



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

Distr.: General
25 February 2011

Original: English

Committee on the Elimination of Racial Discrimination

**Reports submitted by States parties under article
9 of the Convention**

Fourth and fifth periodic report due in 2008*

Georgia**

[31 May 2010]

* This document contains the combined fourth and fifth periodic report of Georgia, due on 2 July 2006 and 2008 respectively. For the second and third periodic reports and the summary records of the meetings at which the Committee considered those reports, see documents CERD/C/461/Add.1 and CERD/C/SR.1705 and 1706.

** In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

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Introduction

1. This is the combined fourth and fifth periodic report of the Government of Georgia on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, submitted under article 9 of the Convention. The report was prepared in accordance with the Guidelines for the CERD-Specific Document to be submitted by States Parties under Article 9, Paragraph 1, of the Convention, adopted by the Committee on the Elimination of Racial Discrimination (CERD/C/2007/1). The report contains information on the legislative, judicial, administrative and other measures carried out by Georgia since the submission of its previous reports which give effect to the provisions of the Convention. In particular, the report addresses the issues raised in the concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/GEO/CO/3).

I. General

2. Georgia is an ethnically, culturally, linguistically and religiously diverse country where particular attention of the government is required for the development of a national minority. The Constitution guarantees the rights of persons belonging to national minorities and prohibits discrimination, including on ethnic or religious grounds. In the aftermath of the “Rose Revolution”, full integration of all ethnic minorities in Georgia remains a continuous challenge for the current government.

A. Status of international law and the national legal framework

3. International treaties are an integral part of Georgian legislation. According to the Law of Georgia on “Normative Acts” (Article 19.1), an international treaty or agreement shall prevail over all other normative acts, except for the Constitution (or the Constitutional Law) and constitutional agreements. In accordance with Article 6 of the Constitution, Article 20 (2) of the Law of Georgia on Normative Acts and Article 6 of the Law of Georgia on International Treaties, an international treaty and agreement to which Georgia is party, shall take precedence over national normative acts if it does not contradict the Constitution of Georgia. The self-executive provisions of an international treaty are directly applicable in Georgia and do not require adoption of a conforming national normative act.

4. The principle of equality is implemented through several national legislative acts, namely, the Constitution of Georgia; Criminal Code of Georgia (hereinafter CCG); Code of Criminal Procedure of Georgia (hereinafter CCPG); Civil Code of Georgia, Code of Civil Procedure of Georgia, General Administrative Code of Georgia. The list below includes other laws directly or indirectly related to the prohibition of discrimination on various grounds: Law on Political Unions of the Citizens; Law on Gatherings and Manifestations; Labour Code; Law on Broadcasting; Law on Public Education; Law on Higher Education; Law on Rights of the Patient; Law on Protection of Health; Law on Culture; Law on the Enforcement of Non-Custodial Punishment and Probation; Law of Georgia on Property Restitution and Compensation for the Victims of Conflict in the Former South Ossetian Autonomous District in the Territory of Georgia; Law on Fighting against Trafficking; Law on Electric Communications; Law on Free Trade and Competition; Law on Barristers; Law on Private International Law; Law on Conflicts of Interests in Public Service and Corruption; Law on Social Protection of Persons with Disabilities.

B. International legal instruments relating to human rights

5. The basic principles of the Universal Declaration of Human Rights have been incorporated in the laws of Georgia. International agreements of paramount importance in protecting rights and freedoms of national minorities have been ratified by Georgia, namely, universal treaties such as International Convention on the Suppression and Punishment of the Crime of Genocide; International Covenant on Civil and Political Rights; Additional Protocol to the International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; Additional Protocol to the Convention against Torture or other Cruel, Inhuman or Degrading Treatment or Punishment; International Convention Concerning Discrimination in Respect of Employment and Occupation; Employment Policy Convention; Convention on the Elimination of all Forms of Racial Discrimination; International Convention on the Suppression and Punishment of the Crime of Apartheid; Convention on the Political Rights of Women; Convention on the Elimination of all Forms of Discrimination against Women; and regional treaties such as European Cultural Convention; European Convention for the Protection of Human Rights and Fundamental Freedoms, and its 4th, 6th, 7th and 12th Additional Protocols; European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, and its first and second Additional Protocols; Framework Convention for the Protection of National Minorities.

C. State institutions and other specialized bodies combating discrimination

6. Office of the State Minister for Reintegration – The Office of the State Minister for Reintegration (OSMR) was created by the Decree No. 23 of the Government of Georgia, on 8 February 2008. Mission statement of the Office for the Reintegration is to contribute to the restoration of the territorial integrity of Georgia, reintegration of local inhabitants of Abkhazia and Tskhinvali Region/South Ossetia into the unified state of Georgia, and contribute to safe and dignified return of all refugees and internally displaced persons and their descendants. OSMR is tasked with promoting civil integration of all ethnic minorities residing in Georgia, coordinating relevant activities of state agencies, and supervising the implementation of the National Concept for Tolerance and Civil Integration and its Action Plan adopted by the Government of Georgia in May 2009. For this purpose, the inter-institutional Commission has been established by Decree No. 13 of the State Minister for Reintegration on 3 July 2009. The Commission comprises employees of the OSMR as well as relevant public servants and representatives of local and international organizations.

7. Parliament of Georgia – According to a decision of the Parliament of Georgia, the Committee for Human Rights and National Minorities was established in 1995 as a permanent body. In 2004, the area of responsibilities of this Committee widened to include civil integration, and was renamed as Human Rights and Civil Integration Committee (HRCIC). HRCIC works in two directions: human rights protection and civil integration. It aims to elaborate new legislative acts, develop existing ones and monitor their implementation. The purpose of HRCIC is to facilitate creation of a democratic society based on respect for human rights, as well as to improve the legal framework in the area of human rights and civil integration. It cooperates with representatives of national minorities, as well as international and non-governmental organizations working in human rights and civil integration sphere.

8. Civil Integration and Tolerance Council – On 13 October 2005, Georgia ratified the Framework Convention for the Protection of National Minorities, and the Government intensified its work on relevant state policy. In accordance with Presidential Decree No.

348, the Civil Integration and Tolerance Council (CITC) was created on 8 August 2005. It consists of representatives from the executive and legislature, Office of the Public Defender, civil society organizations and national minorities. The functions of CITC are as follows:

- (a) To study and analyze existing international, governmental, social, and academic experience, programmes and initiatives, studies and opinions in the fields of tolerance and civil integration;
- (b) Achievement of wide national consensus on tolerance and civil integration issues through ensuring active participation of every interested person, and holding dialogue with political, social, ethnic and religious groups;
- (c) Development of a civil participation mechanism for the National Integration Strategy and Action Plan;
- (d) Development of schemes to provide political, financial, institutional, legal and expert resources for implementation of the National Integration Strategy and Action Plan;
- (e) Analysis of the current legislation of Georgia and development of a package of legal changes to improve existing gaps;
- (f) Development of mechanisms to monitor implementation of activities stipulated in the National Integration Strategy and Action Plan, and to enable appropriate responses to the changing environment.

CITC has developed a National Concept for Tolerance and Civil Integration as well as its respective Action Plan that was adopted by the Government of Georgia in May 2009.

9. Office of the Public Defender – The Office of the Public Defender (PDO) supervises the protection of human rights and freedoms on the territory of Georgia. The responsibilities of the Public Defender are defined by the Constitution of Georgia (Article 43) and the Organic Law on the Public Defender (dated 16 May 1996). The Public Defender monitors protection of human rights and freedoms on the basis of submitted applications and appeals, and on his/her own initiative; takes decisions following review of the facts (Articles 12, 16). Based on verified evidence, the Public Defender makes recommendations to the bodies and/or relevant public authorities having infringed human rights for the reinstatement of the violated rights.

The Tolerance Center supported by United Nation's Development Programme (UNDP) operates under the PDO. The Tolerance Center coordinates two Councils: the Council of National Minorities (hereinafter CNM) and the Council of Religions (hereinafter CR).

10. CNM was found in 2005 and is supported by the European Centre for Minority Issues (ECMI).¹ CNM includes eight minority organizations and its main function is to act as a platform for on-going dialogue and consultation between national minorities and governmental structures. CNM also aims at improving and supporting civil integration of national minorities, by involving representatives of national minorities into the policy formation processes of the country and drafting recommendations on minority related issues; It is also authorized to react if minority rights are violated or/and conflicts occur, and it supports national minorities in the preservation of their cultural heritage.

