whose candidates are supported by the signatures of no fewer than 50,000 voters or which have a representative in Parliament at the time of the election: In elections based on the majority system this right is granted to persons whose candidacy is supported by at least 1,000 signatures or who were elected to Parliament in the preceding election (art. 50, para. 1).

87. More detailed information on the Georgian Parliament is contained in paragraphs 70-73 of the core document

88. Georgian citizens who have attained the age of 25 and have the right to vote may be elected to Parliament (Constitution, art. 49, para. 2). The constitutional provisions are given effect by the Georgian Parliamentary Elections Act, which stipulates that any Georgian citizen may serve in Parliament who meets the aforementioned age criterion and has lived in Georgia for 10 years without interruption, regardless of language, race, sex, religion, education, political views and national, ethnic or social affiliation or origin, or status based on property or class (art. 2).

89. Women and members of ethnic minorities were elected to both the previous and current sessions of Parliament. Deputies to the highest legislative organs active during the period 1995-1999 included 16 women and 17 representatives from the Russian, Armenian and Azerbaijani minorities. There has been no improvement in the representation of deputies from these categories in the current composition of Parliament. It should be noted that most women and ethnic minority representatives entered Parliament via party lists. Of 85 majority deputies, only one woman and two minority representatives were elected from heavily settled districts. The newly elected Parliament has 17 women members and 10 ethnic minority representatives.

#### *Local elections*

90. Procedures governing the establishment and activities of local authorities are set out in the Local Self-Government and Government Act. Under article 2, paragraph 2, of the current version of the Act, Georgian citizens may elect candidates and be elected to local self-governing bodies regardless of race, skin colour, language, sex, religion, political or other views, national,

political or social affiliation, origin or property or class status. Elections are conducted on the basis of constitutional principles, which are discussed in the section of this report dealing with parliamentary elections.

91. From villages to towns, the sakrebulo is the local representative authority. Depending on whether the number of voters is less than or greater than 2,000, elections to the sakrebulo are held in accordance with a majority or proportional system in multi-mandate electoral situations. Georgian citizens who are 21 years of age on the day an election is held and have lived in the country for at least five years may be elected to the sakrebulo. There are no restrictions based on race, skin colour, language, sex, national, ethnic or social affiliation or origin, views or property or class status.

92. Persons who under the Constitution are ineligible to participate in elections for local administrative bodies and governments include citizens who are outside the country on the day the election is held or who reside abroad.

93. In October 1998 the first elections to local government bodies in the history of independent Georgia were held. Some 11,000 deputies were elected, of whom 1,342 deputies (12.5 per cent) were women.

#### *Presidential elections*

94. Under the Constitution, a person who is a Georgian citizen by birth and is an eligible voter, has attained the age of 35, has lived in Georgia for at least 15 years and is resident in the country on the day the election is to be held may be elected President. Political associations or initiative groups have the right to nominate candidates for President. Nominations must be supported by the signatures of no fewer than 50,000 voters (art. 70, paras. 2 and 3).

95. In accordance with the Presidential Elections Act (art. 3, para. 1), every Georgian citizen who is eligible to vote, regardless of race, skin colour, language, sex, religion, political or other views, national, ethnic or social affiliation, origin or property or class status, has the right to vote for President.

96. The Georgian Criminal Code considers punishable offences such acts as obstructing the expression of will during elections, referendums or plebiscites (art. 162), obstructing the work of the election boards or referendum commissions (art. 163) or violating voter confidentiality, miscounting votes or misrepresenting the results of the election (art. 164). Commission of these offences entails sanctions ranging from fines to deprivation of liberty for up to four years.

97. Elections to local government bodies and the most recent parliamentary elections revealed a trend that is worth noting: the number of citizens voting who were not ethnically Georgian was markedly higher than the number of Georgian voters. Thus in the parliamentary elections held on 31 October 1999, the number of minority voters in regions of concentrated settlement attained 80-90 per cent, while in other regions it did not exceed 50-60 per cent.

*The right to equal access to government service*

98. Article 29 of the Constitution states that:

“1. Every citizen is allowed to hold any official State position as long as he/she satisfies established requirements.

“2. The requirements for government service are determined by law.”

99. The legal bases of government services and matters relating to their implementation as well as the legal status of persons working in government service are set out in the Public Service Act. Under this Act, public service comprises activities in official (budgetary) institutions of the State and local self-government/public authorities (art. 1, para. 1). The basic principles of public service are: respect for the rights, freedoms and dignity of the human person and citizens, and equal access to public service of all Georgian citizens in accordance with their capabilities and professional training (art. 13, paras. (c) and (d)).

100. Pursuant to article 15 of the Public Service Act, any capable Georgian citizen 21 or over with relevant skills and experience who knows the national language may enter government service. Under article 16, any capable Georgian citizen 18 or over who has at least completed secondary school and has a knowledge of the national language may be employed by local self-government services.

101. Persons may not be accepted for public service if: (a) they have unexpunged convictions for premeditated crimes; (b) they are under investigation or arrest; (c) they have been found by a court to be incapacitated or have diminished capacity; (d) they have been deprived by a court of their right to hold such posts; (e) their health, as determined by medical experts, does not permit them to hold such functions; (f) as a result of holding such a post, they would be involved in the direct supervision of relatives, spouse, child, siblings or wife's family; (g) they have applied for or claim foreign nationality, except where provided for by law or international agreement (Public Service Act, art. 17).

102. Various requirements governing entry into public service are established by law or on the basis thereof. Additional qualifications may be set by heads of organizations or senior supervisors. Persons eligible for employment in public service shall be given a probationary period of no more than six months at the time of their appointment. Appointment may be made on the basis of a competitive examination (Public Service Act, arts. 19, 24, para. 1, and 29, para. 1).

103. Article 98 of the Public Service Act, entitled “Release from work on account of inappropriate activities”, stipulates that one of the grounds for dismissal from government service is “unsatisfactory knowledge of the national language and impossibility of normal communication” (para. 1 (d)), but only in cases where the employee does not wish to be transferred to another suitable job (para. 2).

104. Minorities are represented in the local executive bodies of areas of concentrated settlement. Thus there are 38 Azerbaijanis holding important posts in local councils in Marneuli and neighbouring districts, while in Tetritskaro district there are 12 Greeks and in the Samtskhe-Djavakheti regions there are 58 Armenians. Statistics on the ethnic origin of persons employed at this or other levels in State executive bodies are not available. However, one can say that members of ethnic minorities have successfully served in many ministries and departments, parliamentary bodies and State government offices. The main problem facing Georgian citizens of non-Georgian origin in terms of access to government service is ignorance or poor command of the national (Georgian) language, a hold over from the Soviet period. The Government is taking steps to remedy the situation, particularly through the elaboration of the Language Act. In areas of minority concentration a State programme for the teaching of the Georgian language is being conducted.

**(d) Other civil rights**

105. Article 22, paragraph 1, of the Constitution stipulates that every individual lawfully present in the territory of Georgia is free to move within the country and to choose his or her place of residence. Restriction of these rights is permissible only in accordance with the law, in order to guarantee State and public security, which are required for the existence of a democratic society, public health, crime prevention and the execution of justice (art. 22, para. 3). The Constitution specifies that this right may be restricted during a state of emergency or martial law (art. 46, para. 1).

106. Practical aspects of the implementation of rights set out in the Constitution are governed by the Procedures for the Identification and Registration of Georgian Citizens and Resident Aliens Act. The registration procedure and rules for identity certification stipulated in this Act differ significantly from the previous Soviet passport system, which in fact restricted the right to freely choose one's place of residence. The Act was adopted in June 1996.

107. According to this Act, the goal of registering Georgian citizens and resident aliens (including stateless persons) is to establish data on them and to exercise their rights and duties. Whether or not a person is registered, however, cannot be used as a basis for restricting the constitutional rights and freedoms of Georgian citizens or foreigners or as a condition for excluding them from opportunities provided for by law or from elections (art. 2, paras. 1 and 3).

108. Georgian citizens and resident aliens are required to register themselves in their place of residence, which is considered to be the place chosen by the individual himself or herself. Persons up to the age of 16 years and persons who are wards or under guardianship register together with their parents, guardians, caregivers or other legal representatives. Persons in this category can be registered independently only with the written consent of parents, guardians, etc. (art. 3, paras. 1-3).

109. Persons changing their place of residence for more than three months are required to report their new place of residence within 10 days to the appropriate State bodies, which shall register them within five days. This does not apply to persons in pre-trial detention, serving sentences or fulfilling military service obligations (art. 4, paras. 1 and 3).

110. Persons who do not have a place of residence register without indicating their address in the population centre where they are located. In all circumstances registration is carried out on the basis of procedures stipulated in the legislation in force governing personal identity or (for foreigners) type of residence (art. 5, para. 1 and 2).

111. Under the Legal Status of Aliens Act, aliens have the right to move freely throughout Georgian territory and freely choose their place of residence in accordance with the procedures provided for by law. The movement of aliens and their choice of place of residence may be restricted when this is necessary to ensure national security, maintain social order, safeguard public health and protect the rights and legitimate interests of Georgian citizens and other persons (art. 18).

112. The Georgian Criminal Code provides for sanctions in the form of fines, terms of correctional labour of up to six months and deprivation of liberty for up to one year for preventing persons lawfully present in the country from moving freely throughout its territory, freely choosing their place of residence or freely leaving Georgia and, in the case of Georgian citizens, from freely entering the country. When conducted with the use of force, threat of the use of force or misuse of one's official status, such actions may entail deprivation of liberty for terms of up to two years, fines or terms of correctional labour of up to one year and removal from one's position for up to three years (art. 142, paras. 1 and 2).

113. Under the authority of the Ministry of Justice, immigrant status was granted to 350 adult foreigners in 1998-1999. Permanent resident status in Georgia was granted to 205 persons.

114. During the same period the Ministry of Refugees and Placement granted refugee status to 25 persons. Of these, eight were citizens of Pakistan, three were from Iraq, two each came from Nigeria, Iran, the Sudan, Jordan, Azerbaijan and Afghanistan, and one each came from Ukraine and Turkey. Some 22 applicants were rejected because their situations were not covered by the Refugee Act. In addition, during the period September-December 1999, owing to military activity in the southern part of the Russian Federation, a large number of Chechens entered Georgia, more than 5,000 of whom were granted refugee status.

115. Figures from the Ministry of Internal Affairs indicate that during 1998 and 1999, residence permits were issued to 547 aliens and 249 stateless persons.

*The right to leave any country, including one's own, and to return to one's country*

116. This right is reflected in article 22, paragraph 2, of the Constitution, which states: "Everyone lawfully present within the territory of Georgia is free to leave the country. A citizen of Georgia can freely enter the country." As with freedom of movement and choice of place of residence, this right is not absolute and may be restricted by procedures established by law during a state of emergency or martial law, as stipulated in article 46, paragraph 1, of the Constitution. The Constitution prohibits the expulsion from Georgia of any citizen and the extradition of a Georgian citizen to another country, except in cases covered by an international treaty. A decision regarding the extradition of a Georgian citizen may be appealed in court (art. 13, paras. 3 and 4).

117. The implementation of constitutional guarantees is provided for in the following laws: the Citizens' Temporary Departure and Entry Act, the Emigration Act, the Legal Status of Aliens Act, the Alien Temporary Entry, Stay and Departure Act and the Migrant Inspection Act.

118. Under the Citizens' Temporary Departure and Entry Act, temporary departure from and temporary entry into the country by Georgian citizens is effected on the basis of a passport issued by organs of the Ministry of Internal Affairs or an equivalent document (art. 5). Capable adult citizens have the right to apply for or be issued a passport for temporary departure; to this end they must present their citizen identity card and pay the requisite fee (art. 7). Articles 7 and 8 of the current law also regulate the procedure for the departure of minor children with adults and the unaccompanied departure of minors and incompetent persons.

