



# FOURTH OPINION ON GEORGIA



## ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES

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## SUMMARY

Overall, Georgian society continues to be open and respectful of ethnic and religious diversity and a general climate of support for protection of minority rights prevails in Georgia. The monitoring period took place in a challenging context and was marked by the serious health and economic impact of the Covid-19 pandemic, conflicts in the region, the Russian Federation's aggression against Ukraine since February 2022, and the fact that Georgia is prevented from exercising effective control over its regions of Abkhazia and the Tskhinvali region/South Ossetia as a result of continuous illegal occupation and illegal military presence by the Russian Federation there. For this latter reason, the monitoring process did not cover these territories and the situation of persons belonging to minorities in these areas. The European integration process has also accelerated, and Georgia is now progressing towards membership of the European Union.

Despite this generally positive picture and acknowledging the difficult circumstances in which the Georgian authorities implement the Framework Convention, more action from them to foster a climate of mutual respect and dialogue between all persons in society is needed, including efforts among the general population to view and accept persons belonging to national minorities as an equal, integral and valued part of Georgian society. The position of religious minorities and persons belonging to them is concerning, as a number of problems they face remain unresolved. This concerns in particular the restitution of religious property confiscated during the Soviet period as well as more recently arbitrarily or unjustifiably appropriated religious properties. Effective access to places of worship is also a problem. The privileged status of the Georgian Orthodox Church in Georgian society and in Georgia's nation building continues to raise concerns, as it leads to discrimination in terms of freedom of religion for persons belonging to national minorities and has also important consequences for preventing societal integration based on accepting national and religious minorities as Georgia's integral and valued part. There also remains a tendency among the majority population and authorities to view certain religious communities and national minorities as a security concern.

Access to Georgian citizenship remains an issue for persons belonging to some national minorities, due in most cases to strict language requirements and other practical barriers. Equal access to rights remains an outstanding issue, particularly due to the lack of knowledge of the Georgian language. Despite notable promotion of the cultures and identities of persons belonging to national minorities, the contribution of minority cultures to the Georgian cultural heritage is not sufficiently recognised by the majority. Sustainable long-term baseline funding, allocation of suitable premises, with a particular focus on numerically smaller minorities, and dedicated funding for maintenance or reconstruction of cultural heritage monuments related to national minorities are necessary.

Notwithstanding the authorities' efforts in the teaching in minority languages and of the state language, many challenges persist. The curriculum content about the national minority cultures and languages remains sporadic and insufficient. Textbooks in minority languages and for minority language and literature continue to be imported from other states rather than being developed and published in Georgia, educational materials are of poor quality and there is a lack of adequate teacher training in preschool, primary and secondary education. On a positive note, the elaboration and gradual implementation of a bilingual teaching model, from September 2023, if implemented in full compliance with protecting the language rights of persons belonging to national minorities, could pave the way for remedying a number of problems in the field of education, as well as access to right for persons belonging to national minorities, including their effective participation in all areas of life.

The Council of Ethnic Minorities and the Council of Religions, under the auspices of the Public Defender, continue to be the main vehicle through which national minority representatives engage in official dialogue with the authorities. Nonetheless, these, otherwise inclusive bodies, do not serve as systematic and formalised consultation mechanisms. Insufficient and unsatisfactory participation of persons belonging to minorities in Georgia's political life at all levels is also of concern. The legislative framework does not provide for effective mechanisms for persons belonging to national minorities, including women, to be adequately represented in elected bodies. There is also a low level of participation of persons belonging to national minorities in Georgia's social and economic life, requiring adequate measures.

**Recommendations for immediate action:**

- The Advisory Committee urges the authorities to take all steps to effectively prepare for the next census to take place in 2024, including by adopting and publicly sharing the new census form. This form or any other data collection form should include the possibility of declaring multiple affiliations and its list of possible responses to the ethnicity and language questions should be open-ended and optional. An awareness-raising campaign is needed on the importance of the census, among persons belonging to national minorities in the areas where they live. The authorities should recruit persons belonging to national minorities as census interviewers. They should also ensure the appropriate training of all census interviewers to ensure interviewees trust the census and are able to provide freely their responses which are recorded accurately.
- The Advisory Committee urges the authorities to ensure effective, targeted and evidence-based measures to address inequalities faced by persons belonging to national minorities, the Armenians, Azeris, Kists and Roma in particular. This should be done in a sustainable way, and in co-operation with different minority representatives, including women. The authorities should monitor and evaluate outcomes of those measures at all levels.
- The Advisory Committee urges the authorities to pursue and increase their efforts by taking concrete steps to promote trust, mutual respect and understanding in relation to persons belonging to all minorities, through among others awareness-raising activities among the general population. The knowledge among the majority population about national minorities should be improved with a view to accepting minorities and persons belonging to them as an integral and valued part of Georgian society. Active efforts by the authorities are still needed to combat prejudices against and stereotypes of minorities and persons belonging to them and perceptions of some minorities as a security threat.
- The Advisory Committee urges the authorities to ensure that persons belonging to national minorities and practising minority religions have effective access to places of worship and effective legal protection for that purpose. Decisions on the building or allocation of new places of worship should be taken in a timely, transparent and non-discriminatory manner, in close consultation with representatives of the communities concerned. The authorities should without any further delay ensure restitution or compensation for arbitrarily or unjustifiably appropriated property of national minorities or other religious communities, in consultation with all parties concerned.
- The Advisory Committee urges the authorities to ensure that the legislative framework contains effective mechanisms for persons belonging to national minorities, including women, to be adequately represented in elected and executive bodies at all levels so that they may participate fully in public affairs. The authorities should carry out awareness-raising campaigns, including in minority languages to raise awareness about their right to political participation.

## I. KEY FINDINGS

### Monitoring process

1. This fourth cycle opinion on the implementation of the Framework Convention by Georgia was adopted in accordance with Article 26(1) of the Framework Convention and Rule 25 of Resolution (2019)49 of the Committee of Ministers. The findings are based on information contained in the fourth state report, submitted by the authorities on 31 July 2022, other written sources and on information obtained by the Advisory Committee from governmental and non-governmental contacts during and after its visit to Tbilisi, Akhalkalaki, Duisi and Marneuli from 15 to 19 May 2023.
2. The Advisory Committee expresses its gratitude to the authorities for their excellent co-operation before, during and after the visit, and to the other interlocutors it met during the visit for their valuable contributions. The draft opinion, as approved by the Advisory Committee on 12 October 2023, was transmitted to the Georgian authorities on 18 October 2023 for observations, according to Rule 37 of Resolution (2019)49. The Advisory Committee welcomes the observations received from the Georgian authorities on 21 December 2023.
3. The Advisory Committee welcomes the fact that its Third Opinion has been translated into Georgian, but it regrets that the Third Opinion and the subsequent resolution of the Committee of Ministers on Georgia have not been translated into national minority languages.
4. The Advisory Committee appreciates that the authorities organised a number of meetings on issues related to national minorities with the involvement of local stakeholders, including representatives of national minorities. However, no dedicated follow-up meeting with the participation of the Advisory Committee was organised. The Advisory Committee encourages the authorities to organise a follow-up event after the publication of the present fourth cycle Opinion. It considers that follow-up dialogue to review the observations and recommendations made in this Opinion would be beneficial to everyone concerned.
5. Since April 2018, notable efforts have been undertaken by the authorities to maintain peace and security in the region. In particular, a wide-ranging plan to encourage contacts, movement and relations with residents of Abkhazia and the Tskhinvali region/South Ossetia was launched in 2018. With this plan, the authorities aimed to improve the humanitarian situation in the territories which are not under their effective control and to re-establish inter-personal trust on both sides of the dividing lines. The peace initiative comprises efforts to simplify trade, including from Abkhazia and the Tskhinvali region/South Ossetia to the European Union and the United States, and to encourage students from those regions to study at educational institutions in Georgia and abroad. Noting that Abkhazia and the Tskhinvali region/South Ossetia remain outside the effective control of the Georgian authorities, the Advisory Committee cannot address any recommendations to them with regard to the implementation of the Framework Convention in those regions. In its findings, the Advisory Committee reserves the possibility to address issues of concern related to persons falling under the protection of the Framework Convention in those regions. It reiterates its call on all parties concerned to take a constructive approach with a view to ensuring effective access to rights of persons belonging to national minorities as an integral part of universally applicable human rights throughout the territory of Georgia.

### General overview of the current situation

6. Georgia has a flexible and open approach with regard to the scope of application of the Framework Convention. The society in Georgia is ethnically diverse with persons belonging to minorities making up 13.2% of the population, according to the 2014 population census.
7. During the reporting period, Georgia had to deal with large numbers of people arriving from the Russian Federation and Ukraine. In particular, following the Russian Federation's aggression against Ukraine since February 2022, approximately 48 000 persons fleeing the war in Ukraine entered Georgia. Some 35 000 of these left the country shortly afterwards to continue their journey to other European countries. In addition, government figures indicate that, as of October 2022, more than 110 000 Russians arrived in Georgia for different reasons. The Advisory Committee positively noted the efforts by the authorities in dealing with this influx.
8. The civil society in Georgia is well developed and plays a very important role in human rights protection in general, and minority rights in particular. Its strength was illustrated also in mass protests which with widespread international criticism led a draft law "On transparency of foreign influence" to be dropped from

the parliamentary procedure in March 2023. Still, this legislative proposal, which required any organisations receiving more than 20% of their funding from abroad to register as "foreign agents" or face substantial fines, raised concerns with regard to human rights protection, particularly in terms of the protection of the freedom of association and freedom of expression. This draft law also provoked a lot of fear and distrust among the civil society organisations who reported about increasing control measures, such as covert operations, by the National Security Service towards their activities.