¹ The European Centre for Minority Issues (ECMI) is a non-partisan institution founded in 1996 by the Governments of the Kingdom of Denmark, the Federal Republic of Germany, and the German State of Schleswig-Holstein. The ECMI field office in Georgia was established in 2003.

11. CR was established in 2005 on the basis of Memorandum concluded between the Public Defender and representatives of various confessions, where religions associations are unified voluntarily. The main goal of the CR is to facilitate creation of a tolerant, just, equal, peaceful environment and civic integration of the representatives of religions and confessions existing within Georgia. For that purpose, CR promotes increasing participation of religious associations in social life and decision making through multilateral dialogue. Currently, 23 confessions and organizations are united under the CR.

D. Civil integration policy

12. Since the ratification of the Framework Convention for the Protection of National Minorities in 2005, the Government of Georgia started to work on elaborating a comprehensive state policy in the field of civil integration and protection of minority rights. As noted above, in May 2009, the Government adopted the National Concept and Action Plan for Tolerance and Civil Integration. The National Concept outlines six strategic directions: rule of law, education and state language, media and access to information, political integration and civil participation, social and regional integration, culture and the preservation of identity. In the drafting process of the Concept and Action Plan, every interested party, including civil society representatives had the opportunity to submit their observations and proposals for discussion within the CITC. A Memorandum of Cooperation was signed between the CITC and the PDO/CNM. In accordance with the Action Plan, a memorandum of cooperation will be signed between the PDO/CNM and the relevant line ministries. The memorandums are aimed at establishing systems of cooperation and consultation, as well as greater participation of national minorities in the decision-making process on issues that affect their legitimate interests. The Action Plan also envisages the creation of regional councils in Kvemo Kartli, Samtskhe-Javakheti, Kakheti, Shida Kartli, Imereti and with the Government of the Autonomous Republic of Adjara. The regional councils will be composed of representatives from local national minority organizations and will have the power to obtain first-hand information, submit opinions and be consulted on issues or decisions relevant to the rights of national minorities.

13. It should be noted that the first report on the implementation of the aforementioned Action Plan has already been published by the OSMR. The report covers the period May–December 2009, and underlines activities of state agencies in the above-noted six main directions.

II. Issues raised in the concluding observations (CERD/C/GEO/CO/3) of the Committee in 2005

A. Reply to issues raised in paragraph 10

14. The “action plan to strengthen protection of rights and freedoms of various population groups of Georgia” was adopted on 4 March 2003, by the Decree No. 68 of the President of Georgia. Under the Decree, the National Security Council of Georgia was mandated to monitor and supervise the implementation of the Action Plan and prepare annual reports thereof. Notably, after the Rose Revolution and the subsequent institutional changes that took place, the Security Council was no longer tasked with monitoring and reporting on ethnic-minority-related issues. Therefore, no annual report on the implementation of the action plan was prepared. At the same time, the government took due note that the issue required institutionalization. Therefore, on 8 August 2005, the Civil

Integration and Tolerance Council was created to take over the tasks of the National Security Council. CICT was addressed in paragraph 8 of the present report.

B. Reply to issues raised in paragraph 11

15. According to the Constitution of Georgia, Article 14 “everyone is free by birth and is equal before the law, regardless of race, color, language, sex, religion, political and other opinions, national, ethnic and social belonging, origin, property and title, place of residence”. The foregoing constitutional principle is safeguarded by Article 142 of CCG. On 6 June 2003, a new Article 142¹ came into effect, criminalizing any action or omission committed for the purpose of instigating animosity or conflict based on ethnic or racial grounds, as well as direct or indirect limitation of human rights based on race, skin color, social origin, national or ethnic identity, or favoritism of any individual based on the above-mentioned grounds.

16. Article 4 of the Convention requires states to condemn organizations promoting discrimination; in this respect, Article 142¹ of CCG is relevant, and having general application, it criminalizes racial discrimination for any physical or legal person. As regards, the liability of the legal entity, the following legal provisions are relevant: Article 25 of Civil Code stipulates that a legal person is entitled to engage in any activity which is not prohibited under Georgian legislation, and further prescribes civil responsibility of the non-commercial organizations for any illegal activity (article 33, Civil Code). In addition article 14 of the Law on Enterprise addresses civil liability of commercial organizations, resulting in the liquidation of the said entities.

17. Racial, religious, national or ethnic grounds are regarded as aggravating circumstances under the Criminal Code of Georgia in connection with such serious crimes as premeditated murder (article 109), deliberate infliction of grievous bodily harm (article 117), assault (article 126), disrespect for the deceased (article 258), torture (article 144¹) and degrading or inhuman treatment (Article 144³).

18. The table below shows the difference between the penalties for the crimes alone and when motivated by racial discrimination.

<i>Crime</i>	<i>General punishment</i>	<i>When motivated with bias as aggravating circumstance</i>
Murder	Imprisonment for 7–15 years	Imprisonment for 13–17 years
Deliberate infliction of grievous bodily harm	Imprisonment for 3–5 years	Imprisonment for 7–9 years
Assault	Imprisonment for 1–3 years	Imprisonment for 4–6 years
Disrespect for deceased	Fine, or community work, or corrective labor, or imprisonment up to 1 year	Restriction of freedom up to 3 years, or imprisonment up to 3 years
Torture	Fine, or imprisonment for 7–10 years	Imprisonment for 9–15 years or deprivation of the right to occupy a position or pursue a particular activity for up to 5 years

<i>Crime</i>	<i>General punishment</i>	<i>When motivated with bias as aggravating circumstance</i>
Degrading or inhuman treatment	Fine, or restriction of liberty up to 3 years or imprisonment for 2–5 years	Fine, or imprisonment for 4–6 years, or deprivation of the right to occupy a position or pursue a particular activity for up to 5 years

19. In 2003, the amendment to the provision on crimes against humanity (article 408) of the CCG introduced elements of racism and intolerance which were lacking previously.² Moreover, the racial element is also included in the definition of the crime of genocide.³

C. Reply to issues raised in paragraph 12

20. During the second half of 2008 and the beginning of 2009, the ECMI conducted a survey to obtain information on the dwelling places of Roma in Georgia, demographic data, social structure of the community as well as social, economic and other challenges faced by the Roma community.⁴ The Roma community in Georgia numbers approximately 1,000 persons, including the Moldovan settlement in Tbilisi, and a small community living in Kutaisi, who all follow the Roma way of life. That number does not include Roma residing in Abkhazia, Georgia.⁵ For detailed information see the table below.

Information on Roma communities in Georgia

<i>Settlement</i>	<i>Gachiani – Gardabani district</i>	<i>Leninoka – Dedoplistskaro district</i>	<i>Lilo settlement – near Tbilisi</i>	<i>Sangori district – Tbilisi</i>	<i>Kutaisi</i>	<i>Kobuleti</i>	<i>Batumi</i>	<i>Telavi</i>
No. of families	16	11	3	17	6	17	3	3
No. of individuals	122	73	31	196	45	85	14	24
No. of adults	45	29	14	138	18	25	5	4
No. of children	77	44	17	58	27	60	9	20
No. of adults with documents	23	29	9	138	18	21	2	0

² According to article 408 of the CCG, crime against humanity is defined as “Any of the following acts when committed as part of a widespread or systematic attack directed against civilian population or persons, as such murder, extermination, grave injury to health, deportation, illegal deprivation of liberty, torture, rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, persecution against any identifiable group on political, racial, national, ethnic, cultural, religious or other grounds, apartheid or other inhuman acts which cause serious physical or mental harm to a person.”

³ According to article 407 of the CCG, genocide is defined as “an action committed to implement an agreed plan for the purpose of full or partial elimination of any national, ethnic, racial, religious or any other group, effected through mass killing, grave health injury, intentional placement in poor living conditions, forced reduction of birth or forced transfer of a child from one ethnic group to another”.

⁴ Giorgi Sordia, *A Way Out? Initial Steps Towards Addressing Romani Issues in Georgia*, ECMI Issue Brief No. 21, May 2009, see http://www.ecmicaucasus.org/upload/publications/brief_21_eng.pdf.

⁵ The Georgian Government is unable to provide information in this regard, since it is unable to exercise control in the occupied territories.