119. The following circumstances may serve as the basis for restricting the temporary departure of a Georgian citizen from the country:

The initiation of criminal proceedings in respect of a citizen;

Incompletion of a court-imposed sentence;

Bringing of a civil suit against a citizen;

Unfulfilled obligations deriving from a court decision;

Submission of false or legally invalid documents;

Other cases provided for under Georgian legislation (art. 10).

120. At the time of temporary departure from Georgia citizens must have an exit visa to the country of immediate destination. Temporary departure from Georgia is also possible without a visa on the basis of international agreements to which Georgia is a party (art. 15). Georgian citizens have the right to return to Georgia at any time; no permission is required for this (art. 16).

121. The Act refers also to conditions for temporary restrictions on the departure of citizens from Georgia to another country in order to ensure their safety when a state of emergency is declared in the country (art. 17) and sets out the procedure for the departure from Georgia of persons performing military service (art. 18). None of the provisions of the current law is of a discriminatory nature as regards the Convention.

122. Under the Migrant Inspection Act, all migrants entering and departing the country (including Georgian citizens and resident aliens) are required to complete and have on their person a migrant's card. The purpose of this measure is to establish control over the immigration and emigration processes, to count and register migrants and to uncover illegal migration. The procedure for the issuing of migrant cards is established by the Ministry for Refugees and Resettlement.

123. There are three types of foreign passports in Georgia: ordinary citizen's passports, issued by the Ministry of Internal Affairs, and diplomatic and service passports, issued by the Ministry of Foreign Affairs. Ordinary citizen's passports are issued upon payment of the requisite fee. Diplomatic and service passports are issued free of charge to certain categories of officials. The issuance of such passports is governed by special provisions based on the law governing the structure and procedure of official activities.

124. An ordinary citizen's passport costs 35 lari. Under the Customs Duty Act, class I and II invalids, veterans of the Second World War and persons disabled in wars for the independence and territorial integrity of Georgia are exempt from paying this fee. The fee is halved for veterans of the armed forces and displaced persons. Resident aliens are exempt if such exemption is provided for in an international agreement to which Georgia is party.

125. Aliens leaving Georgia must present a valid foreign passport or other similar document as well as their migrant card. Aliens permanently residing in Georgia must, when leaving Georgia, present to the competent authorities a valid foreign passport or other similar document and obtain an exit visa or exit permit as well as their migrant card.

126. Aliens are prohibited from leaving Georgia if:

Their departure is not in the interests of national security, until such is no longer the case;

They are suspected or accused of having committed a crime, until proceedings have concluded;

They are convicted of having committed a crime, until their sentence has been served or they have been released;

Other circumstances provided for in Georgian legislation apply.

The departure from Georgia of aliens (stateless persons) may be postponed until they have fulfilled civil or legal obligations. Foreigners may appeal a denial of permission to leave Georgia in court within 10 days (Legal Status of Foreigners Act, arts. 24 and 26).

127. The criminal sanctions for preventing persons from freely departing Georgia and Georgian citizens from freely returning to their country are discussed in an earlier section of this report.

#### *The right to nationality*

128. Article 12 of the Constitution states that: "Georgian nationality is acquired by birth or naturalization. A Georgian national may not simultaneously be a citizen of another State. The procedure for the acquisition and loss of Georgian nationality is determined by organic law". Under article 12 of the Basic Law, no person may be stripped of Georgian citizenship.



129. The Citizenship Act was adopted in March 1993. It has subsequently been amended and supplemented on a number of occasions, without, however, compromising the principles which will be considered in detail in this section.

130. The wording of articles 1 and 2 of the Citizenship Act reflects the principles which were subsequently enshrined in the articles of the Constitution cited above. Furthermore, article 2 of the Act states that “no one shall be restricted in their right to change nationality, except as otherwise stipulated by this Act”.

131. Article 3 of the Citizenship Act specifies that the following categories of persons are deemed to be Georgian citizens: (a) persons who have resided permanently in Georgia for at least five years and were resident therein on the day the Act came into force, who have not renounced Georgian citizenship in writing during the preceding three months, and have received documents confirming their citizenship within the preceding four months; (b) persons who have acquired Georgian nationality under this Act.

132. The wording of article 3, subparagraph (a), is dictated by the need to elaborate nationality criteria for permanent residents of Georgia following the break-up of the USSR. The minimum requirements in the text of this article have enabled the people of Georgia to establish their legal link with the newly independent State on a completely non-discriminatory basis.

133. Under article 10 of the Citizenship Act, Georgian nationality is acquired at birth, by naturalization or on other grounds provided for in Georgia’s international treaties and the Act itself. A child whose parents were both Georgian citizens at the time of the child’s birth is deemed to be a Georgian citizen regardless of the place of birth (art. 11). Articles 12-18 of the Citizenship Act deal with the nationality of a child depending on the possession, lack, acquisition, or loss of Georgian citizenship of one or both parents. In every case the principles of non-discrimination are clearly observed, and any unequal treatment on racial grounds is precluded.

134. The Act also provides for the naturalization of aliens. Georgian citizenship may be acquired by any adult who:

Has permanently resided in Georgian territory for the last 10 years;

Has the minimum prescribed knowledge of the Georgian or Abkhaz languages;

Has the minimum prescribed knowledge of Georgian history and the Georgian Constitution;

Is employed or has immovable property in Georgia.

An alien who marries a Georgian citizen may acquire Georgian nationality provided that he or she has resided in Georgian territory for the last three years. The requirements concerning linguistic, historical and constitutional knowledge continue to apply (arts. 26 and 28).

135. The following constitute grounds for termination of Georgian nationality:  
(a) renunciation of nationality; (b) loss of nationality; (c) other circumstances provided for by international agreements to which Georgia is a party and this Act (art. 30).

136. A person shall lose Georgian nationality if he or she:

Performs military service or enrolls in the police force, justice authorities or other administrative and government bodies of another State without the authorization of the competent Georgian authorities;

Resides abroad permanently and fails to register with the Georgian consulate for two years without good cause;

Has acquired Georgian nationality by means of forged application papers;

Becomes a national of another State (art. 32).

137. According to the Ministry of Justice, in 1998-1999 a total of 127 people acquired Georgian nationality by naturalization, 72 of whom were ethnic Georgians. Of the 55 non-Georgians, 20 were from Azerbaijan, 19 from Uzbekistan, 11 from the Russian Federation, 2 from Ukraine and 1 each from Armenia, Belarus and Moldova. One person was refused Georgian citizenship in the same period (in 1999).

*The right to marriage and choice of spouse*

138. Article 36 of the Constitution states that marriage is a voluntary union based on the equal rights of the spouses and that the State shall promote the welfare of the family.

139. According to the Civil Code, marriage is the voluntary union of a man and a woman for the purposes of starting a family, as legalized by an official civil status registry (art. 1106). The prerequisites for entering into marriage are the attainment of marriageable age and the consent of the spouses (art. 1107). Any person who has reached the age of 18 may enter into marriage. In exceptional circumstances, marriage may be permitted from the age of 16, provided that the parents or other legal representatives give their consent in writing. If the parents or legal representatives withhold their consent, marriage may be authorized by a court for valid reasons and on the basis of a declaration by the spouses (art. 1108).

140. Aliens wishing to marry in Georgia require a declaration issued by the competent authorities of their country stating that there are no impediments to their marriage. This procedure does not apply to stateless persons or to nationals of States that do not issue such declarations (art. 1118).

141. Marriage is prohibited:

Between two persons at least one of whom is already married;

Between blood relatives in the ascending and descending lines;

Between brothers and sisters of the whole and the half blood;

Between two persons at least one of whom has been declared legally incapable by a court (art. 1120).

142. Grounds for termination of a marriage are: (a) the death of one of the spouses; (b) a legal declaration that one of the spouses is deceased; and (c) divorce. Pursuant to a joint agreement by spouses who have no minor children, or a declaration by one of the spouses that the other spouse is missing, or is legally incapable owing to mental illness, or is serving a prison sentence of at least three years' duration, divorce may be sought through a civil status registry (arts. 1124, 1125). In all other cases a marriage must be terminated in a court of law.

143. During his wife's pregnancy and for one year after the birth of a child, a husband may not file for divorce without the wife's consent (art. 1123).

144. No marriage or divorce statistics disaggregated by ethnic origin are available. General statistics are shown in the following table.

Year	Marriages	Divorces	Marriage rate (per 1,000 population)	Divorce rate (per 1,000 population)
1990	36 800	7 800	6.7	1.4
1991	38 100	7 400	7.1	1.4
1992	26 900	4 900	5.5	1.0
1993	24 100	3 200	4.9	0.7
1994	21 900	3 100	4.5	0.6
1995	21 500	2 700	4.4	0.6
1996	19 300	2 300	4.0	0.5
1997	17 100	2 300	3.5	0.5
1998	15 300	1 800	3.0	0.3

*The right to own property alone as well as in association with others*

145. The right to own and inherit property is recognized and guaranteed under article 21 of the Constitution. Abrogation of the universal right to acquire, transfer or inherit property is prohibited. Restriction of these rights is permissible in cases of vital public necessity, as defined by law and established procedure. Confiscation of property on the grounds of vital public necessity is permitted only in circumstances directly provided for by law, by court order or in extreme emergencies as specified by organic law, and only if appropriate compensation is offered.

146. The Constitution stipulates that during a state of emergency or martial law, restrictions may be imposed on the right to property throughout the country or in certain areas pursuant to a Presidential decision ratified by Parliament (art. 46, para. 1).

147. The right to own property is regulated by the Civil Code (Book Two, “Property Law”), in which property is defined as any thing or intangible asset which may be owned, used and disposed of by a private individual or legal entity, and which may be acquired without restrictions, provided the law does not stipulate otherwise and that acquisition does not contravene moral standards (art. 147). There are no discriminatory provisions in the articles of the Code dealing with the right to own property. This applies both to movable and immovable property.

148. The right to own land is an exception. The Declaration of Private Ownership (Non-Farmland Held by Private Individuals and Legal Entities in Private Law) Act stipulates that “the right to private ownership of non-farmland vests in Georgian nationals. ... The rules contained in the Civil Code with respect to immovable property shall apply to land of this type” (art. 3, para. 1). Under the Farmland Ownership Act, only Georgian citizens may own farmland outright. Non-Georgian citizens and aliens may acquire farmland only on a leasehold basis (art. 5, para. 2).

149. The Civil Code states that the right to own immovable property and other property rights must be entered in a public register which is available for inspection by any interested party (art. 312).

150. As part of the land reform now under way in Georgia, and pursuant to the Farmland Ownership Act, 984,000 Georgian citizens have secured registration documents enabling them to acquire land free of charge. Holdings have been allocated individually, based on the land inventory, pursuant to decisions by local land reform commissions.

151. International experts generally agree that Georgian law affords adequate protection of property rights: it defends them against unlawful encroachments, offers remedies when they are violated, and properly attributes liability to violators. The Criminal Code specifies serious penalties for offences against property such as destruction and damage (art. 187) and receiving or selling goods known to be stolen (art. 186).

#### *The right to inherit*

152. The right to inherit is guaranteed under article 21 of the Constitution. Specific aspects of the enjoyment of this right are covered by the chapter of the Civil Code on Inheritance law. Under the Code, property may be transferred from a deceased person (testator) to other persons (heirs) by law, a will, or both. Inheritance by law (meaning that property is transferred from the deceased to certain legally designated persons) occurs when a person dies intestate, when a will refers only to part of an inheritance, or when a will is ruled wholly or partially invalid.

153. Heirs according to the law may be persons who were living at the time of the testator’s death and any children of the testator who were born living thereafter. Heirs under a will may be persons who were living at the time of the testator’s death and any persons conceived before the testator’s death and born living thereafter, irrespective of whether they were the issue of the testator. Legal entities that were established prior to the discovery of an inheritance may also be heirs under a will.