9. In the course of the current monitoring cycle, measures have been put in place which, if properly implemented, will in time have a significant impact on the ability of persons belonging to national minorities to effectively enjoy their rights. The authorities' approach is focused on the perspective according to which the rights of persons belonging to national minorities are an integral part of the human rights protection system. With this aim, the authorities elaborated a strategic document - the "State Strategy for Civil Equality and Integration for 2021-2030" - with clear and comprehensive objectives. This Strategy represents a continuation of the "National Concept on Tolerance and Civic Integration and 2009-2014 Action Plan" and the "State Strategy for Civic Equality and Integration and Action Plan" for 2015-2020. The Advisory Committee positively notes the Georgian authorities' acknowledgement of the existing problems in the field of minority rights and their commitment, also shared during the monitoring visit, to address those problems through the implementation of the Strategy. Proper analysis of policy issues, monitoring and evaluation is key to achieve equitable and inclusive society. The provisions of the Framework Convention together with the findings in the present Opinion should serve as guiding principles and be duly adhered to by the authorities. Effective participation of minority representatives, taking into account their different interests and needs, has to be ensured in this process.

#### **Assessment of measures taken to implement the recommendations for immediate action**

10. Measures undertaken to implement recommendations for immediate action have considerably reinforced the mandate of the Public Defender who is now entitled to address obligatory requests for information to private persons and deal with complaints related to administrative proceedings. However, the recommendation with regard to the protection of the rights of persons belonging to religious communities has not been sufficiently addressed. Problems relating to access to places of worship and restitution of religious property persist.

11. While specific measures have facilitated access to education, the quality of teaching in minority preschool facilities and schools overall remains unsatisfactory. Although within the framework of the teaching of some subjects, pupils and students have the possibility to learn about different national minorities in Georgia, the curriculum contents about cultures and histories of national minorities as an integral part of Georgia remain deficient.

12. The quality of educational materials for minority and majority language learning remains problematic. The lack of adequate high-level professional development for teachers teaching in minority languages in preschools, primary and secondary schools is also of concern. With a view of addressing these issues, the Advisory Committee took note that the authorities have put in place and started implementing a bilingual education model. The Advisory Committee will closely monitor this process. The Advisory Committee also took note of the "1+4 Programme", which seeks to help speakers with non-Georgian first language to enter university.

#### **Assessment of measures taken to implement the further recommendations**

13. The next census will be held in 2024. The preparatory activities have commenced, but the census form is still not available. The Advisory Committee expressed concerns in relation to the census conducted in 2014, in particular, relating to the application of the principle of free self-identification and the impossibility to declare multiple affiliations. A specific recommendation was directed to the authorities to this end. However, since the 2024 census form is not publicly available (it has been shared with the relevant line agencies as submitted by the authorities), the Advisory Committee cannot assess if its recommendation has been implemented. It expects the next census form to comply with the right to free self-identification, which includes the right to declare multiple affiliations. The next population census constitutes an opportunity for the authorities to collect disaggregated data, allowing them to identify the situation of persons belonging to national minorities and develop adequate policies accordingly.

14. The Advisory Committee's recommendation relating to the costs for renting the premises of the Public Defender's headquarters has been successfully dealt with by the authorities. While clear efforts are made

regarding the implementation of legislation related to racial discrimination, inadequate investigation into hate crimes remains an issue, as noted in a previous recommendation by the Advisory Committee.

15. Access to the internet in remote areas has improved. The question of implementing linguistic rights, however, in particular in communication with the administration, remains challenging for the authorities. The poor implementation of minority language policies in areas traditionally inhabited by persons belonging to national minorities or where they live in substantial numbers persists.

16. Finally, regarding the right to effective participation of persons belonging to national minorities in all spheres of life, it is regrettable that the previous recommendation of the Advisory Committee to formalise and make compulsory the existing practice of consulting the Council of Ethnic Minorities and the Council of Religions under the auspices of the Public Defender of Georgia on matters of potential concerns for the persons and communities they represent has not been implemented. Some improvement of participation of persons belonging to national minorities in Georgia's political social and economic life is foreseen under the "State Strategy for Civil Equality and Integration for 2021-2030". It will now be crucial for the authorities to duly implement this Strategy.

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17. In the following part of the opinion, a number of articles of the Framework Convention are not addressed. Based on the information currently at its disposal, the Advisory Committee considers that the implementation of these articles does not give rise to any specific observations. This statement is not to be understood as signalling that adequate measures have now been taken and that efforts in this respect may be diminished or even halted. Rather, the Advisory Committee considers that the obligations of the Framework Convention require a sustained effort by the authorities. Furthermore, a certain state of affairs which may be considered acceptable at this stage may not necessarily be so in further cycles of monitoring. Finally, it may be that issues which appear at this stage to be of relatively minor concern prove over time to have been underestimated.

## II. ARTICLE-BY-ARTICLE FINDINGS

### Article 3 of the Framework Convention

#### Scope of application

18. Upon ratification of the Framework Convention, the Georgian authorities did not formulate any declaration on the scope of its application in Georgia. Azeris and Armenians are the numerically largest minorities. There are also numerically smaller minorities, such as Russians, Ossetians, Yazidis, Ukrainians, Kists, Greeks, Assyrians, Avars, Jews, Kurds, Udis and Roma.<sup>1</sup>

19. Interlocutors from the Armenian minority informed the Advisory Committee that around 10 000 Armenians born and raised in Georgia, hold a residence card but not Georgian citizenship. In six out of ten families in Samtskhe-Javakheti, where Armenians live in substantial numbers, men do seasonal work from spring to autumn in the Russian Federation. Unable to travel to the Russian Federation with their Georgian citizenship without a visa and not having a possibility to hold dual citizenship according to the Georgian legislation up until 2021, many renounced the Georgian citizenship and obtained either Russian or Armenian citizenship. These individuals are now seeking to reclaim the Georgian citizenship, but have to pass a language test as a condition for citizenship acquisition. As many are not sufficiently fluent in Georgian (see Articles 4, 12 and 14), this requirement constitutes a serious barrier, especially for the elderly, resulting also in them not being able to access certain social and health related services (see Article 4).<sup>2</sup> The Advisory Committee was informed that this issue also concerns some Ossetians and Kists.<sup>3</sup> The authorities informed the Advisory Committee that free of charge Georgian language courses are periodically offered by the Training Centre of the Ministry of Justice of Georgia in different regions inhabited by persons belonging to national minorities with a view to helping them prepare for basic language requirements set for the test.

20. The Advisory Committee welcomes the inclusive approach of the Georgian authorities towards the scope of application of the Framework Convention, which applies also to a number of persons belonging to numerically smaller minorities. This being said, the Advisory Committee reiterates its longstanding viewpoint that the personal scope of application should, where appropriate, also extend beyond citizens, particularly where exclusion on grounds of citizenship may lead to unjustified and arbitrary distinctions, such as when exclusion concerns persons without citizenship belonging to national minorities who permanently reside in a given territory.<sup>4</sup> It should be considered for each right separately whether there are legitimate grounds to differentiate the application of the Framework Convention based on citizenship.<sup>5</sup>

21. Furthermore, as regards language requirements for the acquisition of Georgian citizenship, the Advisory Committee considers that special attention needs to be paid to regions inhabited by persons belonging to national minorities with another first language. Accordingly, special measures are needed to facilitate preparations for the language tests to acquire the Georgian citizenship. Such measures include training and possibilities for learning and practising the Georgian language, especially for the adults and the elderly (see Article 14). Additionally, the Advisory Committee finds that simplification of the requirements to regain Georgian citizenship, such as adapting the standards for language tests for the elderly and elaborating policies on language test exemptions, could also help the affected individuals to access all social rights, including healthcare.

<sup>1</sup> Whilst the present Opinion only refers to Roma, the Advisory Committee emphasises that a number of issues raised regarding the situation of Roma and the assessment and recommendations made by the Advisory Committee could also be potentially applicable to persons belonging to Dom and Lom communities in Georgia.

<sup>2</sup> For a detailed analysis regarding the situation see, Social Justice Center, Ketevan Efadze, Ana Tivadze “Identity Negotiation Among Javakheti Armenians”, 22 February 2022, available at <https://socialjustice.org.ge/en/products/javakhetis-somkhebi-identobaze-molaparakebis-protsesshi>.

<sup>3</sup> Social Justice Center, Information for the Advisory Committee regarding Georgia’s implementation of the Council of Europe’s Framework Convention for the Protection of National Minorities Reporting period 2019-2023.

<sup>4</sup> [ACFC Thematic Commentary No. 4](#), The Framework Convention: a key tool to managing diversity through minority rights. The scope of application of the Framework Convention for the Protection of National Minorities, adopted on 27 May 2016, paras. 29-30.