Settlement	Gachiani – Gardabani district	Leninovka – Dedoplistskaro district	Lilo settlement – near Tbilisi	Samgori district – Tbilisi	Kutaisi	Kobuleti	Batumi	Telavi
No. of children with documents	29	41	9	58	27	59	0	0
No. of school age children	18	16	12	15	10	14	5	15
No. of children attending school	5	9	0	0	10	3	0	0

Type of income	Beg, petty trade	Agriculture, beg, petty trade	Petty trade	Petty trade, beg	Petty trade, beg	Petty trade	Petty trade, beg	Beg
Housing type	Self-owned houses	Self-owned houses	Temporary shelters, tents	Rented houses/apartments	Self-owned houses/apartments	Self-owned houses	Rented houses	Temporary shelters
Electricity	Yes, low voltage	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Running water	No, source 200 m away	No, source in village	No, source in settlement	Yes	Yes	Yes	Yes	Yes
Branch affiliation	Vlakh	Vlakh	Vlakh, Krim	Krim	Krim	Krim	Krim	Vlakh
Clan affiliation	Butka, Plashun, Melenki, Manki, Temriuk	Harbuz Nalihach Palenki	Mekoria, Kalachi	Choradaes, Petalidis, Jujukea, Bubuliades	Choradaes, Petalidis, Jujukea, Bubuliades	Choradaes, Petalidis, Jujukea, Bubuliades	N/A	N/A
Origin	Ukraine, Russia	Ukraine, Russia	Ukraine, Russia	Ukraine, Russia	Russia, Ukraine	Russia	Russia	Ukraine
Religion	Orthodox	Orthodox	Orthodox, Muslim	Muslim, Orthodox	Orthodox, Muslim	Evangelical, Orthodox Muslim	Muslim	Orthodox
Native language	Romani	Romani	Romani	Romani	Romani	Romani	Romani	Romani
Second language	Russian	Russian	Russian, Georgian	Russian, Georgian	Russian, Georgian	Russian	Russian	Russian
Areas of movement and trading	Gachiani-Lilo-Samgori-Dedoplists karo	Dedoplists karo-Lilo-Gachiani	Lilo-Samgori-Dedoplists karo	Samgori-Kutaisi-Telavi	Kutaisi-Samgori-Kobuleti	Kobuleti-Batumi-Kutaisi	Batumi-Kutaisi	Telavi-Dedoplists karo

21. As noted in the table above, the level of school enrollment among Roma is extremely low, as only a few children are registered in schools. According to the survey,

parents' reluctance is identified as a major reason for the low level of enrollment of Roma children. Some Roma parents themselves explained that they send their children to trade or beg as an additional or main source of income for the family. In other instances, parents prefer their children to stay at home and perform household duties.⁶ To address the issue and other similar challenges, the programme "Community Action" is being implemented by the MoES, in cooperation with a British organization, "Children's High-Level Group". The programme helps to develop truthful values and a sense of responsibility towards the country, and to raise motivation among vulnerable students. The community activities within the programme aim at the integration and socialization of socially vulnerable children, children deprived of parental care, as well as children with special needs and IDP students, Meskhetians forcefully exiled from Georgia during the Soviet Union, and national minority students. Within the framework of the programme, and in collaboration with the schools, several Roma children were enrolled in general educational institutions in Kutaisi and Rustavi. In addition, Roma students were provided with necessary clothes, and received support in terms of preparation of the documents required for school enrollment. In 2009, ten (10) Roma school graduates were involved in the community activities, along with other students.

22. The Government addresses challenges related to lack of relevant identification documents and residential registration among the Roma population through special projects being implemented by the Civil Registry Agency (hereinafter CRA) of the Ministry of Justice of Georgia in Leninovka, Samgori, Kutaisi and Kobuleti.⁷

23. Almost all Roma settlements in Georgia are located in a multi-ethnic environment, where Roma maintain permanent relations with persons belonging to various ethnic groups: for example, Georgians and Russians in Leninovka; Azeris in Gachiani; Georgians, Armenians and Azeris in Samgori; and mostly Georgians in Kutaisi and Kobuleti. According to the interviews conducted under the survey, Roma do not have any problems with persons belonging to any of these ethnic groups.⁸

D. Reply to issues raised in paragraph 13

24. Apart from the general prohibition of any discrimination against students,⁹ the Ministry of Education and Science (MoES) has elaborated a long-standing practice of specialized programmes aimed at promoting tolerance policy in educational system.

Teaching of the Georgian language and integration

25. MoES has been carrying out a systematic and cohesive policy of state language teaching for minorities in order to remedy the existing challenge – lack of sufficient knowledge of the Georgian language by minority groups. During the last five years,

⁶ Giorgi Sordia, *A Way Out? Initial Steps Towards Addressing Romani Issues in Georgia*, ECMI Issue Brief No. 21, May 2009, pp. 11–12.

⁷ Notably, the registration of Roma population was conducted by mobile groups of the Civil Registry Agency of the Ministry of Justice of Georgia in Roma settlements.

⁸ Giorgi Sordia, *A Way Out? Initial Steps Towards Addressing Romani Issues in Georgia*, ECMI Issue Brief No. 21, May 2009, p. 12.

⁹ Law of Georgia on General Education, article 7, "Everyone shall have the right to receive education and the right to free choice of a form of education", article 13 – "Either form of discrimination shall not be allowed at the school ... encourage establishing of tolerance and reciprocal respect between pupils, parents or teachers, irrespective of their social, ethnic, religious, lingual and world outlook belonging; on the base of equality shall provide individual and collective right of members of minorities to use their native language, preserve and express their cultural values."

numerous state programmes have been implemented by the Ministry in order to enhance opportunities to learn the Georgian language at all levels of education (pre-school, general education and adult education). Notably, in 2009, MoES approved the Georgian Language Programme, which envisages implementation of the sub-programme “Enhancement of the Georgian Language Teaching and Learning at Pre-School Level in Regions Populated by Minority Communities”. The purpose of the sub-programme is to improve Georgian language skills among children through quality language programmes for pre-school students. Establishment of pre-schools education centers is planned in six selected local schools in Kvemo Kartli and Samtskhe Javakheti. Apart from material and the technical base required for teachers and students, the sub-programme includes development of a manual for parental education. Some other measures taken include:

(a) Development of a package of textbooks (Tavtavi) and implementing new standards of teaching/learning Georgian as a second language in line with the competency levels proposed by the CoE’s “European Language Portfolio” and the “Common European Framework of Reference for Languages Teaching, Learning and Assessment”;

(b) Implementation of the project “Georgian as a Second Language” by National Curriculum and Assessment Center (NCAC) in 2007, developing a new curriculum for Georgian as a second language;

(c) Implementation of the project “State Language Teaching and Learning Programme for Minority Schools” in 2008, allowing all ethnic minority students in second grade to receive the textbook “Let’s Learn Georgian”;

(d) Establishment of “Language Houses” in Akhalkalaki and Ninotsminda (places densely populated by Armenians) in 2007. The centers offer Georgian language courses for public servants, teachers, military personnel, social workers, and representatives of other social groups. Only in 2008, the centers served 682 attendees. Moreover, similar “Language Houses” were established in Dmanisi and Bolnisi Districts (places densely populated by minorities) in November 2009. Language Houses served almost 100 attendees since their opening. In addition, the Zurab Zhvania School of Public Administration delivers a special state language programme for minorities working as public servants in the regions. In 2006–2008, the school was attended by 133 Azeri and 124 Armenian students.

26. Another important aspect is the improvement of teachers’ qualification in minority schools through state programmes such as “Qualified Georgian Language School Teachers in Regions Densely Populated by Ethnic Minorities”, “Professional Development Programme for Georgian Language Teachers in Minority Schools”, “Let’s learn Georgian”, and “Teach for Georgia”. In addition, a policy paper and Action Plan for 2009–2014 on “National Minorities’ Integration through Multilingual Education” has been developed with the support of OSCE/HCNM. MoES has piloted a multilingual education programme in 40 non-Georgian public schools.

Access to higher education

27. In order to promote access to higher education, special programmes have been elaborated aimed to promote enrolment of minority students in institutions of higher education. A Preparation Course for Non-Georgian Students in Georgian Language and General Aptitude Tests were developed in 2008 to assist minority students in their preparation for the admission examination as well as to improve their performance on the language and general aptitude tests. However, due to legislative changes adopted, applicants are now able to take admission examinations in their native languages. All these efforts positively influenced the enrolment rate of minority students in the higher educational institutions as noted in the table below.