154. No right of inheritance, either according to law or under a will, vests in persons who have deliberately frustrated a testator's final wishes by inveigling the latter to bequeath items to them or their relatives or increase their share of an inheritance, or by intentionally committing an offence or some other immoral act contrary to the testator's final wishes as expressed in a will, if these facts are upheld in a court of law (discreditable heir). However, a discreditable heir may be admitted to an inheritance if the testator unambiguously pardons the individual concerned in his or her will.

155. Parents who have been deprived of their parental rights at the time the inheritance is discovered may not be their children's heirs according to the law, nor may persons who have maliciously shirked their obligation to maintain the testator if this fact is upheld in a court of law.

156. If there are no heirs either according to law or under a will, an inheritance shall pass to the public treasury. If the testator was cared for by an institution, the inheritance shall pass to that institution.

157. Heirs have the right to accept an inheritance or renounce it entirely. A legally capable person may accept an inheritance. Wholly or partially incapable persons may come into an inheritance through the intermediary of their legal representatives.

158. There are no nationality-based restrictions on the right to inherit. However, land transfers resulting from an inheritance are an exception. The Farmland Ownership Act states that if an alien or stateless person inherits land, then the land must be transferred in accordance with established legal procedure. But the Act regulating private ownership of non-farmland states that this right vests exclusively in Georgian nationals.

*The right to freedom of thought, conscience and religion*

159. The Georgian Constitution recognizes the special role of the Georgian Orthodox Church in the nation's history, while at the same time proclaiming complete freedom of religion and belief and the separation of Church and State (art. 9). Article 19 of the Constitution states that "everyone is guaranteed freedom of opinion, conscience and religious belief. [...] It is prohibited to persecute a person on account of his or her opinions, conscience or religious beliefs ... or to compel a person to express his or her opinion regarding these freedoms". It is prohibited to restrict these freedoms unless the exercise thereof encroaches on the rights and freedoms of others.

160. The Criminal Code contains provisions designed to protect the rights referred to above. Article 155 stipulates penalties in the form of a fine, attachment of earnings or deprivation of liberty for up to five years for unlawfully disturbing a religious service or act of worship by violence or the threat thereof, or for outraging and insulting the religious feelings of worshippers or ministers of religion. Article 156 sets out penalties in the form of a fine, attachment of earnings or deprivation of liberty for up to three years for persecution on the grounds of conscience, religion, belief or religious activity.

161. Throughout its long history, Georgia has been renowned for its religious tolerance. Anti-Semitism, religious strife and hatred have never existed in Georgia. The old town in Tbilisi, where a Georgian church, an Armenian church, a synagogue, a mosque, a Russian church and a Catholic church stand side by side, is an example of Georgian religious tolerance in practice. All told, Georgia has 15 synagogues, 14 mosques, 11 Armenian-Georgian churches, 8 Russian churches, 3 Armenian churches and a cathedral, and one Catholic church. The situation of Jews in Georgia deserves special mention. The so-called Georgian Jews are fully integrated into Georgian society. Synagogues in Georgia have always remained open for believers, even during the most difficult times for Jews under the Soviet Union. Judaism is a faith that is unconditionally recognized by the State.

162. It is widely acknowledged that Christianity has made an enormous contribution to the preservation and development of the Georgian State and has always occupied a special place in national life. Traditional religions such as Islam, Judaism, Catholicism and Gregorianism form part of Georgia's historical and social heritage. Recently, however, since independence, non-traditional religious organizations have started to operate in Georgia. The attitude of the general public and the clergy towards these organizations is highly ambiguous. One political leader requested the courts to revoke the registration of materials published by the Jehovah's Witnesses. The same individual had previously sought to prevent the entry into Georgia of a consignment of such materials. The court dismissed the case, thereby upholding the religious group's constitutional rights. In October 1999 a group of radical Christians led by a defrocked priest broke up a meeting of Jehovah's Witnesses and physically injured the participants. Criminal proceedings have been instituted and an investigation is under way. The President himself thought it necessary to comment on this case, issuing an unequivocal condemnation. Many NGOs have adopted protest resolutions condemning unacceptable and barbaric acts of this nature.

163. The need to create a legal domain for the activities of a broad spectrum of religious organizations has prompted a bill on freedom of conscience and religious organizations. The bill was drafted and approved in the special commission headed by the Minister of Justice to study the compatibility of Georgian legislation with the requirements of the European Convention for the Protection of Human Rights and Fundamental Freedoms. It was found to be compatible with the Constitution and Georgia's international obligations.

*The right to freedom of opinion and expression*

164. Article 24 of the Constitution states that everyone is entitled freely to receive and distribute information and to express and disseminate their opinion orally, in writing or in any other form. Neither the State nor any individual has the right to monopolize the media or means of disseminating information. Censorship is prohibited. The provisions on freedom of opinion and information may be restricted by law when circumstances in a democratic society make it necessary to protect national and public security or territorial integrity, suppress crime, defend the rights and dignities of other persons, preclude the release of confidential information, or ensure the independence and impartiality of the justice system.

165. Article 19 of the Constitution proclaims, inter alia, freedom of opinion and prohibits restrictions thereon provided the exercise of this freedom does not infringe the rights and freedoms of others. It also prohibits persecution in connection with the exercise of this freedom.

166. Article 41 of the Constitution grants every Georgian citizen the legal right to know personal information which exists in State institutions and official records except those containing State, professional or commercial secrets. Furthermore, no one shall have access to official records concerning a person's health, finances or other personal details without that person's consent, except as otherwise specified by law in order to protect national or public security and health, or to enforce other rights and freedoms of third parties.

167. The Constitution enshrines every person's freedom to express his or her opinion; accordingly, there can be no discrimination between citizens and non-citizens. Any restrictions must be applied on the basis of the law.

168. The General Administrative Code of Georgia contains a chapter on freedom of information which outlines the procedures that must be followed by administrative bodies when releasing non-classified information to a party with an interest in obtaining it. Under the Code, everyone is entitled to know non-classified information held by an administrative body and obtain a copy thereof, provided that such information does not contain State, professional, commercial or personal secrets. Non-classified information shall be available for public inspection provided that the fact of releasing it does not manifestly and obviously compromise national security or a criminal investigation. Publicly available information may be classified only if explicitly required by law, and even then for no longer than five years. No one shall be denied access to non-classified information establishing his or her identity which, under the Code, cannot be made accessible to other persons. An individual has the right to know what personal details about him or her are held by a public institution. Personal details, except for the personal details of officials, may not be made accessible to others even if the consent of the person concerned has been obtained. A person may sue for material or immaterial damages if, for example, his or her personal details have been unlawfully collected, processed, stored or disseminated, or communicated to another person or a public institution.

169. The Code does not apply to the work of the authorities in connection with criminal prosecutions and investigative measures, the enforcement of judicial decisions, military questions, foreign policy or international treaty-making.

170. The Constitution proclaims the freedom of the mass media. The media are regulated by the Press and Mass Media Act, which reflects the human right, and specifically the right of journalists, to obtain, store and disseminate information. By law, the right to establish media outlets vests in Government bodies, political parties, legally registered voluntary organizations and Georgian citizens over the age of 18. The activities of a media outlet may be suspended or terminated following a breach of the law which endangers national security, territorial integrity or public safety. The publication of a print organ may be suspended by its registered controlling body, but only a court may decide to terminate publication altogether.

171. Under the law, a similar procedure applies to the establishment and activities of publishing houses and television and radio broadcasting organizations.

172. A person's freedom of expression may be restricted in order to prohibit discrimination, as stipulated by the Advertising Act, which bans inappropriate advertisements. This includes unethical advertising, i.e. advertising that uses offensive language or comparisons regarding the nationality, race, social origin, age, sex, language or religion of private individuals and violates universally recognized moral and ethical standards. Advertisements must not incite people to violence or urge them to commit actions that might compromise the safety of others.

173. The Criminal Code states that it is an offence unlawfully to infringe the rights referred to in this section of article 5 (d) of the Convention. The following acts are criminal offences under the law: violation of freedom of speech, unlawfully obstructing access to information or dissemination of information that causes significant harm (art. 153); unlawfully obstructing the professional activity of a journalist (art. 154); unlawful refusal to provide an individual with non-classified personal information and information regarding his or her rights and freedoms, or provision of incomplete or distorted information causing significant harm (art. 167). Punishment ranges in severity from a fine to two years' deprivation of liberty.

174. Statistics regarding the publication of books, magazines and newspapers in Georgia are cited in the table below. In addition, foreign publications (especially materials in Russian) are freely available throughout the country.

	1990	1995	1996	1997	1998
Print run, books and brochures (million copies)	20.1	0.8	0.8	0.8	0.6
Annual print run, magazines and other periodicals (million copies)	27.3	0.4	0.2	0.2	0.2
Number of newspapers	171	127	123	161	243
Single print run, newspapers (million copies)	4.9	0.3	0.2	0.3	0.4
Annual print run, newspapers (million copies)	716.3	6.6	13.3	12.3	15.9

175. In addition to the State television and radio broadcasting corporation, there are dozens of private television and radio stations in Georgia which broadcast nationwide or regionally. Many of them are extremely popular and enjoy far higher ratings than State-run television and radio channels.

176. Various editorial boards operate within the structure of the State television and radio broadcasting corporation. There is a Russian-language editorial board for television and radio boards catering for Russian, Armenian and Azerbaijani audiences. The State provides financial assistance to newspapers publishing in Russian, Armenian and Azerbaijani. In addition, Greek, Jewish and Kurdish newspapers are published by ethnic voluntary organizations. In all, there are seven newspapers and three magazines published in Russian, four Armenian newspapers (three of which are local), one Georgian-Armenian newspaper, three Azerbaijani newspapers (of



which two are local Georgian-Azerbaijani publications), three Greek newspapers and one Kurdish newspaper. Of the three Jewish newspapers, one is published in Georgian and the other two in Russian.

177. There is no law that specifically protects personal data in Georgia. As stated above, such questions are dealt with under the General Administrative Code on the basis of constitutional provisions.

*The right to freedom of peaceful assembly and association*

*Freedom of assembly*

178. The right of assembly is guaranteed under article 25 of the Constitution, which states: “Everyone except members of the armed forces, police and security services has the right to hold a public assembly either indoors or in the open air without prior authorization, provided no weapons are present. Prior notification of the authorities may be legally required if the assembly or demonstration is held in a public thoroughfare. The authorities may disperse an assembly or demonstration only if it assumes an unlawful character”.

179. Under the Assemblies and Demonstrations Act, persons who organize and hold assemblies or demonstrations are prohibited from inciting national, regional, religious or social strife (art. 4). If widespread violations of this provision occur, the assembly or demonstration must be halted forthwith at the demand of an authorized official of the local authorities. A decision to halt an assembly or demonstration may be challenged in a court of law, which must examine the legality of the decision within three working days (art. 13).

180. The Assemblies and Demonstrations Act stipulates that the authorities must be notified in advance if an assembly or demonstration is to take place in a public thoroughfare. The persons organizing and holding the assembly or demonstration are responsible for notifying the authorities at the location where the event is to take place. Such persons must be Georgian nationals over 18 years of age (art. 5).

181. It is a criminal offence to use or threaten violence in order to impede the right to assemble or demonstrate (art. 161). The Criminal Code also provides for penalties in the form of a fine, attachment of earnings for up to a year, or deprivation of liberty for up to two years for organizers of assemblies or demonstrations who fail to comply with relevant procedures or whose negligence results in serious damage (art. 347).

*Freedom of association*

182. Article 26 of the Constitution states that everyone has the right to form or join a voluntary organization. Georgian nationals have the right to form political parties and other political associations and to participate in their activities. Enrolment in the armed forces, the national security services or the internal affairs authorities, or appointment (election) as a judge or procurator entails termination of membership in political associations.

183. The Civil Code states that legal persons may be formed under both public and private law. For the purposes of this report, it should be noted that legal persons under public law include non-State organizations formed in accordance with the law for public ends, such as political parties and religious organizations. Legal persons under private law comprise all other commercial and non-commercial associations.