<sup>5</sup> [ACFC Thematic Commentary No. 4](#), para. 30.

22. The Advisory Committee strongly encourages the authorities to pursue an open and inclusive approach to the Framework Convention's personal scope of application, including to persons belonging to national minorities who are long-term residents without Georgian citizenship. The authorities are asked to facilitate access to Georgian citizenship for these persons through simplified procedures and by providing for exceptions regarding language tests. Until then, these persons should not be prevented from accessing rights as foreseen under the Framework Convention.

### Data collection and census

23. The last population census was held in 2014.<sup>6</sup> The authorities have informed the Advisory Committee that the next census will be held in 2024. The preparatory activities have already started, but the census form has not been approved yet. The authorities informed the Advisory Committee that the preliminary version of the census questionnaire has been prepared and disseminated to the line agencies for consideration.

24. The Advisory Committee already expressed its concerns in the Third Opinion in relation to the census conducted in 2014, in particular relating to the application of the principle of free self-identification and the impossibility to declare multiple affiliations. A specific recommendation was directed to the authorities to this end.<sup>7</sup> Consequently, the "State Strategy for Civic Equality and Integration for 2021-2030" states that the authorities take into consideration the recommendations of the Advisory Committee to provide for the right to free self-identification during the population census scheduled for 2024.<sup>8</sup> In addition, in the Third Opinion, the Advisory Committee noted that the population census form used in 2014 and entitled "personal questionnaire"<sup>9</sup> did not clearly specify whether the ethnicity, religion and language questions are optional or compulsory.<sup>10</sup>

25. Interlocutors of the Advisory Committee highlighted the importance of declaring multiple affiliations in the census. It was also pointed out that the census form should, as previously, provide open questions on languages. They also indicated that it should be translated and available in minority languages especially considering the fact that many persons belonging to national minorities do not have sufficient knowledge of the Georgian language (see Articles 3, 4 and 14).

26. The Advisory Committee reiterates that the right to free self-identification, as protected in Article 3 of the Framework Convention, constitutes the cornerstone of international protection of minority rights<sup>11</sup> and that this "right to free self-identification also extends to multiple affiliations", meaning that an individual who affiliates with a particular national minority may "simultaneously affiliate with other minorities or with the majority."<sup>12</sup> Ahead of the adoption of the census form, the Advisory Committee thus reminds the authorities of the importance of the possibility of declaring multiple affiliations in the census and that the list of possible responses to the ethnicity and language questions of the census should be open-ended and optional.

27. The Advisory Committee also reiterates the importance of recruiting and training persons belonging to national minorities as interviewers and expects the authorities to take active steps in this respect. All interviewers should be appropriately trained to ensure that interviewees give free and informed replies to the questions, especially concerning ethnic, linguistic and religious affiliations. Inclusiveness and credibility of the census exercise are vital, from the development of the census questionnaire to the timely publication

<sup>6</sup> The results of the general population census of 2014 are the following: ethnic groups, in thousands of persons and percentage of the entire population: Georgians 3 224.6 (86.8%), Azeris 233 (6.3%), Armenians 168.1 (4.5%), Russians 26.5 (0.7%), Ossetians 14.4 (0.4%), Yazidis 12.2 (0.3%), Ukrainians 6 (0.2%), Kists 5.7 (0.2%), Greeks 5.5 (0.1%), Assyrians 2.4 (0.1%), Other 14.3 (0.4%), Refused to declare 0.6 (less than 0.1%), Nationality not specified 0.5 (less than 0.1%); Religion: Orthodox Christians 3 097.6 (83.4%), Muslims 398.7 (10.7%), Armenian Apostolic 109 (2.9%), Catholics 19.2 (0.5%), Jehovah's Witnesses 12.4 (0.3%), Yazidists 8.6 (0.2%), Protestants 2.5 (0.1%), Judaists 1.4 (less than 0.1%), Other 1.4 (less than 0.1%), none 19.1 (0.5%), Refused to declare 9.6 (0.3%), Not specified 34.3 (0.9%).

<sup>7</sup> See [the Advisory Committee's Third Opinion](#), adopted on 7 March 2019, para. 29.

<sup>8</sup> The "State Strategy for Civic Equality and Integration 2021-2030", approved on 13 July 2021, p. 39, available at <https://smr.gov.ge/en/page/31/state-strategy-for-civic-equality-and-integration-and-action-plan>.

<sup>9</sup> 2014 Population Census form "Personal questionnaire" ("Form 2").

<sup>10</sup> See [the Advisory Committee's Third Opinion](#), adopted on 7 March 2019, para. 26.

<sup>11</sup> [ACFC Thematic Commentary No. 4](#), paras. 9-10.

<sup>12</sup> [ACFC Thematic Commentary No. 4](#), para. 13.

of the results. Lastly, the Advisory Committee considers that a pre-census awareness-raising campaign explaining the significance of collecting accurate information on the diversity of society with a view to guiding a well-informed national minority policy is beneficial. This awareness-raising campaign should also serve the purpose to build trust in the census and encourage persons belonging to certain communities, such as Dom and Lom, to self-identify as such.<sup>13</sup>

28. The Advisory Committee urges the authorities to take all steps to effectively prepare for the next census to take place in 2024, including by adopting and publicly sharing the new census form. This form or any other data collection form should include the possibility of declaring multiple affiliations and its list of possible responses to the ethnicity and language questions should be open-ended and optional. An awareness-raising campaign is needed on the importance of the census, among persons belonging to national minorities in the areas where they live. The authorities should recruit persons belonging to national minorities as census interviewers. They should also ensure the appropriate training of all census interviewers to ensure interviewees trust the census and are able to provide freely their responses which are recorded accurately.

## Article 4 of the Framework Convention

### Legal and institutional framework on non-discrimination

29. In addition to Article 11/1 of the Constitution,<sup>14</sup> Georgia's legal framework on non-discrimination continues to be regulated by the 2014 Law on Elimination of All Forms of Discrimination, which establishes a general framework for preventing and combating discrimination on the grounds of "race, skin colour, language, [...] citizenship, origin, place of birth or residence, [...] religion or belief, national, ethnic or social origin [...]".<sup>15</sup> It applies to the public and the private sector and prohibits direct and indirect discrimination as well as multiple discrimination. Both the Public Defender's Office and domestic courts examine discrimination cases on the basis of this law.<sup>16</sup>

30. The state report indicates that during the reporting period, various measures were taken to raise awareness of the anti-discrimination legislative standards, including those provided under the Law on Elimination of All Forms of Discrimination.<sup>17</sup> However, a recent study commissioned by the Council of Europe shows that only 21% of the general public is aware of this law, a slight decrease from 2018 (23%).<sup>18</sup> In addition, according to the UN Committee on Elimination of Racial Discrimination (CERD), "awareness of the relevant legislation and redress mechanisms remains limited, particularly among ethnic minorities."<sup>19</sup> Interlocutors of the Advisory Committee concurred with these findings, stating that the lack of awareness of anti-discrimination legislation continues to be a challenge for persons belonging to national minorities, particularly for those Armenians and Azeris who do not master the Georgian language sufficiently.

31. The Public Defender's Office, which is responsible for the monitoring of discrimination and equality issues, functions as an Equality Body, the National Preventive Mechanism (NPM) and the Monitoring Mechanism for the UN Convention on the Rights of Persons with Disabilities. In addition, the Tolerance

<sup>13</sup> For further information see CAHROM (2017)18 Thematic report from 6 November 2017 on the situation of Eastern Roma groups (Roma, Lom/Bosha, Dom/Garachi, Abdal) and policy responses to their needs (following the thematic visit held in Tbilisi Georgia, on 21-23 June 2017).

<sup>14</sup> Article 11/1 reads as follows: "All persons are equal before the law. Any discrimination on the grounds of race, colour, sex, origin, ethnicity, language, religion, political or other views, social affiliation, property or titular status, place of residence, or on any other grounds shall be prohibited."

<sup>15</sup> Article 1 of the Law on Elimination of All Forms of Discrimination of 2 May 2014, available at <https://matsne.gov.ge/en/document/view/2339687?publication=0>.

<sup>16</sup> It is to be noted that if courts are approached in a matter that has already been decided by the Public Defender, they are dealing with the application concerned in substance through fresh examination on the merits.

<sup>17</sup> State report, paras. 54-81.

<sup>18</sup> Caucasus Research Resource Centres (CRRC-Georgia), "[Hate Crime, Hate Speech and Discrimination in Georgia: Attitudes and Awareness](#)", Report of Public Survey Conducted for the Co-operation Project "Fight against Discrimination, Hate Crimes and Hate Speech in Georgia", the Council of Europe, 2022, p. 40. For a comparison with data from 2018 see Caucasus Research Resource Centres (CRRC-Georgia), "[Hate Crime, hate speech and discrimination in Georgia, Attitudes and Awareness](#)", baseline study of the Council of Europe project "Fight against discrimination, hate crimes and hate speech in Georgia", November 2018.

<sup>19</sup> See UN Committee on the Elimination of Racial Discrimination (13 December 2022), CERD/C/GEO/CO/9-10, [Concluding observations on the on the combined ninth and tenth periodic reports of Georgia](#).