	<i>Access to higher education</i>					
	<i>Registered</i>		<i>Admitted</i>		<i>State fellowship</i>	
	<i>2007</i>	<i>2008</i>	<i>2007</i>	<i>2008</i>	<i>2007</i>	<i>2008</i>
Samtsxe-Javakheti	1 069	572	213	443	116	136
Kvemo Kartili	2 636	1 554	855	1 008	458	553

28. Recent amendments to the Law of Georgia on Higher Education established positive quotas for educational institutions which accept students on the basis of an examination in general aptitudes conducted in Azeri, Armenian, Ossetian and Abkhazian languages. Institutions are obliged to announce a minimum quota for national minorities equivalent to 5% for Armenians, 5% for Azeris, 1% for Ossetians, 1% for Abkhazians of the total number of places offered.

Use of minority languages

29. Besides promoting Georgian as a second language, authorities implement policies aimed at strengthening knowledge of their native language among minorities. Particular attention is paid to the translation of textbooks in minority languages and improvement of teachers' skills. Among 2,300 general educational institutions, there are 409 non-Georgian schools including 140 Armenian, 124 Azeri, 142 Russian and 3 Ossetian schools.

30. Following the introduction of the new national curriculum in 2006, textbooks have been translated into minority languages. The following activities are also worth mentioning:

(a) Journal "Teacher" translated into Armenian and Azeri languages by Teachers Professional Development Center (TPDC) and the NGO "Center for Civil Integration and Intercultural Relations", and distributed;

(b) Newspaper "Dialogue" for teachers, parents and students translated into Azeri and Armenian languages;

(c) Methodological textbooks "Theories of Teaching and Development" as well as "Teaching and Assessment" translated into Armenian and Azeri languages;

(d) Sub-programme "Improving Availability of Textbooks for Non-Georgian Students" provides minorities with the textbooks on the History of Georgia, Geography and Civic Education translated into their native languages;

(e) National Examinations Center (NEC) conducts school Olympiads in Georgian, Azeri, Armenian and Russian languages from 2009.

E. Reply to issues raised in paragraph 14

31. Special cultural policies aimed at promoting and assisting national minorities have been run by the Ministry of Culture, Monument Protection and Sports of Georgia (hereinafter MCMPS). In particular, cultural institutions from the respective minorities receive financial support, allowing them to perform various cultural activities (e.g. Davit Baazov State Historic-Ethnographical Museum of Georgian Jews, the Centre for Georgian Cultural Relationships Caucasian House, the Mirza-Fathali Akhundov Museum of Azerbaijani Culture, the Centre of Russian Culture in Georgia, Tbilisi State Armenian and Azerbaijani theaters). In addition Tbilisi Municipality developed the Theater Art Development Assistance Programme that financially assists theaters of local importance (e.g. Griboedov State Academic Russian Drama Theater). Outside the capital, similar

assistance is provided by the local governmental institutions, for example, the local government maintains libraries on minority languages (25 Armenian, 15 Azerbaijani, 14 mixed and 5 Ossetian), as well as numerous craft schools, music schools and clubs. In addition, MCMPS provides care to all pantheons in Tbilisi, including the Pantheon of Armenian Writers and Public Figures.

32. The cornerstone of educational policy is envisaged in the National Curriculum which obliges educational institutions to promote involvement of all students in educational process regardless of their mental or physical ability and social, ethnic, religious, linguistic or ideological belongings. In order to assist school teachers in following this educational policy, the MOES has translated and disseminated CoE textbook “Religious Diversity and Intercultural Education”. In addition, the Caucasus Institute for Peace, Democracy and Development is developing the textbook “The History of World Religions” for senior students. The purpose of such textbooks is to develop tolerance and respect for other religions among the young generation.

33. Georgian state institutions, while appointing candidates on the relevant positions, do not collect information regarding their ethnicity or religious affiliation, therefore it is difficult to provide statistical information regarding involvement of minorities in public administration. However, it should be underlined that minority representation is particularly high in the regions densely resided by minorities, for example in Ninotsminda and Akhalkalaki Districts (up to 86%) and Tsalka District (up to 55%). In addition, representatives of national minorities are employed at OSMR; the majority of staff members of the Division of National/Ethnic Minority Issues and Division of Civil Integration of the OSMR are representatives of national minorities in Georgia.

34. In particular, the Ministry of Internal Affairs (MoIA) considers that ethnic minorities represent added value for the police, due to their understanding of local interests and traditions. Therefore any candidate having inadequate mastery of the Georgian language is offered language courses both before and after acceptance in the Police Academy.

35. Particular attention is being paid to enhancing political participation and equal voting rights for national minorities in Georgia. With regard to this particular matter, in 2009, the Central Election Commission of Georgia (CECG) with assistance from international organizations prepared voting bulletins as well as relevant documentation in minority languages (Russian, Ossetian, Armenian and Azeri). In addition, audio and video advertisement Azeri and Armenian languages are being placed in regional television programmes aired in minority-settled regions.

F. Reply to issues raised in paragraph 15

36. On 11 July 2007, the Law of Georgia on Repatriation of Persons Forcefully sent into Exile from the Soviet Socialist Republic of Georgia by the Former USSR, in the 1940s, has been adopted. The law refers to forcefully displaced persons (FDPs)¹⁰ and provides a legal basis for the repatriation of FDPs as well as their direct descendants. “Repatriated” status grants a person the right to receive Georgian citizenship under the procedure established by the Organic Law of Georgia on Citizenship of Georgia. The Ministry of Refugees and Accommodation of Georgia (MRA) is empowered to consider the applications for obtaining the status of repatriate.

¹⁰ FDPs were sent into exile from the former Soviet Socialist Republic of Georgia to other former Soviet Republics by Decree No. 6279 cc of the Security Committee of the USSR in 1944.

37. The initial deadline for submission of applications for persons seeking the status of repatriate was 1 January 2009. On the basis of recommendations from various international organizations, the Georgian government extended the deadline twice: until July 1, 2009 and until January 1, 2010. In addition, to address the needs of the Meskhetian population, amendments have been made to the Law in December 2009 which have simplified the repatriation procedure.

38. It should be noted, that some international organizations expressed concern regarding the risk of statelessness of persons after obtaining repatriate status. To avoid statelessness, the provision¹¹ requiring a person obtaining repatriate status to refuse citizenship of another country was abolished. Furthermore, the government of Georgia has been tasked with developing regulations “on a simplified procedure for granting citizenship of Georgia to persons having obtained the status of repatriate” that would strengthen guarantees for elimination of risk of statelessness.

39. According to existing statistics, 5,806 persons filed applications to MRA to acquire the status of repatriate. The majority of applicants live in the Republic of Azerbaijan, while the rest are from Ukraine, Republic of Kazakhstan, the United States, etc.

40. In order to provide smooth integration of FDPs in Georgian society, public awareness campaigns have been led by the government, NGOs and donor organizations. These measures include development of guiding brochures on procedures and applications in three languages (Russian, English and Azeri) and their dissemination among Meskhetian population by ECMI.

41. In addition, the association “Toleranti” implements projects focusing on the integration of Meskhetian repatriates, assistance through an information and consultation centre, provision of summer schools and Georgian language courses. The same organization has established a 24-hour “hot line” service for FDPs. Moreover, four documentary films about FDPs repatriates have been made and broadcast by the Georgian Public Broadcaster. An informational book “Eminent Children of Meskheti” was published in Georgian and Russian languages and later distributed among the FDP population.

G. Reply to issues raised in paragraph 16

42. Equality before justice is a constitutional principle in Georgia and is provided for under various legislative acts. In order to strengthen the constitutional guarantee, a new Law on Free Legal Aid was adopted by the Parliament of Georgia in July 2007, guaranteeing free legal aid without discrimination. The aim of the law is to establish a social-oriented legal aid system for promoting effective enjoyment of the right to access to justice in criminal, civil and administrative proceedings. Legal aid covers legal consultation and drafting of legal documentation for all, while court representation in criminal cases is available for residents below the poverty line,¹² and compulsory legal assistance (in criminal cases as determined by the CCPG) is available to residents of Georgia, as well as aliens. Legal Aid Service in Georgia is carried out by 10 legal aid bureaux (including a bureau in Kvemo Kartli, which is densely populated by the Azeri minority) and two consulting centers. In particular, the Criminal Justice Reform Action Plan envisages the

¹¹ Amendment No. 2204 of 1 December 2009 to the Law of Georgia on Repatriation of Persons Forcefully sent into Exile from the Soviet Socialist Republic of Georgia by the Former USSR in the 1940s.