184. From an organizational standpoint, a legal person formed for non-commercial ends may exist either as a society (association) or a fund. A society is a legal person uniting a number of persons for a common purpose, and its existence is independent of changes in its membership. A fund is a legal person in which one or several of the founders transfers special assets to an independent entity having no members. This transfer must serve a socially useful purpose. A society is registered by a court, whereas a fund is registered with the Ministry of Justice. Registration may proceed provided that the purposes of the legal person do not contravene existing legislation, accepted moral standards or the constitutional principles of Georgia. Refusal of registration may be challenged in the courts. The registering body must revoke the registration of a society or fund if the entity in question is unable to carry out the purposes stipulated in its articles of association. Revocation of registration entails the liquidation of the legal person.

185. Article 45 of the Civil Code also permits the existence of unregistered societies, which in this case are not considered legal persons. An unregistered society may be represented by its members or a duly authorized person in the courts and in its non-judicial relations.

186. Before the entry into force of the Civil Code, questions relating to the establishment and activity of NGOs were regulated by the Voluntary Associations of Citizens Act, which explicitly proscribed associations whose avowed purpose was to incite religious or ethnic strife. Following the entry into force of the Civil Code, all existing non-commercial legal persons were obliged to re-register or else suspend their activities. Accordingly, all societies and funds in Georgia are now operating in full accordance with the law.

187. Hundreds of NGOs are currently registered in Georgia, including several which deal with various aspects of human rights. Many NGOs have formed large associations in order to achieve their common objectives more effectively. Georgia's minorities maintain their own cultural and charitable societies throughout the country and in specific regions.

188. Under the Civil Code, commercial legal persons in private law may take the following forms: companies with joint and several liability; limited partnerships; joint-stock companies; cooperatives; and State enterprises. The activity of such legal persons is regulated by the Business Practices Act. This Act contains no significant restrictions in respect of the founders or members of such associations.

189. There are no legislative obstacles to the exercise of the right to join a non-political association on racial grounds, nor are there any prohibitions of a discriminatory nature. The developing "third sector" is assuming increasing importance for the overall protection and promotion of human rights and public life in Georgia.

(e) **Economic, social and cultural rights**

*The right to work and free choice of employment*

190. These rights are proclaimed in article 30 of the Constitution. Labour is free. The protection of labour rights, fair remuneration, safe and healthy working conditions, and conditions of work for women and minors are all legally defined. Under international labour agreements, the State protects the right of Georgian citizens abroad. Article 32 notes that the State is under an obligation to help unemployed Georgian nationals find work. Stipulations regarding the provision of a minimum wage and the status of unemployed persons are established by law. Article 33 of the Constitution recognizes the right to strike.

191. Labour rights are regulated by the Employment Act and the Code of Labour Laws. Under the Employment Act, all Georgian citizens are entitled to work regardless of race, nationality, religious beliefs, political views and property status.

192. Georgia is a signatory of a number of International Labour Organization (ILO) conventions such as the Convention (No. 29) concerning Forced or Compulsory Labour, the Convention (No. 52) concerning Annual Holidays with Pay, the Convention (No. 98) concerning the Application of the Principles of the Right to Organise and Bargain Collectively, the Convention (No. 100) concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, the Convention (No. 111) concerning Discrimination in Respect of Employment and Occupation, and the Convention (No. 122) concerning Employment Policy.

193. Aliens' right to work is regulated by the Legal Status of Aliens Act, article 7 of which states that aliens and stateless persons permanently residing in Georgia may hold any post or engage in any form of work that is not contrary to law, except posts or types of work which the law mandatorily reserves for Georgian citizens. Temporarily resident aliens may also hold any post or engage in any work provided this is consistent with the purpose of their presence in Georgia and is directly provided for under Georgian legislation.

194. Georgian employment policy has never been discriminatory, either in law or in fact. The Code of Labour Laws contains restrictive provisions regarding work by women and young people, but this is positive discrimination and does not run counter to the Convention.

195. Procedures for settling labour disputes between employers and employees are regulated by the Settlement of Collective Labour Disputes Act. Conciliation procedures under the auspices of a conciliation commission are used in the initial stages of a labour dispute. The conciliation commission consists of representatives of the parties and intermediaries or some other form of arbitration. The conciliation commission reaches a binding decision pursuant to an agreement between the representatives of the parties. If it proves impossible to reach agreement, the dispute is referred to labour arbitration decided upon by the parties. All conciliation procedures involve the Service for the Settlement of Collective Labour Disputes, a subdivision of the Ministry of Health Care and Social Security. If conciliation procedures prove fruitless, workers may legally resort to strike action, although this does not absolve the parties from the obligation to seek a negotiated settlement. It is prohibited to use lockouts during conciliation procedures and strike action.

196. The procedure for settling individual labour disputes is outlined in the Code of Labour Laws, which states that the worker and the administration (i.e. the employer) must settle their dispute in a pre-judicial body (the labour disputes commission at the workplace) with the participation of the trade union committee. When it is not possible to reach agreement, the dispute must be settled through the courts. Court proceedings of this kind are shorter than other categories of civil action, lasting no more than 20 days (Code of Civil Procedure, art. 59).

197. Under the Criminal Code it is an offence to interfere with a person's freedom to work, i.e. to use or threaten violence to prevent a person from engaging in any kind of lawful work (art. 168), to unlawfully dismiss a person, fail to comply with a court order to reinstate a person at work or commit any serious violation of labour law (art. 169), and to interfere with the right to strike, i.e. by using or threatening violence to unlawfully frustrate this right or to compel a person to refrain from taking strike action (art. 165).

*The right to just and favourable conditions of work*

198. The requirement to ensure just and favourable conditions of work is stipulated in labour law; it applies equally to all Georgian citizens and aliens as defined by Georgian law.

199. The Code of Labour Laws specifies a normal working week of 41 hours maximum. Government and administrative employees covered by the Civil Service Act work a 40-hour week. A two-day weekend is the norm. Minors aged 16 to 18 years must not work more than 36 hours a week, and the weekly limit for 14- and 15-year-olds working during the school holidays is 24 hours. Shift work at night entails a reduction of one hour in the working week. Pregnant women, lactating mothers, mothers of infants, and workers aged under 18 are not allowed to perform night work. Overtime is authorized only in exceptional circumstances provided for by law, and the above-mentioned categories of workers are not allowed to work overtime.

200. All workers and employees are entitled to annual leave of at least 15 working days. Persons under the age of 18 are entitled to 30 calendar days' leave. Civil servants may take between 30 and 45 calendar days' leave, depending on length of service. The law also makes provision for paid maternity and childcare leave up to a maximum of 126 calendar days, and unpaid leave for legitimate reasons.

201. On the subject of the right to just and favourable conditions of work, the Code of Labour Laws further specifies that night work, overtime, and work performed on days off and holidays shall be remunerated at time-and-a-half or double pay. Persons who work on their days off may take off another day in lieu if they so choose.

*The right to protection against unemployment*

202. This right is guaranteed under article 32 of the Constitution, as stated above. The Employment Act stipulates the need to ensure fullest possible employment, reduce unemployment and provide social security for the unemployed.

203. A draft State job-placement programme for the period up to the year 2000 has been prepared by the Ministry of Health Care and Social Security. It is due to be ratified shortly, following completion of the necessary formalities.

204. Unemployed persons and job-seekers in Georgia may avail themselves of the services of State and private job-placement agencies. The State pays unemployment benefits for a period of six months, provided that a person is officially registered at a State labour exchange. Statistics from State job-placement agencies and sociological research show that most unemployed people are highly educated, yet the labour market does not provide them with suitable outlets for their skills and experience.

#### *The right to just remuneration*

205. The right to just remuneration for work is guaranteed under article 30 of the Constitution. The Code of Labour Laws proclaims that remuneration for labour shall be in proportion to its quantity and quality. It is prohibited to reduce remuneration for labour on account of sex, age, race or national origin (art. 75).

206. According to the Code of Labour Laws, the minimum wage is set by the President. In accordance with the Guidelines for the Regulation of Labour Remuneration in the Period 1996-2000, measures have been elaborated to improve public-sector pay, and recommendations have been drawn up concerning pay in the non-public sector (the business sector). Work is currently being done to establish a uniform wage scale for all categories of public-sector workers.

207. Non-public-sector pay issues are resolved by contract between employers and employees. A bill is currently in preparation to regulate the minimum wage in the business sector. As far as public-sector pay is concerned, the law states that the relevant budget appropriations are protected items, which means that they are unaffected by any adjustments to the expenditure section.

#### *Statistics*

##### *Employment*

208. In evaluating the employment situation it seems appropriate to take 1990 (the last year before Georgia became independent) as a benchmark. In that year the economically active population peaked, coinciding with the number of persons in employment. In the period 1991-1995 the economically active population and the number of persons employed declined steadily. The lowest recorded employment indicator, expressed as a percentage of the economically active population, was 93.4 per cent in 1993. In absolute terms the low point was recorded in 1995. Since then there has been some increase in the number of people in work, mainly because more people have become self-employed. In 1998 persons working for a wage or salary accounted for 36.4 per cent of the total employed population, with 59.8 per cent self-employed and unemployment (i.e. persons registered at a labour exchange) running at 3.8 per cent. During the period 1991-1998 there was a steady decline in the number of persons employed in the public sector and an increase in the number of workers in the non-State

sector. Whereas in 1991 the ratio of public to private-sector employees was 75.1 to 24.9 per cent, in 1998 the proportion was 34.7 to 65.3 per cent. A breakdown of workers by economic sector shows that, in 1997, 58.6 per cent of the working population was employed in agriculture, an increase of one third over the 1990 figure.

209. More than half (50.6 per cent) of working women are employed in the agricultural sector. The proportion of female workers is high in education (13.5 per cent) and health care (7.7 per cent) in proportion to the total number of working women. The percentage of women working in commerce, utilities and the food industry is fairly high (2-7 per cent).

210. There are no statistics on the national or ethnic origin of workers.

#### *Unemployment*

211. The first steps to regulate the unemployment registration system in Georgia were taken in late 1996. During this period, according to ILO standards, the total number of unemployed was 282,600, of whom over half (50.6 per cent) were female. Of this total, 219,200 were aged over 25. In 1997 the number of unemployed dropped to 165,000, of whom 49.4 per cent were women. There were 130,000 jobless people aged over 25. In 1998 the total number of unemployed stood at 294,700, of whom 44.9 per cent were women. Persons aged over 25 accounted for 82 per cent of the total. In the first six months of 1999 the total number of employed dipped slightly (to 267,700), as did the proportion of females (43 per cent). The number of unemployed persons aged over 25 increased to 84 per cent.

212. There is reason to believe that the numbers registered with State job-placement agencies do not adequately reflect the real level of unemployment. There are basically two reasons for this: the short period of entitlement to unemployment benefits and the paltry amount involved (approximately 10 per cent of the subsistence standard), and the slim chances of securing work through job-placement agencies: in the period 1995-1997 there were between 40 and 69 job-seekers for every vacancy. In 1998 this index dropped to 13 per vacancy, but only 6,400 people managed to secure employment through a job-placement agency.

213. An analysis of the occupational structure of unemployment reveals that 63-64 per cent of unemployed skilled specialists with higher or secondary education are female. Women account for over half (52 per cent) of the total number of unemployed persons who formerly performed skilled work in the agricultural sector and related activities. The average time spent seeking work in 1998 was 14.9 months for women and 14.7 months for men.

#### *Earnings and average income*

214. In 1998 average public-sector earnings were 47.1 lari for women and 76.8 lari for men at State-owned enterprises, and 31.0 and 56.2 lari respectively in budget-financed organizations. Earnings in the private sector were higher, amounting to 58.8 lari for women and 93.3 lari for men. It should be noted that women's earnings exceeded those of men only in foreign or joint enterprises (257.2 and 147.6 lari respectively). In 1998 the average monthly income of self-employed women was 74.5 lari, as against 139.7 lari for men. (Note: 1 lari = US\$ 0.50).