Centre, which co-ordinates the works of both the Council of Ethnic Minorities and the Council of Religions, operates under the auspices of the Public Defender's Office (see Article 15). The Public Defender has a competence to, among others, submit proposals and recommendations concerning the Georgian legislation and draft laws to the Parliament; address state agencies, local self-government bodies and public institutions with proposals and recommendations concerning the redress measures in case of a breach of fundamental rights and freedoms; conduct awareness raising activities; act as *amicus curiae* in courts; and submit applications to the Constitutional Court.<sup>20</sup>

32. Following the legislative amendments of 2019, the Public Defender's competences were strengthened, among others, enabling the Office to institute court proceedings as an applicant in discrimination-related cases on behalf of legal entities. Further, the Public Defender has a competence to request and receive information, documents and materials from private natural and legal persons for the purposes of conducting an investigation. If a legal person or another organisational entity does not respond to or adopt the Public Defender's recommendations, the latter is now entitled to lodge an application with a court as a plaintiff.<sup>21</sup> The Advisory Committee welcomes these legislative developments, which are in compliance with its previous recommendation to this effect.<sup>22</sup>

33. The Office of the Public Defender has 10 regional offices, including in Akhalkalaki and Marneuli, where persons belonging to national minorities constitute the majority of the population. The Advisory Committee welcomes the *ad hoc* increase of the Office's budget from 1.4 million Georgian Lari (GEL) (€ 490 000) in 2017 to GEL 8.87 million (€ 3.123 million) in 2022 for the purpose of building the new headquarters for the Public Defender. Moreover, the Advisory Committee welcomes the fact that the amount for the Office's labour remuneration cannot be changed without a prior consent of the Public Defender.<sup>23</sup> This is an additional budgetary guarantee for the independence of this institution.

34. The Advisory Committee notes that the Public Defender's Office continues to play an important role in ensuring equality and fighting discrimination. It welcomes the fact that its work is recognised and valued by human rights activists and national minority organisations and their representatives. However, it should be observed that the number of complaints filed with the Public Defender on the alleged discrimination on ethnic grounds is relatively low. In 2021, the Public Defender examined 161 cases of alleged discrimination, out of which only 3% were based on ethnic grounds and 4% concerned alleged discrimination based on religion. In 2022, the Public Defender considered 153 complaints on discrimination, with the highest number (20%) concerning alleged discrimination on the ground of "dissenting opinion", 10% referred to the grounds of ethnicity and 2% related to alleged discrimination based on the ground of religion.<sup>24</sup>

35. In the Advisory Committee's view, the low number of complaints could stem from the low awareness of the anti-discrimination and equality legislation, constituting one of the reasons for under-reporting cases of discrimination. Against this background, the Advisory Committee underlines a particular importance of awareness-raising among persons belonging to national minorities on measures they can take when encountering discrimination. The Advisory Committee considers that increased engagement with persons belonging to national minorities, including in minority languages, is required to realise the full potential of the Public Defender's Office. In this context, interlocutors of the Advisory Committee praised the work of the previous Public Defender especially regarding the protection of the rights of persons belonging to national minorities and expressed their expectations that this attention will be pursued under the newly appointed Public Defender.

36. The Advisory Committee commends the work of the Public Defender during the Covid-19 crisis. It observed that, notwithstanding the amount of work, the regional offices remain understaffed. The Advisory Committee sees a lot of outreach potential, not least through the Public Defender's strong regional presence. Whilst praising the establishment of the new headquarters for the Public Defender, the Advisory Committee is of the opinion that more should be done to ensure that the Public Defender's regional offices are equipped with adequate infrastructure and personnel able to reach out to persons belonging to national minorities in their languages.

<sup>20</sup> For further information see the [webpage](#) of the Public Defender (Ombudsman) of Georgia.

<sup>21</sup> State report, paras. 33-40.

<sup>22</sup> See [the Advisory Committee's Third Opinion](#), adopted on 7 March 2019, para. 37.

<sup>23</sup> State report, para. 24.

<sup>24</sup> Public Defender (Ombudsman) of Georgia, [Special Report on Combating and Preventing Discrimination and the Situation of Equality](#), 2022, p. 3.

37. Furthermore, the Advisory Committee notes with concern that one of the major obstacles limiting the effectiveness of the Public Defender's Office continues to be the low level of implementation of its recommendations addressed to public institutions. According to the 2023 report of the European Commission against Racism and Intolerance (ECRI) on Georgia, only some 30% of all Public Defender's recommendations addressed to the government have been actually implemented in recent years, with the percentage for those concerning equality and non-discrimination being even lower.<sup>25</sup> In the annual parliamentary report of 2021, the Public Defender regretted the non-implementation of a significant part of his recommendations concerning the rights of persons belonging to national minorities, including in the field of equality and non-discrimination.<sup>26</sup> The Advisory Committee considers that the enforcement of the recommendations made by the Public Defender as well as follow-up to its findings and recommendations is of paramount importance for ensuring full and effective equality of persons belonging to national minorities.

38. The Advisory Committee strongly encourages the authorities to step up their efforts to raise awareness among persons belonging to national minorities of the anti-discrimination standards and equality legislation, as well as of the redress mechanisms. The authorities should also significantly improve the implementation of the recommendations by the Public Defender's Office regarding the rights of persons belonging to national minorities.

### Measures to promote full and effective equality

39. The "State Strategy for Civil Equality and Integration for 2021-2030"<sup>27</sup> serves as a cornerstone for the institutional development of a civic equality and integration policy in Georgia.<sup>28</sup> The ensuing Action Plans for the implementation of the 2021-2030 Strategy were adopted covering the periods of 2021-2022, 2022-2023, and 2023-2024, respectively. The Strategy sets out the following pillars in compliance with priorities based on analysis of the situation: (1) state language to support integration; (2) access to quality education; (3) equality, civic and political participation; (4) social and economic integration; and (5) intercultural dialogue. The Strategy, which was prepared with participation of a broad range of stakeholders including the Council of Ethnic Minorities under the auspices of the Public Defender of Georgia and with significant support by international institutions, is subject to two interim assessments to take place in 2024 and 2027, and a final one upon completion in 2030.<sup>29</sup>

40. Interlocutors of the Advisory Committee highlighted the importance of the adoption of such a strategic document but expressed dissatisfaction with the level of its implementation, stating that the priorities contained therein are not sufficiently mirrored in practice. According to them, the annual Action Plans to implement the Strategy do not provide adequate measures to reach its goals. Unlike the inclusive approach to the development of the Strategy, very limited participation through different activities by representatives of national minorities, as well as NGOs, in the course of the development of the 2021-2022 and 2022-2023 Action Plans was reported to the Advisory Committee. With regard to the Action Plan 2022-2023, NGOs representatives also highlighted that the deadline given for the submission of proposals (eight days) was too short.<sup>30</sup> In addition to that, one of the interlocutors of the Advisory Committee also mentioned the necessity to strengthen the legal framework for the protection of national minorities.

41. The Advisory Committee welcomes the comprehensiveness of the Strategy for 2021-2030, the priorities of which respond to requests made by persons belonging to national minorities met by the Advisory Committee during its visit. It is, however, regrettable that although some of the recommendations submitted by the Public Defender were reflected in the Strategy, a number of other important recommendations were not addressed. This concerns, for instance, the offer of free Georgian language courses to members of multi-ethnic families and persons belonging to national minorities with permanent

<sup>25</sup> See ECRI's [Sixth Report on Georgia](#), adopted on 28 March 2023, para. 2.

<sup>26</sup> Public Defender of Georgia, [Report on the Situation of Protection of Human Rights and Freedoms in Georgia](#), 2021, p. 237.

<sup>27</sup> The 2021-2030 State Strategy and Action Plan for Civic Equality and Integration was approved on the basis of Decree No. 56 of the Government of Georgia on 13 July 2021.

<sup>28</sup> It represents a continuation of the "National Concept on Tolerance and Civic Integration" and 2009-2014 Action Plan and the "State Strategy for Civic Equality and Integration and Action Plan" for 2015-2020.

<sup>29</sup> *Ibid.*, pp. 30-42.

<sup>30</sup> See the statement issued by the civil society platform "No to Phobia!" on 22 February 2023, available at <https://qdi.ge/ge/news/samogalaqo-platformis-ara-fobias-tsevri-organizatsiebis-gantskhadeba>.

residence permits in Georgia who do not speak Georgian fluently; and the translation of websites and social network pages of the self-government bodies of the regions densely populated by minorities into the respective minority languages.<sup>31</sup> Commending the authorities for the inclusive process in developing the Strategy, the Advisory Committee, nevertheless regrets that the participation of the members of the Council of Ethnic Minorities amounted only to the development of the Strategy and not to its ensuing Action Plan 2021-2022. It further regrets the short deadline for the submission of proposals to the Action Plan 2022-2023, as reported by the NGO representatives.