¹² For the representation of a person in criminal cases, the person must meet the requirements of a financial test, i.e. those persons registered in the Unified Database of Socially Vulnerable Families with a rating score of 70,000 or less, in certain categories of cases – 100,000 or less.

establishment of additional regional offices in Samtskhe-Javakheti region (for 2011–2013) in line with the interests of the ethnic minority population. As of March 2010, with the assistance of UNDP, the office of the Akhaltsikhe Legal Aid Bureau is being refurbished.

43. Regarding the right to health, it should be noted that the provision of health protection without discrimination is stipulated in relevant legislative acts.¹³ In 2009, several state health care programmes were adopted by the Order of the Minister of Labour, Health and Social Affairs of Georgia¹⁴ that apply at an equal level to citizens and non-citizens, i.e. aliens permanently residing in Georgia. They include:

- Programme to Provide the Population with Specific Medicines
- State programme on Healing Children and Juveniles with Hemophilia
- State programme on Psychiatric Service
- State programme on Medical Test for Military Recruits
- State programme on Phthisical Service
- State programme on Medical Insurance for Population below the Poverty Line

H. Reply to issues raised in paragraph 17

44. In 2005, the Parliament of Georgia adopted the Law of Georgia on the Status of Aliens to regulate the entry, stay in, transit through and departure from Georgia of aliens, and defines the rights and responsibilities of aliens, as well as deportation procedures.¹⁵ In particular, Article 53 of the Law establishes the grounds for deportation of aliens: an alien may be deported from Georgia in cases where he/she has illegally entered Georgia; there are no longer legal grounds to justify his/her further stay in Georgia; his/her residence in Georgia contradicts the interests of national security and public order, and so on. It is to be noted that the Law prohibits deportation of a person, if he/she will be persecuted for political beliefs or activities not deemed as a crime by Georgian legislation; where he/she is under threat for the protection of human rights and peace, for progressive social, political, scientific and other activities; and if the life or health of such person will be threatened.

45. The Government of Georgia notes that during the reporting period there has been no incidence of expulsion, deportation, return, or any other act of removal or rejection of aliens to the country were their physical or moral integrity may be endangered. In 2001, Georgia extradited Russian citizens of Chechen origin wanted by the Russian law enforcement organs. Thirteen persons of Chechen origin who were subject to extradition filed complaints with the European Court of Human Rights. Out of 13 persons subject to extradition, only four were actually extradited to Russia. The European Court found Georgia in breach of its obligations under the European Convention on Human Rights and Fundamental Freedoms.¹⁶ Since then, Georgia has made significant legislative amendments, such as the precise procedure for the appeal of the decision of the Chief Prosecutor on extradition within the court system, clear obligation to inform the detainee regarding the ongoing extradition procedure, etc. Moreover, Georgia has duly executed the said judgment

¹³ For instance, Law No. 1139 of Georgia on Health Protection of 10 December 1997.

¹⁴ Order of the Minister of Labour, Health and Social Affairs of Georgia on the Design of Public Health Programmes for 2009, of 25.03.09.

¹⁵ In addition, Decree No. 401 of the President of Georgia of 28 June 2006 on the Adoption of the Statute on the Rules of Deportation of Aliens from Georgia, explicitly prescribes the deportation procedure.

¹⁶ See *Shamayev and other v. Georgia and Russia*, App. No: 36378/02, 12 April 2005.

both in terms of individual and general measures. That is, Georgia paid compensation to the victims, annulled the Decree of the Deputy Prosecutor-General on extradition with respect of 9 fugitives still at large, and improved the legislative basis for extradition. Moreover, in line with international standards (including General Recommendation XXII), the CCG was amended in July 2006 to explicitly prohibit extradition of persons with political asylum or refugee status.

Legal protection of refugees and asylum-seekers

46. Due to recent amendments to Georgian legislation,¹⁷ refugees have been granted travel documents as provided for under the 1951 Refugee Convention. The travel documents allow refugees to travel throughout the territory of Georgia, as well as to a third/foreign country.

Statistics of persons with refugee status in Georgia (2009)

<i>Country</i>	<i>Quantity</i>
Turkey	1
Russia	856
Iraq	5
Turkmenistan	2
Iran	1
Tajikistan	2
Total	867

47. The major group of refugees in Georgia is of Chechen origin. In order to address their needs, the Government is working on durable solutions to their problems. Currently, MRA together with international institutions is implementing the project “Registration and naturalization of birth of refugees for improving access to their social services and protection”. Among other issues, the project aims to assist refugees in obtaining Georgian citizenship. Also, projects implemented with the financial support of the UN and the Norwegian Refugee Council aim at promoting civil integration of Chechen refugees in Georgia.¹⁸

48. Having identified the shortcomings of the 1998 Law on Refugees, the Government of Georgia prepared a new draft law on Refugees and Temporary Asylum Seekers. The draft law widens the scope of granting refugee status, establishes clear procedures for granting asylum, among others. MRA benefited from the expertise of the Office of the United Nations High Commissioner for Refugees in 2009, and the final draft of the Law will be submitted to the Parliament of Georgia in the near future.

¹⁷ Amendment No. 5973 to the Law of Georgia on the Rules of Registry of Citizens of Georgia and Aliens Residing in Georgia and Issuing Personal Identification Cards (Residence Permits) and Passports of Citizen of Georgia, March 21, 2008.

¹⁸ For instance, in 2006–08, the Norwegian Refugee Council implemented 48 income-generating projects with the budget of 350,226 GEL.

I. Reply to issues raised in paragraph 18

49. Freedom of religion is a constitutional right and is protected by the Law.¹⁹ Georgian legislation criminalizes illegal interference in the performance of religious rights including interference in the performance of worship or other religious rites or customs by violence or threat of violence or by insulting religious feelings of a believer or a minister of religion (see article 155 of CCG). Moreover, persecution for religious denomination, faith or belief is also criminalized under Article 156 of CCG. These two articles serve as a legal safeguard against discrimination of religious minorities.

50. Important measures have been undertaken at the school level to prevent religious discrimination among students. According to the National Curriculum adopted in 2006, History of Religions is an elective course. The course is taught as part of social sciences and covers the origin/formation of religions, role of religion in society, various religions of the world, etc. Most importantly, the state bans schools from administering any religious ritual or ceremony and using any religious symbols except for education purposes.

51. The professional Code of Ethics for Teachers obliges teachers to establish an environment conducive to the full-fledged development of students' individual personalities and the protection of their rights and freedoms. The Code reaffirms the role of teachers to propagate rights-based values and principles as well as forbids discrimination of students based on ethnic origin or religious background.

J. Reply to issues raised in paragraph 19

52. The reduction of poverty in Georgia is one of the main priorities for the Government of Georgia. One of the most important undertakings is the establishment of the Millennium Challenge Georgia Fund with a budget of USD 395.3 million. The Fund aims to reduce poverty and promote economic development in the regions of Georgia. Its implementation facilitates rehabilitation of infrastructure and development of enterprises.

53. In order to address the challenges existing among ethnic minorities, the following projects have been implemented under the Millennium Challenge Programme:

- Energy infrastructure rehabilitation project (budget of USD 49.5 million) to restore damaged North-South Pipe line: envisages the rehabilitation of 22 sites. Accordingly, energy supply security and reliability will increase gas supply to power stations and make industrial sector more reliable.
- Samtskhe-Javakheti road rehabilitation project (budget of USD 203,515,000), a large-scale project to restore road and transport network in Samtskhe Javakheti and Kvemo-Kartli regions. Rehabilitation of the road would facilitate connection between the two regions, which are settled by ethnic minorities, and other parts of Georgia.
- Agribusiness development project (budget of USD 15,250,000) envisages the disbursement of grants on a co-financing and competitive basis for the development of primary production, establishment of farm service centers, value-adding

¹⁹ According to article 19 of the Constitution of Georgia, "Everyone has the right to freedom of speech, thought, conscience, religion and belief. The persecution of a person on the account of his/her speech, thought, religion or belief, as well as the compulsion to express his/her opinion about them shall be impermissible."

enterprises and value chains in every region of Georgia. The project facilitates agribusiness development and creation of new jobs for ethnic minorities as well.