215. Statistical accounting in respect of unemployment, earnings and income disaggregated by nationality and ethnic origin exists but is not included in consolidated records. In practice the respective indicators for nationalities are proportional to their representation in the total population of Georgia.

*The right to form and join trade unions*

216. The right to form and join trade unions is guaranteed under article 26 of the Constitution. The exercise of this right is not subject to any restrictions, except when the purpose of the trade union (or other voluntary organization) is to overthrow or forcibly change the country's constitutional structure, endanger its independence or territorial integrity, disseminate propaganda that glorifies war or violence, or incite ethnic, religious or other strife. Clearly, as far as trade unions are concerned, these provisions are purely theoretical.

217. The law dealing with this section of the Convention is covered by the Trade Unions Act, the Collective Contracts and Agreements Act, and the Settlement of Collective Labour Disputes Act. Under the Trade Unions Act, the purpose of a trade union is to defend the labour, social and economic rights of working people, promote employment, bargain collectively, conclude collective agreements and monitor their implementation, participate in the settlement of collective labour disputes, monitor the enactment of labour law and exercise other legally specified powers. The right to form and join a trade union may be exercised by any person who has reached the age of 15 and is either employed or studying at a higher or secondary special educational establishment. The same persons may freely leave a trade union. Unemployed persons and pensioners retain their right to membership of a trade union (art. 2).

218. A presidential decree on promoting trade union rights came into force in January 1999. This outlines in more detail the powers granted to trades unions by law such as participation by union representatives on boards in Government institutions and other State structures at the central and local levels; involvement in the preparation of legislative acts concerning labour and social questions; and monitoring compliance with labour laws.

219. There were trade unions in Georgia in the Soviet period, but their activities were purely perfunctory. The post-Soviet period has witnessed the emergence of the Association of Georgian Trade Unions, a voluntary association of sectoral and regional trade unions established on the basis of the community of interests and principles of the work of the participating organizations. The Amalgamated Trade Union includes the trade union organizations of Abkhazia and Ajara, in addition to 32 sectoral trade unions. Their relations with the central and local authorities, and with employers and employers' organizations, are based on current legislation and governed by the principles of social partnership.

220. The Central Council of the Association of Georgian Trade Unions has resolved to join the International Confederation of Free Trade Unions.

*The right to housing*

221. The Constitution does not refer explicitly to the right to housing. However, the provision made in the Basic Law for the right to acquire, transfer, and inherit property (art. 21, para. 1)

may be seen as a tacit recognition of this right. Furthermore, the Constitution does not gainsay rights, freedoms and safeguards of individuals and citizens which are not explicitly mentioned yet flow naturally from the principles enshrined therein (art. 39).

222. The first instrument to record the right to own one's own housing was the Decree of the Cabinet of Ministers on the privatization of housing stock, adopted in February 1992. Under this Decree, citizens were able to acquire State apartments in which they were actually living and where they were registered as residents.

223. Various aspects of the right to housing are currently regulated by the Civil Code which came into force on 25 November 1997. The Code states that its validity extends only to transactions that were carried out subsequent to its entry into force. Transactions that were concluded on the basis of regulatory acts which lapsed when the Code came into force are regulated by those acts. These include the Ownership Rights Act. The Civil Code specifically stipulates that usucaption shall be calculated from the entry into force of the aforesaid Act (art. 1507, paras. 1, 3 and 4) on 23 July 1993.

224. The Civil Code further stipulates that if a person is recorded in the public register as the owner of immovable property without having the right to ownership, the individual shall acquire this right if he or she has been on the register for 15 years and has exercised de facto ownership over the property during that period (art. 167).

225. Under the Ownership Rights Act, the right of ownership is recognized and protected by law. A proprietor is entitled to own, use and dispose of his or her property (art. 1). Items subject to the right of ownership include residential properties and other forms of immovable property (art. 2). The right to own property in Georgia vests in Georgian nationals, stateless persons, legal persons and the State. Aliens, foreign States, foreign legal persons and international organizations may own property in Georgia subject to Georgian domestic law and unless an international agreement concluded by Georgia specifies otherwise (art. 3). Under current legislation, aliens and foreign legal persons are entitled to own residential properties and other forms of immovable property, with the exception of properties over which the State alone may exercise ownership. The same restriction applies to Georgian nationals and stateless persons (arts. 9 and 19).

226. The Civil Code stipulates that immovables may only be acquired on the basis of a notarized certificate indicating the reason for the purchase, and upon registration of the purchase in the public register (art. 183). In the interests of the purchaser, the person transferring the property is deemed to be the owner if he or she is registered as such in the public register (art. 185).

227. The right to own an apartment in an apartment building is regulated by the relevant chapter of the Civil Code. The Code states that, in apartment buildings, there exists a right of ownership over individual apartments and the section of the building which is not used as an apartment. Ownership of an apartment or non-residential space is considered individual ownership (art. 203). A tenant who has lived in an apartment for more than three years has a preferential right of purchase (art. 209). A plot of land or part of a building or structure which is not personal property is deemed to be jointly owned by the tenants. Apartment owners are also



entitled to a share of the joint property. It is prohibited to transfer personal property without making arrangements for the share in the joint property (arts. 208 and 214). The procedure for transferring and acquiring apartments is the same as for other forms of immovable property, as outlined above.

228. A person may exercise his or her right to housing by concluding a contract to lease residential property, the procedure for which is set out in a special chapter of the Civil Code. A contract between landlord and tenant may be concluded for an indefinite period, with a specified sum to be paid at termination of the lease. If a lease on a residential property is concluded for a specified period, the tenant is entitled to request an indefinite extension at least two months before the date of expiry, provided the landlord agrees (art. 560).

229. A landlord may terminate a lease on an apartment only in the following circumstances: if the tenant has deliberately violated his contractual obligations; if the landlord requires living space for himself (herself) and his or her immediate relatives; if the tenant refuses to pay a higher rent in line with market prices; or if the tenant has committed an unlawful or immoral act which makes further dealings with the landlord impossible (art. 562). The landlord is also entitled to terminate a lease if the tenant has not paid a specified sum within three months (art. 558).

230. The Leasing Arrangements Act deals with transactions requiring special legal regulation as a result of the Soviet-era practice of acquiring housing through the payment of “backhanders”. In such cases the parties may have concluded an illegal contract of purchase and sale or struck a deal involving the transfer of rights to living space. In the former case the purchaser declares himself (herself) to be the owner of the property, while in the latter the occupier retains the living space in accordance with the procedure and terms stipulated in the Act. In such circumstances the owner may request the tenant to vacate the property only if suitable accommodation becomes available in the same district or upon payment of adequate compensation.

231. At the end of 1997 Georgia’s housing stock totalled 98 million square metres, of which 50.2 million were in towns and 47.8 million in the countryside. The total floor area of State, public and housing association property was 23.2 million square metres (in towns alone). Some 74.8 million square metres of living space was privately owned, of which 27 million were in towns and 47.8 million in rural areas. Since 1990 the number of apartments under construction has declined steadily, from 11,500 to 600 in 1997 and 1998. Since 1994 most apartments have been built by private contractors.

232. Municipal residential construction having all but ceased, there remain two ways of exercising the right to housing - purchase and leasing. Housing in Georgia is readily available, given that supply far outstrips demand. There is no discrimination in sale and purchase transactions, nor in the rental market. Such matters are settled by the capacity to pay of the party interested in acquiring or renting property, regardless of origin, religious beliefs or other racial considerations.

*The right to public health, medical care, social security and social services*

233. The Constitution states that everyone has the right to health insurance as a means of securing accessible medical care. The law specifies that in certain circumstances medical care is

provided free of charge (art. 37, para. 1). The Constitution does not contain any special norms relating to the right to social security and social services. However, the State is under an obligation to promote the welfare of the family and protect maternity and childhood (art. 36, paras. 2 and 3).

234. The right to public health and medical care is regulated by the Health Care Act and the Medical Insurance Act. The Health Care Act states that one of the central tenets of Government health policy is a pledge to provide universal and equal access to medical care in the form of appropriate medical programmes. No patient may be discriminated against on the grounds of race, skin colour, language, sex, religion, national, ethnic or social origin, or sexual orientation (art. 6). All Georgian nationals have the right to obtain accessible, full and objective information about the state of their health, except when such information would cause the patient significant harm (arts. 7 and 41).

235. Under the terms of the Medical Insurance Act, State medical insurance is compulsory for all Georgian nationals and stateless persons resident in Georgia. The system is designed to cover all medical expenses incurred under State medical programmes (art. 2). Foreign nationals living and working in Georgia must participate in the State medical insurance scheme unless an international treaty specifies otherwise (art. 3, para. 2). All residents of Georgia are entitled to take out voluntary medical insurance, to choose a physician or medical institution in accordance with the terms of their insurance contract, to receive a full range of treatment and to sue a medical institution, insured party or insurer for damages (*ibid.*, paras. 3-5).

236. The restructuring of the Georgian health-care system, which began in 1995, aims to introduce an essentially new organizational structure into the public health service, based on sound economics and free from political influence and ideological restrictions. To date, the reforms have yielded a qualitatively new organizational and administrative model for the health-care system, and appropriate institutions have been established at both the central and local levels. More than 1,500 medical institutions have become financially autonomous, and preventive medical and pharmaceutical institutions have been licensed. The transition to management by objectives has made it possible to highlight priorities and identify minimum public health-care requirements (core services) which the State finances through central and municipal programmes. In 1998 the State paid for 86 programmes under which some 3 million patients received treatment. The number of medical institutions and their staff is being optimized through licensing, certification, privatization and consolidation. Privatization of the network of pharmacies has helped to eliminate the shortage of medicines. Under the Medication and Drug Industry Act, State regulation will shortly come into force in the form of price ceilings for various medicines and measures to ensure that these items are widely available.

237. No statistics have been compiled on patient nationality. The main problem regarding the exercise of the right to medical care is the population's inability to pay, and hence the inaccessibility of treatment not provided under State programmes. And owing to the serious national financial and budget crisis, even these programmes are inadequately funded.

238. In the area of social security and social services, the Georgian State pension system provides for the following forms of social assistance: old-age pensions, invalidity benefits, occupational injury benefits, maternity allowances, family income supplements and sickness benefits.

239. Benefits for forcibly displaced persons and victims of natural disasters are paid out of funds administered by the Ministry of Refugees and Placement. Unemployment benefits are paid out of the consolidated State employment fund.

240. With effect from February 1996 the retirement age in Georgia was raised by five years; it is now 60 for women and 65 for men. There exists a list of occupations involving difficult or hazardous working conditions to which preferential measures apply, for example, reduction of the retirement age by 5-10 years. In 1998 the average pension for all categories of beneficiaries was 15 lari (approximately 16 per cent of the subsistence standard).

241. The Ministry of Health Care and Social Security is in the process of preparing a pensions bill. The bill does not contain a pensions formula because the State lacks the resources to pay differentiated pensions owing to financial and economic constraints. The bill therefore confines itself to the issue of pension rights. Until such time as a formula is adopted, pension amounts are determined in accordance with the State Budget of Georgia Act.

242. Pensioners and disabled persons are entitled to lump-sum benefits and concessions in respect of the cost of housing and utilities, and free travel on above-ground municipal transport. The Presidential Decree on social (family) assistance, promulgated in 1997, introduced a new form of special social assistance for families comprising pensioners and unemployed persons who are no longer fit for work. The unemployed were subsequently excluded from entitlement to social assistance owing to central budget constraints.

243. Social security for individual categories of beneficiaries is regulated by special laws. The Armed Forces, Internal Affairs and State Security Authorities (Retirees) Act has been in force since November 1996. The financial provisions of the Act are underwritten by the relevant departmental budgets. The Act specifies that, in addition to receiving higher pensions compared to other categories of retirees, beneficiaries also enjoy certain advantages when paying their utility bills. Under the Families of Persons Killed, Missing or Mortally Wounded while Defending the Territorial Integrity, Freedom and Independence of Georgia (Social Welfare) Act adopted in December 1996, the aforementioned families enjoy a number of privileges in respect of social amenities, public utilities, retail services, all forms of transport, medical care and job-placement.