42. The Advisory Committee considers that the existence of action plans and some core baseline indicators have the potential to improve the implementation of the Strategy. The objectives set out in action plans must be followed by concrete, well-targeted substantial measures. The Advisory Committee therefore emphasises the importance of basing “equality promotion policy instruments or special measures on comprehensive data [...], also taking into account the various manifestations of multiple discrimination that may be experienced, including those arising from factors that are unrelated to the national minority background such as age, gender [...]”.<sup>32</sup> Collecting and regularly evaluating reliable, disaggregated data on the situation of persons belonging to national minorities is important for achieving full and effective equality, not least as it allows the authorities to assess whether steps taken to achieve this have been given effect. It is also important to raise awareness among national minorities of the necessity to collect such data for the elaboration of adequate policies to address their concerns. This is also needed for designing well-targeted and sustainable measures, meeting the needs of persons belonging to national minorities. Finally, the Advisory Committee considers that the process of the implementation of the Strategy as well as its action plans requires an active involvement of diverse representatives of national minorities, thus ensuring that different interests and needs are taken into account, and of relevant civil society organisations. Publication of all the reports on the implementation of the Strategy and relevant action plans should be public and proactively disseminated.

43. The Advisory Committee calls on the authorities to effectively implement all the priority goals set out in the State Strategy for Civic Equality and Integration for 2021-2030. The authorities should monitor and evaluate the Strategy and future annual action plans in close consultation with minority representatives reflecting the diversity within minorities and civil society actors. For these purposes, they should, among others, collect reliable and disaggregated equality data and put in place follow-up measures and activities. They should also publish and proactively disseminate all reports regarding the implementation of the Strategy and action plans.

### Equal access to rights

44. The policy objectives with respect to equal access to rights of persons belonging to national minorities are set out in the “State Strategy for Civil Equality and Integration for 2021-2030”, accompanied by its annual implementation action plans. Regarding the two numerically larger minorities (i.e. Azeri and Armenian), the Advisory Committee notes that equal access of persons belonging to these minorities to a number of rights guaranteed by the Framework Convention is not sufficiently guaranteed in practice due to their poor knowledge of the state language. This creates obstacles to effectively accessing, among others, the right to receive quality education, to information and to effective participation in the political, social and economic life (see Article 15). The Public Defender identified problems in communication with persons belonging to national minorities by institutions providing services necessary for the realisation of social and economic rights, such as Houses of Justice, territorial offices of the Social Service Agency, and branches of commercial banks.<sup>33</sup> The Advisory Committee was also informed that few legal texts (laws, regulations, etc.) are available in minority languages. This results in persons belonging to national minorities often being unaware of their rights and obligations. Although the authorities report about a wide range of awareness-raising measures in minority languages during the Covid-19 pandemic, interlocutors of the Advisory Committee stated that the issue with regard to access to rights, especially the right to receive information in minority languages, became more problematic during the pandemic.

<sup>31</sup> Public Defender of Georgia, [Report on the Situation of Protection of Human Rights and Freedoms in Georgia](#), 2021, p. 237.

<sup>32</sup> [ACFC Thematic Commentary No. 4](#), para. 66.

<sup>33</sup> Public Defender (Ombudsman) of Georgia, [Special Report on Situation of Equality and Combating and Preventing Discrimination](#), 2022, p. 21.

45. Roma also face a number of problems in terms of equal access to rights. According to the Public Defender, they are less informed about public services and receive more inadequate responses to their applications and requests submitted to various public institutions (Article 15). Poor knowledge of Georgian language is also a serious problem among Roma.<sup>34</sup> Concerning their identification documents, including birth certificates, the Advisory Committee commends the authorities for the issuance of 78 identification documents between January 2019 and February 2022,<sup>35</sup> and encourages the authorities to continue their efforts in this regard. This is important as the possession of identity documents is often a precondition for effective and equal access by Roma to healthcare and the labour market.

46. Persons belonging to the Kist minority reported that their equal access to rights is hampered due to their societal exclusion. Unemployment is one of the main challenges in Pankisi Gorge. Overall, the social and economic conditions in Pankisi Gorge are poor (see Article 15). The authorities report that a large number of diverse infrastructure rehabilitation and other wide-scope economic projects are implemented in the villages densely populated by Kists. In addition to this, discourse about Kists is very often focused from the perspective of national security concerns (see Article 6).

47. The Advisory Committee reiterates that Article 4(2) of the Framework Convention provides that the promotion of full and effective equality between persons belonging to a national minority and those belonging to the majority may require States Parties to adopt special measures that take into account the specific conditions of the persons concerned. The Advisory Committee recalls that such measures may take a variety of forms and are justified, both in time and in scope, only to the extent necessary in order to achieve the legitimate aim of full and effective equality. The Advisory Committee thus considers that effective access to rights has to be based on the principle of equality. Moreover, effectiveness also entails the obligation of the Georgian authorities to carry out such measures to ensure equality that will yield concrete results, coupled with relevant indicators for measuring the outcomes.

48. The Advisory Committee urges the authorities to ensure effective, targeted and evidence-based measures to address inequalities faced by persons belonging to national minorities, the Armenians, Azeris, Kists and Roma in particular. This should be done in a sustainable way, and in co-operation with different minority representatives, including women. The authorities should monitor and evaluate outcomes of those measures at all levels.

## Article 5 of the Framework Convention

### Protection and promotion of minority cultures and languages

49. In addition to Article 11/1 of the Constitution,<sup>36</sup> the main document relating to the protection and promotion of minority cultures is the “Culture Strategy 2025”, adopted in 2016.<sup>37</sup> Support, promotion and preservation of cultural heritage of national minorities is also foreseen under the “State Strategy for Civil Equality and Integration for 2021-2030”. The state funding for a number of cultural institutions, including David Baazov Museum of History of the Jews of Georgia, Mirza Phatali Akhundov Museum of Azerbaijan Culture, Petros Adamian Armenian Theatre, Azerbaijan State Drama Theatre, and Alexander Griboyedov Russian Theatre in Tbilisi, has increased during the reporting period. The state report also lists a range of cultural festivals and projects, including those with an intercultural dimension.<sup>38</sup>

50. According to recent research, the most important challenge the government faces is how to both protect the cultural heritage of minorities and recognise its relevance as an integral part of the Georgian cultural space.<sup>39</sup> Since 2019, the Ministry of Culture follows a new funding model of cultural activities, which

<sup>34</sup> Public Defender (Ombudsman) of Georgia, [Special Report on Combating and Preventing Discrimination and the Situation of Equality](#), 2022, p. 12.

<sup>35</sup> See ECRI’s [Sixth Report on Georgia](#), adopted on 28 March 2023, para. 66.

<sup>36</sup> Article 11/1 reads as follows: “All persons are equal before the law. Any discrimination on the grounds of race, colour, sex, origin, ethnicity, language, religion, political or other views, social affiliation, property or titular status, place of residence, or on any other grounds shall be prohibited.”

<sup>37</sup> State report, para. 235.

<sup>38</sup> State report, paras. 43-45.

<sup>39</sup> Carnegie Europe, Rusudan Amirejibi, Kakha Gabunia, *Georgia’s Minorities: Breaking Down Barriers to Integration*, 9 June 2021, available at <https://carnegieeurope.eu/2021/06/09/georgia-s-minorities-breaking-down-barriers-to-integration-pub-84689>.

is based on the promotion of cultural-creative activities in thematic and sectoral areas through competition. When deciding on the allocation of funding, the Ministry of Culture gives particular importance to sustainability and qualitative and quantitative indicators. Projects by less experienced (newer) organisations are also funded, such as the newly established Azeri children's theatre studio "Bizi" in 2021 for which the Ministry of Culture allocated GEL 14 000 (approximately €4 750).<sup>40</sup>

51. Despite the above-mentioned positive developments, representatives of persons belonging to all national minorities are concerned about the relatively low financial support for their cultural activities by the authorities, stating that the allocation of funds only on a project-by-project basis, without long-term and operational funding, does not ensure the sustainability of institutions and projects. In its submission to the Advisory Committee, the Council for Ethnic Minorities pointed out the necessity for rehabilitation of cultural houses and libraries in villages as well as support for ethnic minority folk ensembles and groups.<sup>41</sup> The need to promote the local culture of national minorities in the areas where they live traditionally was also pointed out. Reiterating the importance of secure funding for national minority organisations, the Advisory Committee considers that such funding should be made available in a foreseeable and sustainable manner, ensuring the continuation of the activities of national minority organisations. It further stresses the importance of responding to the needs and interests expressed by minority representatives as regards the preservation and promotion of minority cultures.

52. The Advisory Committee also considers that the overwhelming perception of national minority cultures in terms of their folkloristic aspects, without a deeper reflection about their broader contribution as an integral part of Georgian history and society and without equally including contemporary expressions of minority cultures, also needs to be addressed. In addition to supporting the representation of folkloristic aspects of minority cultures, increased attention should be devoted to contemporary expressions of minority cultures, which should include perspectives from women and youth in the funded activities.