K. Reply to issues raised in paragraph 20

Legislative framework

54. In 2005, legislative changes were introduced in the CCG at Article 144 on torture, threatening with torture, and inhuman and degrading treatment. Article 144 defines torture as “an act of torture is subjecting a person, his/her relatives or financially or otherwise dependant persons to such conditions, treatment or punishment, which by their nature, intensity or duration cause severe physical or mental pain or suffering, and have the purpose of obtaining information, evidence or a confession, to intimidate, coerce or punish a person for an act she/he or a third party committed or is/are suspected of having committed”. A higher sanction, from 12 to 17 years’ deprivation of liberty (compared to 7 to 10 years), is stipulated for the same crime if it is committed by a state official, or by a person with equal status (article 144 (2) (a)) or under one’s official capacity (article 144 (2) (b)). Article 144 prohibits threatening with torture and the sanction is a fine or deprivation of liberty up to 2 years. Article 144 also prohibits inhuman and degrading treatment or punishment, and a higher sanction is stipulated (from 4 to 6 years’ deprivation of liberty) if such treatment is committed by a state official or person with equal status or under one’s official capacity.

Institutional development

55. Human rights protection and monitoring units have been created in law enforcement agencies, namely MoIA, Office of the Chief Prosecutor of Georgia (hereinafter OCPG), and the Ministry of Corrections and Legal Assistance. One of the main duties of those units is to implement internal monitoring of the human rights protection system and supervise compliance with national and international human rights standards. The units are an effective tool for speedy and adequate redress to both individual and systemic challenges.

56. Besides the Human Rights Units, the Inter-agency Coordinating Council against Torture, Inhuman, Cruel or Degrading Treatment or Punishment was created by Presidential Decree No. 369 on 20 June 2007. The members of the Council are high government officials, representatives of international and non-governmental organizations and independent experts. The Council is tasked with monitoring and implementing annual action plans against torture, inhuman, cruel and degrading treatment or punishment.

Compensation for torture victims

57. Procedure for obtaining compensation for Torture Victims is envisaged by the Civil Code of Georgia. Pursuant to the Civil Code, in cases of bodily injury or harm inflicted on a person’s health, the victim may claim damages. In addition, article 1005 of the Code provides for state liability in cases of harm caused by its employees by intent or gross negligence. In 2009, compensation for a torture victim was granted in one case. In 2007, the Tbilisi Court of Appeals Chamber of Criminal Cases sentenced two former MoIA employees to 7 and 8 years of imprisonment, respectively for the crime of torture committed in 2003. In 2009, based on the decision of the Court, the MoIA and perpetrators paid compensation in sum of 9,000 GEL to the victim.

Capacity-building of law enforcement agencies

58. A manual on the use of force adopted by MoIA is an additional safeguard from ill-treatment. The MoIA’s Police Academy, in cooperation with the governments of the US

and France, as well as international organizations, elaborated a manual on use of force. The course covers the issues of handling aggressive suspects, use of minimum necessary force, escalation of force in response to violence/resistance, human rights related to the use of coercion, use of firearms and the cases of absolute necessity. In parallel, the training module for students enrolled at the Police Academy has been developed. The manual is being taught as a part of a mandatory basic course, and is an important addition to the topic of human rights, which comprises 15% of the whole course.

L. Reply to issues raised in paragraph 21

59. The Office of the Public Defender of Georgia (PDO) was created in line with the Paris Principles by Organic Law No. 230, dated 16 May 1996. The Public Defender is independent in exercising his/her functions, and is elected for 5 years by the Parliament of Georgia to which he/she is accountable.²⁰ The mandate of the PDO is wide and covers a broad list of human rights and freedoms. Particular emphasis is paid to the human rights monitoring functions of the Office and its authority to inquire into individual complaints (on the basis of applications and appeals or on his/her own initiative).²¹ In particular, the PDO carries out regular monitoring of all places of deprivation of liberty throughout Georgia.²² The Public Defender makes recommendations to the bodies or relevant state institutions having infringed on human rights for the reinstatement of the violated rights, and every six months, presents a report to the Parliament of Georgia on the human rights situation in Georgia.²³

60. Recently, due to legislative amendments²⁴ the PDO has been nominated as the National Preventive Mechanism under the Optional Protocol to the Convention Against Torture.²⁵

61. It is noteworthy to mention that apart from the CNM and CR, the PDO established a Center of Children's Rights in 2001, and a Center for Disability Rights in 2008.

M. Reply to issues raised in paragraph 22

Public awareness

62. With respect to awareness of victims' rights on ethnic minority's legal issues, the Tolerance Center under the PDO has been entrusted with the task of providing assistance to any person concerned as well as facilitating consultations and dialogue between national minorities and the Government. In 2009, CNM published brochures containing information on minority issues and activities of the CNM. For the CNM mandate, please see paragraph 9 above.

²⁰ Supra note 17, article 6 (2).

²¹ Organic Law of Georgia on the Public Defender of Georgia, articles 12 and 13.

²² Ibid., article 19 (2).

²³ Ibid.

²⁴ Amendment No. 1462 of 16 July 2009 to the Organic Law of Georgia on the Public Defender of Georgia.

²⁵ See UNCHR website (<http://www2.ohchr.org/english/bodies/cat/opcat/mechanisms.htm>) for detailed information: the PDO submitted the report to the Subcommittee on the Prevention of Torture describing the legislative and institutional measures undertaken by the Government of Georgia with respect to the fight against torture and other cruel, inhuman and degrading treatment.

63. In parallel, the Legal Aid Service of Georgia duly notes consultation of national minorities on their rights through its Bureaux and Consultation Centers. Recently the Legal Aid Service established a bureau in Samtskhe-Javakheti region, and the Consultation Center would be opened in Akhalkalaki to serve ethnic minorities residing in the region.

64. At the same time, the Government understands that information regarding new legislative initiatives should be publicly available for national minorities. One such novelty is the newly adopted Criminal Procedure Code of Georgia to enter into force in October 2010. In this regard, the Legal Aid Service already plans to carry out a proper public awareness campaign and publish informational brochures in Azeri, Armenian and Russian languages. The brochures will help ethnic minorities to be informed about their legal rights/obligations and to obtain information on legal remedies available in Georgia criminal legislation.

Professional trainings of law enforcement officials

65. In combating discrimination, special attention is paid to the training of relevant officials in the field of human rights. The aim of such training is not merely to raise qualification of law enforcers, but also to increase their commitment and sensitivity for human rights. For example, the Basic Preparation Course in the Police Academy dedicates 10 academic hours to human rights, and special attention is devoted to qualifying racist offences, in that the range of crimes committed on the grounds of race is also covered under other courses as well. The students of the Academy also undergo training on the methods of investigation of crimes motivated by racial discrimination. It should be further noted that the Academy offers courses on the Police Code of Ethics and Public-oriented Police, which cover relations with national, racial and religious minorities, and the factors to be considered when dealing with national, racial and religious minorities, ways to avoid stereotype assumptions, problems when dealing with offences in regions settled by national, racial and religious minorities.

Since its initiation up to now, 2 743 police officers have undergone training.

<i>No.</i>	<i>Name of the course</i>	<i>Year</i>	<i>Number of participants</i>
1	Basic Preparation Course of District Inspectors	2008	952
2	Basic Preparation Course of Patrol Police	2008	73
3	Retraining Course of the Officers	2008	74
4	Basic Preparation Course of District Inspectors	2007	986
5	Basic Preparation Course of Patrol Police	2007	173
6	Retraining Course of the Officers	2007	97
7	Basic Preparation Course of District Inspectors	2006	163
8	Basic Preparation Course of Patrol Police	2006	225
Total			2 743

66. The Training Centre of the Ministry of Justice of Georgia (hereinafter MoJ) conducts advanced training programmes for prosecutors. The training curriculum covers various issues and includes training in Human Rights, including minority rights. From 25–27 April 2009, seminars on the prohibition of discrimination on various types of crimes were conducted, namely, prohibition of racial and ethnical discrimination, prohibition of religious discrimination. A total of 75 prosecutors and investigators participated in the seminar which was conducted by CoE experts.

Code of ethics

67. Codes of Ethics exist in the OCPG and MoIA which establish certain standards of conduct particularly relevant to the public interest. The purpose of the Code is to establish higher standards of conduct to support the process of strengthening the responsibility of the officers and establishing principles of equity, enhance the exercise of just, effective, impartial and professional fulfilment of their duties, improve unconditional and effective enforcement of justice, enhance unconditional observance of the law by officers, protect human rights in accordance with universally recognized standards. The Code of Ethics pays particular attention to the prohibition of discrimination. Specific provisions stipulate that officers shall facilitate the process of elimination of all forms of discrimination.