244. Social welfare for the disabled is covered by a 1995 Act which conforms to the requirements of the United Nations Declaration on the Rights of Disabled Persons (1975) and the Standard Rules on Equalization of Opportunities for Disabled Persons (1993). The State programme for the social welfare and medical and social rehabilitation of disabled persons in the period 1997-2000 was approved in 1996. A number of social rehabilitation schemes for the disabled have been devised. For example, persons disabled since childhood who are employed in the public or business sector pay no income tax. Their utility bills are paid by the State. Persons disabled as a result of industrial injury receive an allowance from the enterprise or

organization where they sustained their injury in addition to a State pension. The amount of the allowance is determined in proportion to the extent of the disablement and takes account of the worker's average output.

245. The Displaced Persons Act regulates social welfare for this category of the population in addition to other questions. Displaced persons are entitled, *inter alia*, to free board at a temporary shelter and free use of public utilities. They also receive free treatment in State medical institutions and are entitled to regular or lump-sum benefits, if required. The State provides certain rehabilitation guarantees to displaced persons after they have returned to their place of permanent residence.

246. The Refugees Act stipulates that persons are entitled to receive a specified amount of food aid and a lump sum from the State budget even before they acquire refugee status, provided they have registered with the Ministry of Refugees and Placement. Such persons also have the right to stay in a temporary shelter and send their children to a pre-school institution or a general educational school. Upon acquiring refugee status, a person retains the right to stay in a temporary shelter for six months, in addition to all the rights listed above. After six months refugees may settle in a locality proposed by the Ministry of Refugees and Placement and exercise all the rights provided for under the Legal Status of Aliens Act, including the right to social security. The central and local authorities are obliged to help refugees find work and pay them regular monetary benefits.

247. The Legal Status of Aliens Act stipulates that aliens and stateless persons permanently residing in Georgia shall enjoy the same rights to benefits, pensions and other forms of social security as Georgian nationals (art. 10).

248. Georgia formerly lacked a mechanism for providing financial assistance to large families. Prior to 1997 there were benefits in respect of children under 16 and allowances for single mothers. Following the introduction of the system of targeted social assistance referred to above, child benefit payments were abolished. A system of social assistance for large families is currently offered by local authorities. Mothers receive a lump-sum payment following the birth of their third child. Starting in 2000, a lump sum of 100 lari will be paid for every child born into a family of displaced persons.

249. The Private Pensions Insurance Act was adopted in 1998 as a natural consequence of the Securities Market Act. The latter has not yet been adopted by Parliament. At the end of 1999 two former ministries were combined to form a single Ministry of Health Care and Social Security, one of whose main tasks will be to introduce private social security arrangements alongside State mechanisms.

250. In conjunction with the World Bank and the International Monetary Fund (IMF), the Ministry of Health Care and Social Security is devising a special comprehensive poverty-reduction programme designed to run for five to seven years. Among other priorities, the programme covers assistance to single pensioners, the elderly, the disabled and other vulnerable groups. In addition, special attention will be paid to unemployment insurance, the establishment of family and other benefits, food aid and health care for the poorest sections of the population, and the development of social funds.

251. Since 1995 the number of pensioners officially receiving social security benefits has been steadily declining; at the end of 1998 they numbered 967,400. Of these, 665,300 were drawing retirement pensions, 136,600 were claiming invalidity benefits, 71,000 were in receipt of social pensions and 50,800 were drawing a pension following the loss of the family breadwinner. A total of 23,936 people became entitled to a pension in 1998, of whom 8,376 were women.

252. Of the total population of disabled persons living in special institutions, there are 642 retirees, of whom 314 are female. There are 235 children, including 93 girls living in residential homes for disabled young people. In all, there are 10 institutions of this kind, seven catering for adults and three for children. In 1999 State budget funding for these institutions was cut substantially as compared with the previous year.

#### *The right to education and training*

253. Under the Constitution, everyone has the right to receive an education and choose the type of education. Pre-school education is guaranteed by the State. Primary education is compulsory. The State provides free basic education. Citizens have the right of free access to secondary, vocational and higher education in State educational establishments within the framework and under the rules established by law. The State supports educational institutions in accordance with the law (art. 35).

254. Since 1995 Georgia has been implementing educational reforms that make provision for the following types, stages and levels of education:

Pre-school education;

Basic education, including general primary education (6 years), general basic education (9 years) and general secondary education (12 years);

Vocational education, including trade schools, elementary vocational education and secondary vocational education;

Higher education, including preparation for bachelor's and master's degrees;

Postgraduate studies.

255. The Georgian education system is regulated by the 1997 Education Act, which gives substance to the constitutional principles of universal access to education and declares education to be a Government priority. According to the Act, one of the central tasks of national educational legislation is to guarantee and protect Georgians' constitutional right to receive an education (art. 2). Article 3 states that everyone has an equal right to receive an education, and that the establishment of an adequate system and proper social and economic conditions is the responsibility of the State. Education is understood to mean the attainment of a specific educational qualification, and the confirmation and authentication thereof by an appropriate certificate issued by the State. Persons whose educational qualifications have been certified in this manner have an equal right to continue their education at the next level or stage.

256. Education can be obtained in either a State or a non-State educational institution. Extramural tuition is another possibility.

257. The State provides basic education at its own expense, in addition to one-time vocational training for youngsters under 18 who have received a primary education only. The State fulfils its legally established constitutional duty to provide free secondary and vocational (including higher and postgraduate) education to every citizen through budget-funded requisitioning of educational places. State requisitions may be placed only with State-accredited educational institutions.

258. Aliens may receive an education in Georgia pursuant to international treaties and agreements. Aliens and stateless persons have the same rights of access to education as Georgian citizens (Legal Status of Aliens Act, art. 12).

259. Tuition in State educational institutions is in Georgian, but the Abkhaz language is also used in Abkhazia. On the recommendation of local authorities, the State creates conditions for the organization of special basic- or general-educational institutions or departments in order to accommodate Georgian nationals whose first language is not Georgian. Moreover, in order to obtain a State-approved certificate of educational achievement, Georgian citizens and stateless persons must pass a Georgian-language examination. The teaching of Georgian is mandatory in all State-accredited educational institutions.

260. The State provides facilities for youngsters with special educational needs in order to correct their development and improve their social adaptation. Special and corrective educational institutions have been established with this end in view. Persons who have been disabled from childhood receive benefits in respect of schooling and education. Schoolchildren designated as socially unadaptable or deviant are housed in special educational establishments to which youngsters aged over 11 are referred by court order.

261. Compulsory national standards apply to all licensed educational institutions. Special national educational standards apply in the case of special-needs pupils. There exist in Georgia programmes for pre-school education and general and vocational education, each of which includes a core element defined under the educational standard (the compulsory minimum) and a supplementary element which is a mandatory requirement for educational institutions complying with a State requisition.

262. Six-year-olds or children who will turn six in the course of the academic year are admitted to the first grade of primary school under the general educational curriculum. The basic level of the general educational curriculum ends in the ninth grade. In order to proceed to the secondary level of the curriculum, pupils must continue for another two years (with effect from 1 September 2001, three years). Completion of the secondary level of the general curriculum entitles students to pursue their studies in a higher educational establishment.

263. Persons who have obtained a basic general education may subsequently opt for elementary vocational education, with or without general secondary education. Elementary vocational education offers young people up to the age of 18 a one-time State-funded

opportunity to learn a trade with a view to engaging in skilled work. The purpose of the secondary vocational curriculum is to train intermediate-level specialists. Here, too, the point of departure is basic education, with or without general secondary education. The opportunity to acquire a higher-level vocational education has been discussed above.

264. The law also makes provision for vocational refresher courses and further training at State-accredited educational institutions if educational standards change, if an individual so wishes, or in order to take advantage of developments in the labour market.

265. The Education Act lays down special rules concerning respect for the rights and social welfare of all categories of students and pupils, measures to ensure the social welfare of children and teenagers with special educational needs, and health safeguards for pupils and students. Particular stipulations apply in respect of the rights and duties of parents (legal representatives) regarding their children's education. For example, the law stipulates that parents may freely choose the form of tuition and the educational institution which their minor children shall attend, and requires that the children's rights must be protected. Parents (legal representatives) are also obliged to ensure proper conditions for their children's education; if they choose to educate their children at home, they must comply with certain requirements. Parents (legal representatives) who prevent a child from receiving an education are accountable for their actions under the law. None of the above-mentioned legal rules is discriminatory or racially biased in any way.

#### *Statistical information*

266. At the start of the academic year 1998-1999 there were 3,179 general educational day schools in Georgia (excluding schools for mentally and physically disabled children). The total student population was 715,800. These figures include:

87 Russian schools and 152 autonomous departments catering for 43,700 pupils;

141 Azerbaijani schools and 8 autonomous departments catering for 41,000 pupils;

133 Armenian schools and 2 autonomous departments catering for 27,800 pupils;

10 autonomous Ossetian departments catering for 200 pupils.

It should be noted that there has been a steady decline in the number of pupils attending day-schools offering tuition in a first language other than Georgian. Compared with the academic year 1990-1991, the number of schoolchildren being taught in Russian fell by a factor of 4.1, while the numbers being taught in Azerbaijani and Armenian dropped by 8.4 and 8.3 per cent respectively. Meanwhile the number of children attending Georgian-language schools has increased by 1.01 per cent, to 693,100 pupils.

267. The secondary education system also comprises 37 high schools and 27 colleges. Many of these offer intensive instruction in foreign languages, including Modern Greek (the Greek diaspora in Georgia being fairly large).

268. At the end of 1998 there were 1,241 pre-school institutions, including 660 kindergartens, 560 kindergarten-day nurseries, and 14 day-nurseries. The total number of children attending was 74,200. Compared to 1990, the number of children in pre-school institutions has gone down by a factor of 2.7.

269. There are 44 residential-type institutions in Georgia, 29 of which may be properly defined as boarding schools. The total student population of these establishments is 5,387. There are also 15 residential schools for mentally and physically disabled children housing 1,641 pupils.

270. In 1998 there were 89 elementary vocational and trade schools catering for 18,900 students. The same schools also admitted 8,900 skilled workers during that year. There were 32,406 students in 83 State secondary special educational establishments. A total of 7,179 students attended 58 non-State (fee-paying) educational establishments of this type.

271. During the academic year 1998-1999 there were 24 State higher educational establishments in Georgia attended by 90,100 students and 154 non-State higher educational establishments catering for 38,300 students. At many of these establishments Georgian is not the only language of instruction. Teaching is offered in Russian in 12 departments at Tbilisi State University, 21 departments at Tbilisi State Technical University, 7 at Tbilisi State Teacher-Training College, 1 at Tbilisi State Medical University, and 2 at the Zoological and Veterinary Institute. Certain departments at higher educational establishments in Batumi and Kutaisi offer instruction in Russian, as do the economics institute at Gori and the teacher-training college at Telavi. Thus, young people at State higher educational establishments may pursue their studies in over 50 specialist disciplines in Russian only. Instruction in Russian is also offered in a number of departments at non-State higher educational establishments. At Tbilisi State University it is possible to study Armenian, Azerbaijani, Modern Greek and various Caucasian languages. There are faculties of Armenian and Azerbaijani language and literature at Tbilisi State Teacher-Training College. Among the various fee-paying higher educational establishments, mention should be made of the Aristotle Greek University.

#### *The right to equal participation in cultural activities*

272. This right is guaranteed under the Georgian Constitution, which stipulates: "The State shall promote the development of culture and create conditions for citizens' unrestricted participation in cultural life and the expression and enrichment of cultural identity ... Every Georgian national is obliged to attend to the protection and conservation of the nation's cultural heritage. National cultural heritage is protected by law" (art. 34). Georgian citizens "are freely entitled to develop their culture without any discrimination or interference" (art. 38).