53. In addition, the Advisory Committee notes that the rehabilitation of cultural monuments of significance to national minorities remains unresolved, as a result of which a number of Armenian churches are in dire condition.<sup>42</sup> The necessity to preserve the Armenian religious heritage of Georgia was also reported by the Council of Ethnic Minorities.<sup>43</sup> The Advisory Committee is concerned by this situation and underlines that the religious monuments of national minorities form an integral part of their specific identity, traditions and culture and are therefore subject to protection under Article 5 of the Framework Convention. It therefore reminds the authorities of the particular importance of religious buildings and monuments for the maintenance of the religious and cultural identities of persons belonging to national minorities. In this regard, the Advisory Committee considers that in order to ensure full implementation of Article 5 of the Framework Convention, an inventory of cultural heritage monuments of particular importance to national minorities needs to be made and dedicated funding for maintenance or reconstruction of those monuments should be secured.<sup>44</sup>

54. Regarding the numerically smaller minorities, the state report indicates a number of activities to promote their cultures. For example, "Pankisoba", "Vainakh Cultural Week" cultural programmes were implemented annually between 2016 and 2020, during which different activities were organised to promote the culture of persons belonging to the Kist minority.<sup>45</sup> Representatives of numerically smaller minorities unanimously stated that a targeted approach by the authorities is needed for the promotion and preservation of their cultures. They noted that the "State Strategy for Civic Equality and Integration for 2021-2030" and its Action Plans do not provide for any specific measures and/or activities in relation to protection of their cultures and identities.

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<sup>40</sup> State report, paras. 251-252.

<sup>41</sup> Council of Ethnic Minorities, "FCNM Submission of the Council of Ethnic Minorities under auspices of the Public Defender of Georgia", April 2023.

<sup>42</sup> [Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia, 2020](#), p. 322. These are Saint Gevork Monastery of Mughni, the Church of Shamkhoretos Karmir Avetaran, the Basilica of Tandayan Surb Astvatsatsin, Church of Surb Nshani (Surb Nikoghaios) and the Basilica of Surb Minas.

<sup>43</sup> Council of Ethnic Minorities, "FCNM Submission of the Council of Ethnic Minorities under auspices of the Public Defender of Georgia", April 2023.

<sup>44</sup> In the framework of a Council of Europe/European Union programme, the Georgian authorities elaborated in 2017 publications on architectural heritage of each national minority.

<sup>45</sup> State report, para. 250.

55. Recognising the authorities' efforts relating to the protection and promotion of persons belonging to the numerically smaller minorities, the Advisory Committee considers that more attention to their needs and interests is required. In this respect, the Advisory Committee reiterates the preamble of the Framework Convention which states that a pluralistic and genuinely democratic society should not only respect the ethnic, cultural, linguistic and religious identity of each person belonging to a national minority but also create appropriate conditions enabling them to express, preserve and develop this culture. The Advisory Committee reiterates that "[t]his may often require targeted efforts by the authorities to revitalise essential elements of the minority culture, without which the expression of some aspects of that identity may not be possible."<sup>46</sup> The Advisory Committee also points out the importance of revitalisation and active support to protect and develop the cultures and languages of numerically smaller national minorities, with a view to ensuring that persons belonging to these minorities are able to preserve and develop their cultural identities'.

56. The Advisory Committee is furthermore concerned by information provided by its interlocutors that the contribution of minority cultures to Georgia's cultural heritage is not sufficiently acknowledged by the majority. It considers that different elements of the culture of all national minorities, including their histories, languages, cultural heritage and contribution to society at large, need to be promoted throughout the Georgian society. It is further concerned by the preoccupations expressed by national minority representatives regarding the lack of premises for the organisation of meetings and cultural events both in Tbilisi and elsewhere. Many national minority representatives indicated that minorities could not afford their own offices due to increasing private rental costs and the lack of state funds for this purpose. The lack of suitable premises where cultural activities can be organised is even more problematic for numerically smaller minorities, particularly those that do not have national minority libraries or minority cultural centres.

57. Finally, the Advisory Committee notes that the European Charter for Regional or Minority Languages has not been ratified yet in line with Georgia's pre-accession commitments to the Council of Europe. When acceding to the Council of Europe in 1999, Georgia committed itself to ratifying this instrument by 27 April 2000. The Parliamentary Assembly of the Council of Europe in 2022 called upon the Georgian authorities to sign the Charter without further delay and then organise, in co-operation with the relevant Council of Europe departments, a proper awareness-raising strategy with a view to the Charter's prompt ratification by the Georgian Parliament.<sup>47</sup> While taking note of the authorities' assertion that Georgia already implements the standards defined by the Charter,<sup>48</sup> the Advisory Committee considers that its ratification could help the authorities to promote in a structured way the languages spoken by national minorities, including numerically smaller ones, and help to provide conditions necessary for persons belonging to national minorities to develop their respective languages and cultures as essential elements of their identity, thereby contributing to the implementation of the Framework Convention.

58. The Advisory Committee calls on the authorities to ensure the provision of the stable, sustainable long-term baseline funding necessary to preserve, develop and promote cultures and identities of persons belonging to national minorities, through, among others, the allocation of suitable premises and with a particular focus on supporting numerically smaller minorities. The allocation procedure should be transparent and efficient and the needs and interests of persons belonging to national minorities should be taken into account in all aspects of the procedure. The authorities should further consider making available dedicated funding for maintenance or reconstruction of cultural heritage monuments related to national minorities.

59. The Advisory Committee strongly encourages the authorities to promote the knowledge of national minorities and their positive contribution to Georgia's cultural heritage among the general public.

60. The Advisory Committee encourages the authorities to finally sign and ratify the European Charter for Regional or Minority Languages.

## Article 6 of the Framework Convention

<sup>46</sup> [ACFC Thematic Commentary No. 4](#), para. 67.

<sup>47</sup> Parliamentary Assembly, [Resolution 2438 \(2022\)](#), 28 April 2022. See also [Doc. 15497](#), report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), 8 April 2022, para. 202.

<sup>48</sup> State report, para. 381.

### Intercultural dialogue, mutual respect and integration of society

61. The authorities report on different measures to promote intercultural dialogue, mutual respect and understanding between persons belonging to minorities and the population at large.<sup>49</sup> The “State Strategy for Civic Equality and Integration 2021-2030” defines several priority areas, such as support for cultural diversity and intercultural dialogue, for knowledge of the state language as a precondition for democratic processes and for the full-fledged integration of the multi-ethnic society, and for access to quality education for all. Whilst the Strategy recognises religion being an aspect of minority identities, it does not cover religious minorities as such or the need to promote and protect their rights.

62. The findings of the 2020 nationally representative survey conducted among 1 928 persons, including persons belonging to national minorities, confirm high levels of loyalty to the state from persons belonging to minorities.<sup>50</sup> In response to the question “Which of the following identities is the most important for you: citizen of Georgia, member of my ethnic group, don’t know?”, only 8% of respondents belonging to national minorities declared that their ethnicity was more important than their Georgian citizenship, whereas 69% of them stated that the Georgian civic identity was more important. A further 23% of the respondents belonging to national minorities viewed both identities as equally important. The result of the study shows that a sense of modern Georgian citizenship has been consolidated, as most respondents mentioned they were proud to be Georgian citizens (73%).<sup>51</sup>

63. Another study commissioned by the Council of Europe indicates a positive change in attitudes and an increase between 2018 and 2021 of the knowledge and appreciation of diversity in Georgian society and of protecting minority rights, as well as an increased level of awareness of the problems which persons belonging to minorities face.<sup>52</sup> Positive attitudes towards diversity in general increased from 56% to 70%, for ethnic diversity from 56% to 68%, and for religious diversity from 46% to 60%. The data also indicates positive changes regarding the appreciation and awareness of rights of persons belonging to national minorities.<sup>53</sup>

64. Interlocutors of the Advisory Committee belonging to the Armenian and Azeri minorities stated that the main barriers to their inclusion in the Georgian society are the lack of fluency in the state language and the general lack of inclusion of persons belonging to minorities into the country’s political, economic, and cultural life. Understanding of national minorities as an integral and valued part of Georgia is thus more a matter of strategic documents and political statements than actual policies on the ground. They deemed it important to have opportunities to learn the Georgian language (along with learning and using their minority language), but also highlighted that the needs and interests of the elderly should not be overlooked, as they need specific targeted measures to learn the Georgian language. They also reported a lack of knowledge about minorities in the society being reflected in the limited teaching offered in minority languages or about their historical presence in Georgia, their cultures and traditions (see Article 12). On a positive note, considering the challenging geopolitical context in the region, the Advisory Committee observed during its visit the efforts both by the Georgian authorities and persons belonging to minorities to promote a climate of tolerance, mutual respect and good inter-ethnic relations with persons belonging to the Armenian and Azeri minorities. At the same time, additional confidence building measures are needed to further promote mutual respect and trust between persons belonging to these and other communities.

65. Despite a general improvement of attitudes towards diversity in Georgian society, interlocutors of the Advisory Committee shared their perception that the discourse about religious minorities is increasingly securitised. This experience was also confirmed by many interlocutors working in the field of national minority rights. National minorities and persons belonging to them are often viewed as a security problem and as potentially disloyal to the state by the authorities and the population at large, although, according to the Advisory Committee’s many interlocutors, there is no foundation for such a security concern. Persons

<sup>49</sup> State report, paras. 261-267.

<sup>50</sup> Caucasus Research Resource Centers, commissioned by Carnegie Europe and the Levan Mikeldadze Foundation, [Future of Georgia: Survey Report](#), 2021, p. 10.

<sup>51</sup> *Ibid.*, pp. 10-15. See also Carnegie Europe, Rusudan Amirejibi, Kakha Gabunia, Georgia’s Minorities: Breaking Down Barriers to Integration, 9 June 2021, available at <https://carnegieeurope.eu/2021/06/09/georgia-s-minorities-breaking-down-barriers-to-integration-pub-84689>.