III. Information regarding implementation of the Convention

A. Article 2

68. No provision in national legislation or institution condones racial discrimination in Georgia as this would go against the fundamental human rights principle recognized in article 14 of the Constitution of Georgia, and all other respective laws. The preceding section gives a report on the various positive efforts taken by Georgia in relation to fighting against discrimination, including but not limited to the National Concept on Integration and its Action Plan. It shall be stressed, that Georgia as a state, as well as its government, has neither supported nor instigated any measures involving racial discrimination. On various accounts, Georgia has stressed its unequivocal position regarding acts of racial discrimination, xenophobia and related intolerance.²⁶

B. Article 3

69. Georgia notes that racial segregation or apartheid has never been practiced in Georgia. There are no descent-based communities in Georgia. Moreover, Georgia acceded to the International Convention on the Suppression and Punishment of the Crime of Apartheid on 11 March 2005. Pursuant to the Article IV of the said Convention, the States parties undertake to adopt any legislative or other measures necessary to suppress as well as to prevent any encouragement of the crime of apartheid and similar segregationist policies or their manifestations and to punish persons guilty of that crime. For that reason, new definitions of the crimes against humanity have been introduced in the CCG.²⁷ Notably, article 411 (Violation of norms of International Humanitarian Law)²⁸ of the CCG, also includes the crime of apartheid.

²⁶ See for example the contribution of the Government of Georgia to the report of the Secretary-General on the implementation of General Assembly resolution A/61/149 of 19 December 2006, entitled “Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance, and the comprehensive implementation and follow-up to the Durban Declaration and Programme of Action”.

²⁷ See note 2 supra for definition of crime against humanity.

²⁸ According to paragraph “k” of article 411 (1) of the CCG, violation of norms of international humanitarian law during inter-State or internal armed conflicts, namely, apartheid or other inhuman act based on racial discrimination is punishable by 10 to 15 years’ imprisonment.

C. Article 4

70. For the list of crimes having racial discrimination as an aggravating circumstance see paragraphs 15 to 17 above.

71. On 1 April 2008, Georgia signed the Council of Europe Convention on Cybercrime. This Convention provides additional safeguards while criminalizing acts of a racist and xenophobic nature committed through computer systems. Currently, State authorities are working on the national legal framework relevant for the implementation of this Convention.

D. Article 5

72. Georgian legislation includes the following types of **anti-discriminatory** clauses:

(a) Law on Political Unions of the Citizens, Article 3 – “creation and operation of the political unions is based on the principle of equality of political unions before the law”;

(b) General Administrative Code, Article 4 (1) – “everyone shall be equal before the law and administrative agency”;

(c) Civil Code of Georgia Article 1 – “private, family and property relations based on the equality of persons”;

(d) Labor Code, Article 2 (3) – “discrimination of any kind as to race, color, language, ethnic and social belonging, nationality, origin, property and position, residence, age, gender, sexual orientation, limited capability, membership of religious or any other union, marital status, political or other opinions are prohibited in employment relationship”;

(e) Law on Broadcasting, Article 16 – “the Public Service Broadcaster shall broadcast a relevant proportion of programmes prepared by minority groups, in their language. Moreover, Public Broadcaster shall reflect ethnic, cultural, linguistic, religious, age and gender diversity in programmes”. The same Law obliges community broadcasting license holders to ensure participation of members of the community they serve and to ensure minority opinions are broadcasted. According to article 331 of the same Law, “no less than 25% of the budget for Public Broadcasting shall be used for TV programmes in ethnic minorities’ languages”;

(f) Law on General Education, Article 13 (2 & 3) – “any kind of discrimination is prohibited during the entry into schools” and “Using of the study process in a public school for the purposes of religious indoctrination, proselytism and forced assimilation shall not be allowed”;

(g) Law on High Education, Article 3 (1) – “prohibition of any kind of discrimination, including academic, religious or ethnic belonging”;

(h) Law on Rights of the Patient, Article 6 (1) – “discrimination of any kind as to race, color, language, ethnic and social belonging, genetic inheritance nationality, origin, property and position, residence, age, gender, sexual orientation, limited capability, membership of religious or any other union, marital status, political or other opinions is prohibited”;

(i) Law on Protection of Health, Article 6 – “discrimination of any kind as to race, color, language, ethnic and social belonging, nationality, origin, property and position, residence, age, gender, sexual orientation, limited capability, membership of religious or any other union, marital status, political or other opinions is prohibited”;

(j) Law on Culture, Article 6 – “Georgian citizens are equal in cultural life regardless of national, ethnic, religious or language belonging”;

(k) Law of Georgia on the Enforcement of Non-Custodial Sentences and Probation, Article 6 (2) – “the employee of the National Agency of Probation is obliged to protect human rights and freedoms regardless of nationality, property, race, social and ethnic belonging, gender, age, education, language and religion, political or other opinions”;

(l) Law on Fighting against Trafficking, Article 5 (2) – “state activity in the field of trafficking prevention includes elaboration and implementation of short-term and long-term programmes aiming at reduction of poverty and elimination of all forms of discrimination”;

(m) Law on the Electric Communications, Article 32 establishes non-discriminative measures while conducting activities related to the electric communication cells and means;

(n) Law on Free Trade and Competition; Article 3 – the aim of the Law is “to eliminate the discriminative barriers for public and private entities”;

(o) Law on Barristers; Article 3 establishes the equality of barristers and forbids all forms of their discrimination;

(p) Law on Private International Law, Article 38 – “choice of applicable law is void if it contradicts to the imperative norms related to the protection of employees from discrimination”;

(q) Law on Social Protection of Persons with Disabilities, Article 1 (2) – “discrimination against persons with disabilities is forbidden and punishable by Law”;²⁹

(r) Law on the Police, Article 4 (2) – “the police shall protect human rights and freedoms regardless of nationality, property, race, social and ethnic belonging, gender, age, education, language and religion, political or other opinions”;

(s) Law on Professional Education, Article 7 – “everybody has the right to get professional education in order to gain the knowledge and skills that are essential for professional activities”.

Concerning stateless persons

73. In line with the Law of Georgia on Social Assistance that applies to stateless persons permanently residing in Georgia, in 2006, the Government of Georgia designed the programme on Social Assistance by Decree. The programme grants social aid without discrimination on the basis of race, sex and national and ethnic belonging.

Migration policy

74. MRA, in collaboration with international organizations (IOM, DRC, ICMPD) as well as local organizations, recently initiated work on a migration management policy. In 2007, MRA and DRC signed an MOU to jointly manage the EU-supported programme AENEAS that aims to “establish durable mechanisms for reintegration (of returnees) in Georgia”.

²⁹ Also article 142 of the Criminal Code of Georgia envisages sanction for refusing disabled persons the implementation of their rights under national laws and international instruments on the basis of their disability, which results in the violation of their rights.

75. Consultations between the MRA and International Organization of Migration (IOM) have been completed, and information-consultation centers of the International Organization of Migration have been subordinated to the Ministry. Currently, consultation centers are functioning in Tbilisi, Kutaisi, Gori and Zugdidi. The aim of the centers is to raise social awareness about migration issues and to foster integration of returned migrants to their home countries, as well as to consult potential migrants on the destination countries before their departure, to prevent them from becoming victims of trafficking.

76. The new EU initiative on Mobility Partnership bears great significance in fostering legal migration and preventing illegal migration. The Partnership aims at broad, structured and intensified cooperation in the area of migration between the EU and Georgia. It involves a large number of cooperation projects to strengthen Georgia's capacity in the area of migration together with the EU Member States.

Naturalization

77. Amendments to the Organic Law of Georgia on the Citizenship of Georgia significantly simplified the naturalization procedure in 2008. Notably, under the previous formulation, the law (article 26) required a person to reside in the territory of Georgia for ten years in order to obtain citizenship of Georgia. Following amendments, the procedures for aliens married to a Georgian citizen

78. The Government of Georgia would like to note that since January 2009, citizenship-related matters have been delegated to the competence of the CRA.³⁰ Recently, the timeframe for application and decision making has been reduced from 6 months up to 3 months.

79. Upon Presidential decision, Georgian (dual) citizenship may also be granted to a citizen of another country who has made significant contribution to Georgia and the world by his/her scientific or social activities, or has a profession and qualifications which are of importance to Georgia and in the interests of the country.³¹

Acquisition of Georgian citizenship by naturalization

2007	96
2008	141
2009	93
Total	330

Granting Georgian citizenship by the President of Georgia

2007	5 563
2008	6 291
2009	3 756
Total	15 610

³⁰ Amendment No. 16 dated 23.01.2009 to the Order of the Minister of Justice of Georgia on the adoption of the statute of the Legal Entity of the Public Law – Civil Registry Agency of the Ministry of Justice of Georgia (No. 209 dated 30.01.2006).