273. Under the Culture Act, the State pledges to make every effort to promote cultural development and unrestricted participation in cultural life, ensure access to cultural property and endow all areas of culture with maximum financial and material support. The Act proclaims the equality of all Georgian citizens in cultural life regardless of their national, ethnic, religious or linguistic origin (art. 6), the right of every person to engage in any form of creative endeavour in accordance with his or her interests and abilities (art. 8), the prohibition of interference in the



creative process, and the prohibition of censorship, except to prevent the incitement of national, ethnic, religious or racial strife (art. 9). Everyone has the right to defend his or her cultural identity and to choose his or her artistic or aesthetic orientation (art. 10).

274. The Legal Status of Aliens Act stipulates that aliens in Georgia have the same right to avail themselves of cultural assets as Georgian nationals. Aliens in Georgia are guaranteed the right to use their native language and to protect and develop their national culture and traditions, provided this does not prejudice national interests or the legitimate interests and rights of residents of Georgia (art. 13). The Culture Act states that special stipulations regarding the cultural activities of aliens and stateless persons are defined under Georgian law (art. 16).

275. The Culture Act also regulates questions of international cultural cooperation, the aims of which are defined as “exchange of cultural property with other countries, access in accordance with international acts to the cultural property of all nations, and the development of mutual understanding between peoples in a spirit of peace and friendship” (art. 32). The State encourages the independent involvement of private individuals and cultural organizations in this dialogue of cultures, considering that the right of international cultural cooperation “vests in all peoples living in the State” (arts. 33 and 34).

276. Georgia’s national minorities fully exercise their right to participate in cultural life. There are three Russian State theatres, including a youth theatre, as well as an Armenian State theatre and three amateur theatres, Abkhaz and Ossetian State theatres, and two amateur Azerbaijani theatres. A special group of students is currently studying at the State Theatre and Cinema Institute; they will form the nucleus of the projected Azerbaijani State theatre in the capital. Abkhaz, Azerbaijani, Armenian, Assyrian, Greek, Jewish, Lithuanian, German and Ossetian choirs and dance ensembles have been performing successfully for many years. The Jewish children’s dance ensemble Yonat shel shalom (Dove of Peace), the winner of an international competition, deserves special mention.

277. The Georgian writers’ union has Russian, Armenian and other minority sections. The Pushkin international literary society has been established in Tbilisi. A Russian cultural centre is doing seminal work, Russian-Georgian and Azerbaijani-Georgian cultural ties have been developed and a “Caucasian House” cultural centre has been established. Libraries across Georgia offer national minorities access to literature in their native tongue. A recent Jewish book festival was a great success.

278. Georgia boasts innumerable cultural shrines to famous personalities connected in one way or another with Georgian culture and history. These include house-museums devoted to the life and work of M.F. Akhundov, D. Gulia (in Sukhumi), Mamedkulizade, V. Mayakovsky, N. Narimov, V. Teryan, K. Simonov and K. Khetagurov (in Tskhinvali). The Alexander Pushkin memorial house and the Lesya Ukrainka memorial library are located in Tbilisi.

279. The Georgian Ministry of Culture is working closely with national minority associations and their societies and cultural centres. The Ministry has set up a special service to deal with specific issues relating to the development of minority cultures. Although Georgia’s present

economic woes are taking a toll on the country's cultural infrastructure, the State is nevertheless endeavouring to find the means to support this sector as best it can. Between 1 and 1.9 per cent of the budget was allocated to cultural needs during the period 1997-1999.

*The right of access to any place or service intended for use by the general public*

280. Article 22 of the Constitution proclaims the right of all persons lawfully present in Georgia to move freely throughout national territory. The law states that this right may be restricted only to protect national and public security, insofar as this may be necessary for the existence of a democratic society, and to safeguard health, prevent crime or ensure the administration of justice. It is a criminal offence to infringe a person's freedom of movement.

281. The rights dealt with in this section are not explicitly referred to in law, but derive from the universally recognized human rights and freedoms which Georgia recognizes and abides by as "eternal and supreme human values". "In exercising their power, the people and the State are bound by these rights and freedoms as self-executing law" (Constitution, art. 7).

282. The Social Welfare of Disabled Persons Act is also germane to this section of article 5. This Act outlines in detail the necessary stipulations for facilitating access by the disabled to residential, public and industrial buildings, transport and transport links, media and information sources, and the freedom of movement of such persons in general (art. 7). It also refers to unimpeded access to cultural and entertainment institutions and sports facilities (art. 9). Lastly, article 9 guarantees the disabled free access or access on advantageous terms.

## **Article 6**

283. The Georgian Constitution proclaims that State power is exercised on the basis of the principle of the separation of powers (art. 5, para. 4). Everyone has the right to defend his or her rights and freedoms through the courts. The courts shall ensure that everyone is guaranteed full compensation, at State expense, for damages wrongfully caused by State authorities, self-governing bodies and their officials (art. 42, paras. 1 and 9).

284. The principles of the judicial system are laid down in chapter V of the Constitution, on the judiciary. Article 82 of the Constitution states that the judiciary is independent and that its functions are exercised through the courts alone by means of constitutional supervision, the administration of justice and other modes established by law. Article 83 states, *inter alia*, that justice is administered through ordinary courts. The system and organization of such courts is established by law. Court proceedings are conducted on the basis of equality and the adversarial principle (art. 85). Judicial decisions may be quashed, amended or suspended only by the courts in accordance with the procedure established by law (art. 84).

285. The workings of the Georgian judicial system and its procedures are regulated by the Ordinary Courts Act, the Supreme Court of Georgia Act, the Constitutional Court of Georgia Act, the Code of Criminal Procedure, the Code of Civil Procedure and the Code of Administrative Procedure.

286. The Ordinary Courts Act states that the Georgian judiciary is organized at three levels. The courts of first instance are the district (municipal) and circuit courts. The courts of second instance are the appeals courts, whose powers are exercised by the Supreme Courts of the Abkhaz and Ajar Autonomous Republics and the appeals courts in Tbilisi and Kutaisi. They hear appeals against decisions of district (municipal) and circuit courts. The Supreme Court of Georgia oversees legal proceedings in the ordinary courts, hears certain legally defined categories of cases in its capacity as a court of first instance, exercises constitutionally defined powers with regard to the commencement of impeachment procedures, and appoints three of the nine members of the Constitutional Court. Under the Supreme Court of Georgia Act, the Supreme Court is the highest-ranking court in the land and the ultimate judicial authority.

287. The ordinary courts in Georgia form an integrated system. Military courts may only be established during wartime and only within the system of ordinary courts. The formation of special courts or courts of limited jurisdiction is prohibited.

288. District (municipal) court judges hear cases on their own; in circuit courts, procedural law stipulates that certain cases must be heard by a panel of three judges. Criminal and civil divisions exist in circuit courts for this purpose. An appeal court has a civil division, an administrative division, a tax division and various other divisions. Cases on appeal are also heard by three judges. A system of three-judge panels for appeals has also been instituted in the Supreme Courts of Abkhazia and Ajara. The Supreme Court of Georgia has a criminal division and special benches for civil, commercial and bankruptcy, administrative and other categories, and criminal cases. There is also a supervisory bench. As a court of first instance, the criminal division hears a range of cases which criminal-procedure law places under the jurisdiction of the Supreme Court. The various benches, except for the supervisory panel, are courts of cassation which hear appeals against appellate court judgements. The supervisory bench hears applications regarding reopened proceedings and new evidence that has come to light. Cases in the Supreme Court are heard by three judges, or by one judge and between two and six alternates in the criminal division.

289. With a view to formulating proposals for the reforms of the Georgian judicial system, the selection and nomination of candidates for the bench, dismissal of judges, and the organization of qualifying examinations, a 12-member consultative body - the Council of Justice - has been set up under the authority of the President. The Council comprises the President of the Supreme Court, the presidents of the supreme courts of Abkhazia and Ajara, four members appointed by the President, one by the Supreme Court and four elected by Parliament. In Abkhazia and Ajara the highest-ranking representative bodies of these autonomous areas are also establishing councils of justice. The Georgian Council of Justice has the power to open disciplinary proceedings against a judge (following a complaint) for breach of workplace regulations, failure to comply with the time limit for hearing a case, or irregularities in the drafting and issuance of judicial documents. In all other cases, disciplinary proceedings are handled by the next-highest judicial authority. Disciplinary proceedings in connection with a breach of the law committed during the hearing of a case may be initiated only during consideration of that case or following a complaint. The substance of a disciplinary case is examined and decided upon by a disciplinary panel of judges.

290. The Ordinary Courts Act, following the Constitution, states that “all persons are entitled to have their rights and freedoms defended through the courts ...” (art. 3). Justice is administered on the basis of the equality of all parties before the law and the courts. Court proceedings are conducted on the basis of equality and the adversarial principle (art. 6). The principles of equal access to the courts and equality before the law and the courts are enshrined in the Code of Civil Procedure (arts. 2 and 5) and the Code of Criminal Procedure (art. 9). The Code of Administrative Procedure states that administrative proceedings are covered by the provisions of the Code of Civil Procedure (art. 1). Both criminal- and civil-procedure law adhere to the rule that requires a court to decide exclusively on the questions submitted to it, which is designed to ensure that the parties can freely exercise their substantive and procedural rights. In addition, the Code of Criminal Procedure explicitly stipulates that its jurisdiction also applies to aliens and stateless persons present in Georgian territory (art. 5), with the exception of persons enjoying diplomatic privileges and immunity, in respect of whom the procedural steps envisaged under the Code are applied only if they so request or consent.

291. A synopsis of judicial procedures under current legislation is outlined below.

292. Judicial procedure in respect of constitutional supervision: Under the Constitution, the Georgian Constitutional Court, as a constitutional supervisory body, is empowered on the basis of legal actions brought by citizens to examine the constitutionality of regulatory acts covering questions dealt with under chapter II of the Basic Law (Georgian Nationality. Fundamental Rights and Freedoms of the Citizen) (art. 89). Article 39 of the Constitutional Court of Georgia Act specifies that the right to bring legal actions of this kind vests in “Georgian natural persons and foreign States if they consider the rights and freedoms recognized in chapter II of the Constitution to have been violated”. The defendant in such cases is the body which promulgated the act whose constitutionality is in dispute (*ibid.*). Under this Act, if in the course of hearing a case an ordinary court concludes that there are sufficient grounds for ruling a particular law or regulatory act unconstitutional, and if the court is bound to apply this provision in handing down its decision, the court shall suspend its consideration of the case and refer the matter to the Constitutional Court. Consideration of the case shall resume once the Constitutional Court has issued a ruling on the matter (art. 20). Criminal- and civil-procedure law contain similar provisions.

293. When a constitutional action is upheld, the regulatory act that was found to be unconstitutional is considered to be no longer in force from the moment the relevant decision of the Constitutional Court is published. This decision is final and cannot be appealed (Constitutional Court of Georgia Act, arts. 23 and 43).

294. Administrative proceedings: According to the Code of Administrative Procedure, disputes in connection with legal relations arising from administrative legislation are triable in the ordinary courts, for example the extent to which an administrative legal act is consistent with the law, the obligation of an administrative body to pay damages, and the publication of an administrative legal act or other proceeding (art. 2). Such cases are heard in district (municipal) courts, except for actions intended to clarify the legality of administrative legal acts promulgated by the President, high-ranking State bodies and the authorities of autonomous areas, administrative regulations adopted by town halls (mayors) and representative bodies in the

six largest cities, and all questions pertaining to licensing (art. 6). Legal proceedings may be brought with a view to having an administrative legal act declared null and void or no longer valid, and the action is considered to be admissible if the act in question or any part thereof directly or immediately prejudices the legitimate rights and interests of the plaintiff or unlawfully restricts his or her rights (art. 22). Under the aforementioned admissibility criteria, it is also possible to initiate legal proceedings in connection with the publication of an administrative act or to take action unconnected with the publication of an administrative act (arts. 23 and 24).