<sup>52</sup> Caucasus Research Resource Centres (CRRC-Georgia), “[Hate Crime, Hate Speech and Discrimination in Georgia: Attitudes and Awareness](#)”, Report of Public Survey Conducted for the Co-operation Project “Fight against Discrimination, Hate Crimes and Hate Speech in Georgia”, the Council of Europe, 2022, p. 8.

<sup>53</sup> *Ibid.*, for further details, see pp. 16-23.

belonging to the Kist minority highlighted their societal exclusion. The killing of Temirlan Machalikashvili, who belonged to the Kist minority, by members of the Counter-Terrorism Department of the State Security Service of Georgia in 2017 exacerbated the sense of exclusion of the Kists from society. This exclusion has been linked to the alleged religious extremism in the community. An application was lodged with the European Court of Human Rights. In its judgment of 19 January 2023 in the case of *Machalikashvili v. Georgia*, the Court found a violation of Article 2 of the European Convention on Human Rights on account of lack of an effective and thorough investigation into fatal anti-terrorism operation in the Pankisi Gorge.<sup>54</sup> It was reported that the emigration from Georgia is increasing due to excessive police and security control exercised against the Kist minority. The Public Defender's report also raises this issue.<sup>55</sup>

66. Furthermore, media and CSO persons belonging to the Kist minority stated that they have problems when crossing the state border of Georgia, which is mostly manifested in delays at the border (see Articles 17 and 18). Some instances of harassment of civil society and media representatives operating in Pankisi Gorge by the Georgian security services were also mentioned to the Advisory Committee. Interlocutors of the Advisory Committee reported of instances of intimidation and unwarranted monitoring towards persons belonging to the Kist minority. The Advisory Committee regrets that the integration policies put in place do not address the concerns of the Kist minority and considers that a dialogue by the authorities with the representatives of the Kist minority, including women, is needed to hear their concerns and find appropriate solutions thereto. On a general note, the Advisory Committee considers that with a view to ensuring a genuinely inclusive society, more attention by the authorities is required to the needs and interests of persons belonging to the numerically smaller minorities.

67. The Advisory Committee notes that the Georgian Orthodox Church (GOC) enjoys a privileged status in Georgia, including in relation to tax and property regulations and regarding the obligation to perform military or alternative military service resulting in unequal treatment towards the other religious communities of Georgia (see Article 8). Linked to this, cases of proselytism in schools were again brought to the attention of the Advisory Committee. In this context, the Advisory Committee regrets that its previous recommendation whereby the authorities were urged "to systematically monitor cases of proselytism in schools" has not been addressed entirely. For example, the Tolerance and Diversity Institute pointed to "frequent cases of non-academic display of religious symbols in public schools."<sup>56</sup> In her recent report, the Council of Europe Commissioner for Human Rights raised the issue of neutrality in the context of prejudice and stigma against religious minority groups in school textbooks.<sup>57</sup> The Advisory Committee emphasises that a participatory approach should be pursued; that means working with national minorities in the development of educational materials to avoid perpetuating negative stereotypes, myths or falsehoods about national minorities, with the aim of combating prejudice.

68. Representatives of the Russian minority informed the Advisory Committee that inclusion of persons belonging to minorities into the political, economic, and cultural life of the country is essential, requiring a change in the attitude among ethnic Georgians, particularly those who have little or no interaction with persons belonging to minorities. The Advisory Committee was not told about any specific instances with regard to intolerance experienced by the persons belonging to the Russian minority. It however noticed a number of anti-Russian and anti-Russia, including anti-war, graffiti across Tbilisi, especially following the Russian Federation's aggression against Ukraine.<sup>58</sup> The Advisory Committee also learned of some antisemitic incidents during the reporting period.<sup>59</sup>

69. Finally, concerning the repatriation of Meskhetians,<sup>60</sup> which constituted one of the main commitments of the Georgian authorities upon accession to the Council of Europe, the State report indicates that a

<sup>54</sup> European Court of Human Rights, *Machalikashvili and Others v. Georgia*, no. 32245/19, 19 January 2023.

<sup>55</sup> Public Defender (Ombudsman) of Georgia, [Special Report on Combating and Preventing Discrimination and the Situation of Equality](#), 2022, pp. 12-13.

<sup>56</sup> Tolerance and Diversity Institute, *Freedom of Religion and Belief in Georgia amid and beyond the Covid Pandemic 2020-2021* (May), p. 22.

<sup>57</sup> See the Council of Europe Commissioner for Human Rights, Report following her visit to Georgia from 21 to 24 February 2022, published on 15 July 2022, p. 18.

<sup>58</sup> See also The Washington Post, *Russians fleeing to Georgia face resentment, graffiti, loyalty tests at bars*, 2 November 2022, available at <https://www.washingtonpost.com/world/2022/11/02/russians-in-georgia/>.

<sup>59</sup> Tolerance and Diversity Institute, *New alarming incidents of antisemitism in Georgia*, 16 March 2022, available at <https://tdi.ge/en/news/1021-new-alarming-incidents-antisemitism-georgia>.

<sup>60</sup> Persons belonging to the Meskhetian community were expelled from Georgia during World War II. For further information see Advisory Committee First Opinion on Georgia, adopted on 19 March 2009, paras. 83-85. See also

comprehensive legal framework and ensuing procedure were adopted to fulfil this commitment. According to the State report, 5 841 people in total applied for the repatriate status, but only 1 998 applications were accepted, whereas the remaining applicants did not fulfil the requirements set forth in the relevant legislation.<sup>61</sup> According to the authorities, Meskhetians were given an opportunity to receive Georgian citizenship in a simplified manner.<sup>62</sup> The Advisory Committee, however, notes that only a very small number of deported Meskhetians have returned to Georgia. It was reported that the state imposed insurmountable barriers to the repatriated Meskhetians to receive Georgian citizenship, including an obligation to renounce the citizenship of other states (mainly of Azerbaijan), which became excessively difficult for them.<sup>63</sup> Many feared that by renouncing their only citizenship, they risk becoming stateless, as the Advisory Committee learned during its visit. The absence of stable legal guarantees for the effective implementation of the repatriation process was also highlighted by the Public Defender of Georgia.<sup>64</sup> In addition, the lack of Georgian citizenship also constitutes a major problem for persons belonging to the Meskhetian community who live in other states but have relatives in Georgia upon crossing the Georgian border. The Advisory Committee was informed that very often their entrance is refused by the border guards without any substantiated reasoning. Acknowledging the authorities' efforts to establish a legal framework to guarantee the repatriation of Meskhetians, the Advisory Committee is concerned by the complaints it received regarding the formalistic procedure of repatriation<sup>65</sup> and considers that a genuine dialogue is necessary with the persons belonging to the Meskhetian community to determine how the practical implementation of their full repatriation could be reinitiated with more effective results.

70. The Advisory Committee emphasises that Article 6 of the Framework Convention calls for deliberate efforts to foster a climate of mutual respect, understanding and co-operation among all persons in society, where persons belonging to national minorities are recognised as a valued integral part of a diverse society, who effectively enjoy equal access to rights and resources, while being provided with opportunities for social interaction and inclusion across differences. It reiterates the preamble of the Framework Convention which states that cultural diversity ought to be a source and a factor, not of division, but of enrichment for society which should be reflected and fostered through legislation and policy. The Advisory Committee regrets that inclusion in Georgia is not sufficiently perceived as a process of mutual accommodation requiring efforts both from persons belonging to national minorities and from those belonging to the ethnic Georgian majority, and based on respect of diversity as society's integral and valued part. It reiterates that it is essential "that all segments of society, majorities and minorities alike, are addressed in order for integration strategies to effectively facilitate the formation of societal structures where diversity and respect for difference are acknowledged and encouraged as normal, through recognition, mutual accommodation and active engagement on all sides."<sup>66</sup>

71. The Advisory Committee urges the authorities to pursue and increase their efforts by taking concrete steps to promote trust, mutual respect and understanding in relation to persons belonging to all minorities, through among others awareness-raising activities among the general population. The knowledge among the majority population about national minorities should be improved with a view to accepting minorities and persons belonging to them as an integral and valued part of Georgian society. Active efforts by the authorities are still needed to combat prejudices against and stereotypes of minorities and persons belonging to them and perceptions of some minorities as a security threat.

72. The Advisory Committee strongly encourages the authorities to engage in a genuine dialogue with persons belonging to the Meskhetian community to determine how the practical implementation of their full repatriation could be reinitiated with more effective results.

### **Protection from hate crime and hate speech**

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Tom Trier, George Tarkhan-Mouravi and Forrest Kilimnik, "Meskhetians: Homeward Bound...", European Centre for Minority Issues – Caucasus, 2011.

<sup>61</sup> State report, para. 230.

<sup>62</sup> Ibid.

<sup>63</sup> Social Justice Center, Information for the Advisory Committee regarding Georgia's implementation of the Council of Europe's Framework Convention for the Protection of National Minorities Reporting period 2019-2023.

<sup>64</sup> Public Defender (Ombudsman) of Georgia, [Special Report on Combating and Preventing Discrimination and the Situation of Equality](#), 2022, p. 14.

<sup>65</sup> See Anna Dolidze, Repatriation of Muslim Georgians: Mission Accomplished? *Religions* 2023, 14(7), 939; <https://doi.org/10.3390/rel14070939>.