³¹ Article 27 of the Organic Law of Georgia on Citizenship.

E. Article 6

80. Combating violation of human rights based on racial, religious or other motives is the priority for the law-enforcement bodies of Georgia. Statistics of every crime committed within the territory of Georgia are gathered by the Information and Analytical Departments of the MoIA and the MoJ. Furthermore, the Human Rights Unit of the OCPG monitors cases related to violation of equality, racial discrimination, and interference with performing religious rights, persecution and interference. As regards crimes committed on religious grounds, during 2007–2009, 44 cases of alleged crimes were reported to the law enforcement bodies of Georgia.

81. In accordance with the CCPG, investigations for the crimes stipulated in articles 142 (violation of equality between persons) and Article 142 (racial discrimination) are carried out by the MoIA, while procedural oversight of the investigation is carried out by the OCPG.

82. The Government of Georgia facilitates fast and effective investigation of the crimes committed, and has to this effect introduced subsequent amendments to the CCPG. According to Article 261 of the CCPG, upon obtaining information on a crime, the investigator shall commence a preliminary investigation within the limits of his/her functions. The basis for commencing a preliminary investigation is any information about the crime provided by any natural or legal person, central or local self-governance agency, public official, detective, the perpetrator, mass media, or information discovered during an investigation. Therefore, legislative amendments and administrative measures taken by the Government of Georgia significantly contribute to combating racially motivated crimes.

F. Article 7

Education policy

83. The Government of Georgia acknowledges that civil integration of national minorities cannot be achieved without implementing a comprehensive and non-discriminatory education policy towards national minorities. Apart from the general education programmes listed above, MoES in collaboration with partners has organized following projects:

(a) Child Tolerance Educational Programme³² implemented by Save the Children and the National Curriculum and Assessment Center. The programme aims to develop tolerance, cooperation and conflict settlement skills and formation of human values in children. The programme is designed for practicing academic innovations and diverse educational environment. It is intended for children aged between 9–11 years (classes IV–V), their teachers, parents and tutors;

(b) School Partnership Programme³³ aimed at integrating students and teachers in civic society as well as developing partnerships among Georgian and non-Georgian schools;

(c) Programme “Let’s Live Together” has been supported by the British Council with the assistance of CoE. It aims at fostering tolerance and intercultural dialogue in Europe. Throughout the programme, young people (including ethnic minorities from Georgia) participated in workshops, discussions and games and shared their experiences of

³² The programme had been implemented in 2002–2006.

³³ The programme had been implemented in 2004–2007.

growing up in, and living with, conflict and its legacy. They also acquired new skills on negotiation and mediation;

(d) Intercultural Dialogue through Education is the joint initiative of the CoE and MoES as it promotes respect towards cultural multiplicity and sharing of best experience regarding intercultural dialogue between educational institutions. In 2009, Georgia hosted the third international seminar on Culture and Religion: developing critical vision and communication skills through curriculum.

Improving learning environment

84. Since 2006, particular attention has been paid to improving the learning environment through rehabilitation of schools within the “Iakob Gogebashvili” mega-programme. By the end of 2009, 60 schools in Samtskhe-Javakheti and 39 schools in Kvemo Kartli region had been rehabilitated. Within the framework of another State programme entitled “Irmis Nakhtomi”, 120 Azeri and 140 Armenian schools were provided with 1,299 and 1,015 computers respectively.

Culture

85. Since 2004, the MCMPS has been running the programme “Support of Cultural Center for Ethnic Minorities” that aims to protect, develop and promote the culture of the ethnic minorities of Georgia, and support their subsequent integration in the cultural space of Georgia.

86. The project is carried out by the LEPL Davit Baazov Historical and Ethnographical Jewish Georgian Museum, the center of Georgian Cultural Relations – “Caucasian House”, LEPL Mirza-fatali Akhundov Azeri Cultural Center, LELP Petros Adamian Armenian Theatre of Tbilisi and LELP Azeri Theatre of Tbilisi. These cultural entities help to retain cultural multiplicity of ethnic minorities, to develop intercultural relations and to protect human rights and freedoms, including the right of expression.

In addition, the table below indicated amateur theatres, libraries and clubs that operate in compactly settled districts.

	<i>Music school</i>	<i>Painting school</i>	<i>Library</i>	<i>Social club</i>
Kvareli	1			
Akhalkalaki	1	1	2 Armenian	4 10 Armenian
Ninotsminda	1		18 Armenian	2 18 Armenian
Marneuli	1		11 Azeri 4 Armenian	4
Tsalka	1		1 Armenian	1
Gori – Eredvi	1		5 Ossetian	
Gardabani			1 Azeri 14 Joint	1
Bolnisi			2 Azeri	
Dmanisi			1 Azeri	

Media

87. Under the Law on Broadcasting, the Georgian Public Broadcaster (GPB) is obliged to reflect ethnic, cultural, linguistic and religious diversity in its programmes and also air programmes in minority languages. According to recent changes to the Law, no less than 25% of the programme budget of the GPB must be allocated for programmes in minority languages. Notably, GPB news programmes are aired once a week in five minority languages – Abkhazian, Ossetian, Armenian, Azeri and Russian. The weekly talk show, “Italiuri Ezo” (Italian Yard) is devoted to civil integration of minorities, and hosts topics ranging from women’s rights and higher education to art and music. Since 2009, the talk show is being aired under a changed format and with a new title “Our Yard”. In 2008, GPB prepared nine documentary films, which tell the story of nine national minorities (Armenians, Azeri, Jewish, Greeks, Kurds, Qists, Judies, Ukrainians, Ossetians) living in Georgia. The Public Radio also airs daily news programmes in five minority languages – Abkhazian, Ossetian, Russian, Azeri and Armenian. It also broadcasts analytical programmes in Russian, weekly informational radio-bridge Tbilisi-Baku and the programme “Our Georgia” that particularly focuses on the history of ethnic and religious minorities, their traditions and culture. Since January 2010, a new TV channel “First Caucasian” was created within GPB for the Russian-speaking community, covering not only Georgia but the entire Caucasus. The channel airs information about on-going events in the region, cultural heritage of people living in the Caucasus, their peaceful co-existence and future development perspectives for the promotion of peace and development within the region.

88. The Ministry of Culture supports development of the print media in minority languages though publishing Armenian newspaper “Vrastani”, Azeri newspaper “Gurjistan” and Russian newspaper “Svobodnaia Gruzia”.

89. Apart from GPB, local broadcasters air programmes in minority languages. For instance, TV Specter, covering both Javakheti and Kvemo Kartli regions, broadcasts in Russian and Armenian; Parvana TV and ATV-12 broadcast in Armenian. TV Marneuli is available in Kvemo Kartli and broadcasts in both Georgian and Azeri languages. TV Alania broadcasts in Russian and covers Tbilisi and other regions, including Tskhinvali region/South Ossetia, Georgia.

90. In March 2009, Georgian National Communications Commission adopted a Code of Conduct for Broadcasters. The Code addresses the issue of observing diversity, quality and tolerance by broadcasters and explicitly stipulates that broadcasters should seek to avoid making inaccurate or misleading claims promoting stereotypes; identifying people unnecessarily by their ethnic or religious background or making unsupported allegations that may further encourage discrimination or violence. Moreover, since 1 January 2010, Media Development Foundation monitors coverage of national and religious minority-related issues in Georgian-language media. The project is implemented within the UNAG³⁴ and EPF³⁵ programme “National Integration and Tolerance in Georgia” with the financial support of USAID.

91. In cyberspace, www.diversity.ge is the first electronic website in Georgia that is fully devoted to, and covers array of, issues related to ethnic minorities. The website is trilingual and provides services in Georgian, Russian and English. It aims to raise awareness on ethnic-minority-related processes in the country, their history and culture,

³⁴ United Nations Association in Georgia.

³⁵ Eurasian Cooperation Foundation.

promote integration and tolerance, and encourage wider public engagement in these processes.

G. Article 22

92. The Government of Georgia informs the Committee on Elimination of Racial Discrimination that on 12 August 2008,³⁶ it instituted an inter-State application before the International Court of Justice against the Russian Federation for breach of the 1965 Convention on Elimination of All Forms of Racial Discrimination.

³⁶ See <http://www.icj-cij.org/docket/index.php?p1=3&p2=3&k=4d&case=140&code=GR&p3=6>.