295. If a court holds that an administrative act is unlawful, it issues a ruling declaring it to be null and void; if said act was executed before the decision was handed down, the ruling also indicates the procedure for its nullification. A court ruling that voids an administrative regulation has binding force; in certain cases stipulated in the Code such an act is deemed to be no longer valid (art. 32).

296. The procedure for appealing court decisions in administrative cases is set out in the Code of Civil Procedure.

297. Civil proceedings: Under the Code of Civil Procedure, all persons are entitled to judicial protection of their rights. Cases are heard pursuant to applications by persons having recourse to the law in order to defend their rights or legally defined interests (art. 2). Civil justice is administered exclusively through the courts on the basis of the equality of all persons before the law and the courts (art. 5). Article 11 of the Code lists the categories of cases triable in the civil courts which relate to the various items dealt with under article 6 of the Convention. The Code of Civil Procedure outlines the procedures for making restitution when a person's rights have been violated. General principles on protection of rights are to be found in the Civil Code.

298. The Civil Code envisages the following remedies for the protection of civil rights: individual initiative (if the competent authorities are slow to offer assistance and a failure to act expeditiously might imperil one's rights); an action to recover damages pursuant to a breach of obligations; the duty of the person paying damages to restore the status quo ante; the recovery of damages both material and immaterial; and other remedies established by law (arts. 118, 394, 404 and 413). Mention should also be made in this context of article 18 of the Code insofar as it deals with personal non-proprietary rights. This article deals with a person's right to set the law in motion to rebut information that compromises his or her honour, dignity, personal confidentiality, personal inviolability or business reputation. If such a violation is occasioned by an action in which elements of culpability can be established, the plaintiff may recover damages, including moral damages.

299. Criminal proceedings: Clearly the administration of justice with regard to offences under article 142 ("Violation of equality") is of critical importance with reference to article 6 of the Convention, although, as was noted in the relevant section of this report, a number of other articles refer to the possibility of racially motivated crimes.

300. Article 24, paragraph 2, of the Code of Criminal Procedure lists the ways in which criminal proceedings can be set in motion, including the filing of application by citizens. In all cases, persons conducting initial inquiries, investigators and procurators are obliged to identify the evidence of the crime, initiate a public prosecution to the extent of their jurisdiction, and take measures to reveal the crime and identify the guilty party. The victim has the right to mount a State prosecution on the indictment drawn up by the procurator. If the procurator refuses to indict or amend an indictment, the victim is entitled to press ahead with the former indictment. In such cases proceedings are not discontinued (art. 25).

301. Persons who have sustained material, physical or moral injury as the result of a crime have the right to seek compensation through criminal proceedings and to bring a civil action for that purpose (art. 30).

302. Special Chapter XXX of the Code of Criminal Procedure (arts. 234-244) governs the procedure for filing complaints regarding the actions of persons conducting an initial inquiry, investigators, procurators, judges or courts, and for challenging decisions handed down by such persons or bodies. This right may be exercised not only by the parties to the proceedings but also by other citizens or organizations.

303. Chapter XXVIII of the Code of Criminal Procedure also stipulates the procedure for indemnification and recovery of damages pursuant to unlawful and unwarranted actions by bodies conducting the legal proceedings (arts. 213-229).

304. Article 9 of the Code states that all persons are equal before the law and the courts, regardless of race, nationality, language, sex, social origin, property and official status, place of residence, attitude to religion, faith, or other factors.

305. The right to seek redress through other institutions: As well as having the right to seek redress through the courts and to defend their rights in judicial proceedings, all persons have the right to apply to an administrative body in order to set administrative proceedings in motion. Such applications must be registered and, in accordance with legally defined procedure, must be decided upon within 15 days to one month. Exceptionally, depending on the nature of the case, this time limit may be extended, but not by more than three months. If the applicant does not agree with the decision, he or she is entitled to appeal to a higher-ranking State institution or a court (General Administrative Code, arts. 76-79, 100, 177 and 178).

306. Under the People's Advocate Act, an ombudsman examines applications and complaints from Georgian citizens, aliens, stateless persons and NGOs concerning any action by State and local authorities, State and non-State organizations, officials and legal persons which violates human rights and freedoms as established by the Constitution, the law and international treaties and agreements to which Georgia is a party (art. 13). Following verification, the People's Advocate is empowered to take a series of measures provided for by law to restore violated rights, including the dispatch of written communications to the President or Parliament if the various remedies at his disposal should prove insufficient (art. 21).

## Article 7

### Teaching and education

307. The section of this report on the right to education and training (pursuant to article 5 of the Convention) provides information on the Georgian education system and its legislative regulation. The following details concern the teaching of human rights at various levels of the education system.

308. In 1993 teaching of the Universal Declaration of Human Rights as an optional subject on a once-a-week basis was begun in general educational schools in the final classes of the primary (fourth grade), basic (ninth grade) and secondary levels (eleventh grade).

309. A programme to study the Convention on the Rights of the Child has been launched in fourth-grade classes in Tbilisi with the assistance of the United Nations Children's Fund (UNICEF). Appropriate guidance material for teachers has been prepared. The Ministry of Education has devised a syllabus and appropriate aids for studying the Declaration at ninth and eleventh grade. Norway has offered advice on refugees, and a manual entitled "We are Teaching Human Rights" has been provided to teachers. Special courses, seminars and conferences are being organized for the relevant teachers. Accordingly, in 1999 a total of 293 teachers from Georgian-language schools and 101 teachers from non-Georgian-language schools underwent special training in human rights education.

310. The Ministry of Education and its coordinating council on human rights education periodically monitor instruction in this subject. An interactive and integrated approach is used to teach this subject, thereby forging links between human rights and related disciplines and broadening the pupils' outlook. Teachers place particular emphasis on the historical tolerance of Georgian society, which throughout the ages has rejected all forms of racism and division, and stress the need to develop these traditions.

311. In addition to human rights, children in grades 9 through 11 at general educational schools study such subjects as "Principles of the Georgian State and Georgian Law" and "Social Sciences". These subjects also touch on the legal dimension of human rights protection and the distinctive cultural features of different societies, including their identity and real value in the international community.

312. At Tbilisi State University's international law faculty, students can attend a special human rights course, and the legal faculty offers a course under the same name.

### Culture

313. The section of this report dealing with the right to participate in cultural activities pursuant to article 5 of the Convention explained how minority cultural rights are realized and outlined State cultural policy as a whole and with specific reference to the principle of non-discrimination. The following details concern the activities of voluntary associations of minorities in Georgia, one of whose aims is to preserve the identity and culture of minorities.

314. Ethnic Russians have the highest number of voluntary associations. The largest is the Russian Cultural and Educational Society, which has nine branches and 16,000 members. Other large associations include the charitable Slav House Association, the Hope Association, the Batumi-based Friendship Association, and the Union of Georgian Cossacks. The dukhobor, molokane and Old-Believer communities in Georgia deserve special mention. In the 1930s members of these Christian sects were deported from Russia to Georgia. They settled throughout the country, in some regions forming whole villages. The dukhobor community settled in seven villages in Dzhavakhetzky region, where they have preserved their culture, traditions and faith for more than 150 years. In recent years some members of this community have returned to Russia, but sociological research carried out from 1992 to 1995 indicates that this exodus is due to economic conditions rather than to religious or cultural discrimination.

315. The Azerbaijani minority is represented by the Union of Georgian Azerbaijanis and the cultural-charitable societies Dayagi, Birlik, Umid, Ozan, and Geirat. Tbilisi boasts an Azerbaijani cultural centre. The Sazi international Azerbaijani-Georgian society, whose aim is to promote friendship and cooperation, should also be mentioned.

316. The Armenian community set up a cultural-charitable society some years ago. At a congress held in 1999 it was decided to transform the society into a Union of Georgian Armenians, the aim of which, inter alia, would be to strengthen Armenian-Georgian friendship and develop ties between Georgia and Armenia. Armenian voluntary organizations having a regional base in Georgia include the Charles Aznavour charitable association, based in Akhaltsikhe, and the Veratsenunts society in Batumi.

317. The following minority voluntary associations have been founded and operate freely in Georgia:

1. The Federation of Greek Communities, which brings together 25 communities from across Georgia. At the Federation's initiative, Greek cultural and educational centres and Sunday schools have been established, and two newspapers are published in Tbilisi and Batumi. The Federation supports regular contacts with the Greek diaspora abroad;
2. Kurdish (Yazidi) organizations, including the Union of Georgian Yazidis, the Society of Georgian Citizens of Kurdish Nationality, the International Kurdish Information Centre, and four women's, youth and religious organizations. Kurdish organizations maintain links with national cultural centres and societies in various countries around the world;
3. The Einigung German society. The German community in Georgia numbers only about 1,500 people, two thirds of whom speak Russian as their first language. The Einigung society seeks to satisfy the cultural needs of the German diaspora, for example by organizing periodic exhibitions by artists of German origin in Tbilisi;



4. The Polonia Polish society, established in 1995, has some 800 members including young people under the age of 18. The director of the society is a female professor at Tbilisi State University. The society mainly pursues cultural and educational aims.

318. A range of other minority associations are represented in the “third sector” (Assyrian, Latvian, Lithuanian, Ukrainian, etc.). They aim to preserve the identity and satisfy the cultural needs of these communities.

319. Minority NGOs enjoy State support. One of the most important tasks of the Presidential assistant on inter-ethnic issues is to maintain close contact with national minority societies with a view to devising an effective policy for the protection and promotion of their rights and freedoms, in accordance with the Constitution and Georgia’s international obligations.

### **Information**

320. The section of this report on the right to freedom of opinion and expression, as set out in article 5 of the Convention, made reference to article 24 of the Constitution, on freedom of information. Paragraph 2 of that article states that the mass media are free and that censorship is prohibited. Article 24 lists the circumstances in which the freedom of the mass media may be restricted. These include protecting the rights and dignity of others and preventing the release of confidential information.

321. Under article 1 of the Press and Mass Media Act, Georgian citizens have the right to express, broadcast and defend their opinions using any media and to obtain information about affairs of State and public life. They also have the right to obtain information from foreign sources.

322. Some 243 national and regional newspapers are currently published in Georgia. The vast majority are privately owned and cover a broad range of issues. Four or five of the most significant periodicals covering a broad cross-section of material have gradually built up an authoritative reputation. Although these publications and the rest of the press are geared to the demands of the market and are not immune to occasional sensationalism, they do not publish discriminatory or racist material. The same can be said for private television and radio stations. As far as State-funded electronic and print media are concerned, the section of this report on freedom of expression describes the activities of non-Georgian-language mass media, having regard to their audience. Neither these nor their Georgian-language counterparts have ever published articles that are contrary to the provisions of the Convention.

323. As regards media coverage of human rights issues, it should be noted that Georgian radio channel one and a private radio station have organized a weekly series of educational programmes on human rights issues. At the initiative of the People’s Advocate, a private

television company used to produce a regular programme called “These are your rights”, which ran for some time. Lawmakers, government representatives, prominent experts and human rights defenders were guests on the programme. It is still on the air, although it is broadcast less frequently, owing to financial difficulties.

324. Senior parliamentary and government officials involved in human rights issues, NGO representatives and human rights workers make regular statements in the press and on radio and television. They normally focus on the practicalities of exercising human rights and freedoms in Georgia.

**List of annexes**

1. Initial report of Georgia on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (February 1998)
2. Introductory statement delivered by the delegation of Georgia during consideration of Georgia's initial report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (June 1999)
3. Core document on Georgia
4. Constitution of Georgia
5. National Plan for the Advancement of Women during the period 1998-2000
6. Presidential Decree on measures to strengthen the protection of women's rights in Georgia
7. Presidential Decree endorsing the plan of action to combat violence against women for the period 2000-2002
8. National minorities in Georgia

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