<sup>66</sup> [ACFC Thematic Commentary No. 4](#), para. 54.

73. Under Article 53<sup>1</sup> of the Criminal Code, commission of a crime on the grounds of, among others, race, skin colour, language, sex, gender, religion, national, ethnic or social affiliation, origin, is considered to be a bias motivation and an aggravating circumstance in a criminal offence, warranting a more severe punishment. Article 239<sup>1</sup> of the Criminal Code prohibits public incitement to acts of violence orally, in writing or using other means of expression in order to cause a discord between persons belonging to certain communities based on their racial, religious, national, provincial, ethnic, social, political, linguistic and/or other characteristics, provided that this poses clear, direct and substantial risk of acts of violence.

74. Following a Memorandum of Understanding signed in September 2020, on 5 October 2023 a new “Memorandum on Maintaining Statistics on Crimes Committed on Grounds of Intolerance with Discrimination Basis and Publishing a Joint Report” was signed by the Supreme Court of Georgia, the General Prosecutor’s Office, the Ministry of Internal Affairs, the Special Investigation Service and the National Statistics Office of Georgia. The new memorandum creates additional responsibilities of the parties to collect and publish even more detailed statistical data on hate crimes. The Special Investigation Service is also mandated to collect data given that its investigative mandate was recently extended to crimes motivated by intolerance. Between October and December 2020, the Human Rights Protection and Investigation Quality Monitoring Department monitored 246 criminal cases, out of which the ground of “race” was identified in 12 criminal cases. Racial ground intersected with gender ground was identified in one case. Out of the 1 703 criminal cases monitored in 2021, 53 involved racial ground, and one case involved racial ground intersected with gender ground. Out of the 1 802 criminal cases monitored in 2022, racial ground was identified in 56 criminal cases. The gender ground intersected with the racial ground was recorded on five cases and the religious ground intersected with the racial ground was identified in one case. From 2019 to 2022, 32 persons were charged with crimes committed on the grounds of ethnic and national intolerance motives. Subsequently, 13 persons were prosecuted for committing crimes on the grounds of ethnic and national intolerance in 2022, eight in 2021, 3 in 2020 and 8 in 2019. The number of convictions with the motive of religious intolerance was six in 2020, two in 2021 and one in 2022. The number of convictions with the motive of “race” (“race”, skin colour, language, citizenship, national and ethnic origin) was one in 2020, five in 2021 and seven in 2022.<sup>67</sup> The authorities informed the Advisory Committee that between 2018 and 2023, over 3 500 employees received training on discrimination-related crimes.

75. A lack of effective investigation of hate crimes, as well as a failure to establish a hate motive in the crimes committed on the basis of religion, were brought to the Advisory Committee’s attention.<sup>68</sup> In the case of *Mikeladze and Others v. Georgia*,<sup>69</sup> the European Court of Human Rights found that there had been a discrimination on the ground of religious belief, as well as ineffective investigation of the complaint by applicants belonging to the Muslim minority about the excessive use of force and the use of discriminatory language by the police during their arrest and initial detention. The case is pending execution. In the relevant leading case on the same subject, the Committee of Ministers indicated that additional measures should be taken in order to develop a uniform judicial practice regarding hate crimes investigation, including sanctioning.<sup>70</sup> The authorities informed the Advisory Committee that an investigation was launched at the domestic level and police officers were charged with exceeding official powers by using violence under Article 333 of the Georgian Criminal Code. The criminal case is pending investigation.

76. Interlocutors of the Advisory Committee reported that the qualification of the crime as a murder committed on the grounds of ethnic intolerance and antisemitism remained a problem in the case of the

<sup>67</sup> Additional information provided by the authorities on 12 May 2023, pp. 6-7. See also Ministry of Internal Affairs of Georgia, Prosecutor’s Office of Georgia, Supreme Court of Georgia, Joint Reports of Data on Crimes committed on grounds of intolerance with discrimination basis from 2020, 2021, 2022 available at <https://www.geostat.ge/en/modules/categories/680/hate-crimes-statistics>.

<sup>68</sup> See [the Advisory Committee’s Third Opinion](#), para. 102.

<sup>69</sup> European Court of Human Rights, *Mikeladze and Others v. Georgia*, no. 54217/16, 16 November 2021. The case relates to the circumstances of arrest and mistreatment of local Muslims by police in the village of Mokhe in October 2014, which took place during protests and clashes involving local residents belonging to Orthodox Christian and Muslim confessions. The Court found violations of Articles 3 (prohibition of torture, inhuman and degrading treatment) and 14 (prohibition of discrimination) of the European Convention on Human Rights.

<sup>70</sup> For further information see *Identoba and others v. Georgia*, no. 73235/12, 12 May 2015, Supervision of the execution of the European Court’s judgments, available at <https://hudoc.exec.coe.int/eng?i=004-5894>.

killing of Vitaly Safarov in 2018.<sup>71</sup> In its judgment of 2019, the Tbilisi City Court did not consider racial, religious, national or ethnic intolerance as possible motives for murder. The judgment was upheld by the Court of Appeal. The prosecutor lodged an appeal on points of law with the Supreme Court, which is pending examination. Another individual case pointed out to the Advisory Committee relates to the alleged hate crime (allegations of threats) committed against Samira Bayramova, an Azeri human rights activist, during the opening of the office of the Conservative Movement in Marneuli.<sup>72</sup> Criminal proceedings were instituted on account of those events and Samira Bayramova was granted victim status. The investigation is pending before the relevant instances.

77. Moreover, two criminal cases were brought to the attention of the Advisory Committee which were opened on account of the events in 2021. These concerned (i) a confrontation that occurred in the village of Dmanisi between persons belonging to the Azeri minority and the Georgian majority; and (ii) an incident that occurred in the village of Bukhnari between Muslim and Christian religious communities living there. According to the Public Defender, the law enforcement authorities responded to these incidents “ineffectively - the parties to the conflict physically assaulted each other in the presence of the police, who failed to respond to the case and defuse the situation in a timely manner.”<sup>73</sup> The authorities informed the Advisory Committee that criminal cases were opened on account of both incidents which are currently pending investigation. Interlocutors of the Advisory Committee further reported that such kind of incidents are provoked by the groups attacking individuals belonging to both religious and LGBTQI+ communities.

78. The Advisory Committee emphasises that it is an obligation of states parties to undertake appropriate measures to protect persons who may be subject to threats or acts of hostility or violence as a result of their ethnic, cultural, linguistic or religious identities. States have the obligation to take all necessary preventive measures as well as to ensure that cases of alleged hate crime and criminal hate speech are effectively investigated.<sup>74</sup> The Advisory Committee is concerned by flaws when investigating hate crimes. This concerns, in particular, the failure to grant victim status to several individuals who were subjected to physical violence and who were not allowed to have access to the relevant investigative materials and the authorities’ failure to take all reasonable steps to investigate any possible hate motive (ethnic or religious). Additional efforts by the authorities are needed to identify and eliminate the challenges in investigating and prosecuting hate crimes. These could include comprehensive initial and in-service training specifically focused on detecting and handling such crimes for police officers, prosecutors, as well as judges.

79. In so far as hate speech is concerned, the Georgian legislation does not define it beyond the criminally relevant hate speech covered by Article 239<sup>1</sup>. Statistical data are collected in relation to criminalised forms of hate speech, such as threats. The Law on Broadcasting prohibits “broadcasting of programmes intended to abuse or discriminate against any person or group based on, among others, ethnic origin, religion, except when this is necessary due to the content of a programme and when it is targeted to illustrate existing hatred”.<sup>75</sup> The Law on Broadcasting requires all broadcasters to have self-regulatory mechanisms, with an adequate complaint mechanism.

80. The Advisory Committee was informed of instances of hate speech, aggressive discourse and attitudes towards national minorities, mainly anti-Azeri and anti-Armenian comments expressing hatred in social media during the Covid-19 pandemic (in March-April 2020).<sup>76</sup> According to an annual report of 2020 of the Media Development Foundation, anti-Armenian hatred comments (54) mostly portrayed Armenian identity in a negative context in relation to certain individuals (33), followed by allegations that Armenians were acting against the interests of Georgia (13). The report further states that anti-Azeri comments (42)

<sup>71</sup> “No to Phobia!”, Alternative report on implementation of Framework Convention for the Protection of National Minorities by Georgia for the 4<sup>th</sup> monitoring cycle, 2023.

<sup>72</sup> For further information see Georgian Young Lawyers’ Association, [Threats against Samira Bayramova must be stopped in time](#), statement of 17 March 2022.

<sup>73</sup> Public Defender (Ombudsman) of Georgia, [Special Report on Situation of Equality and Combating and Preventing Discrimination](#), 2022, pp. 5 and 26-27.

<sup>74</sup> See also [Recommendation CM/Rec\(2022\)16 of the Committee of Ministers to member States on combating hate speech](#), adopted on 20 May 2022, paras. 12 and 58.

<sup>75</sup> Article 55<sup>2</sup> of the Law on Broadcasting. See also the EU and Council of Europe Project “Strengthening access to justice through non-judicial redress mechanisms for victims of discrimination, hate crime and hate speech in Eastern Partnership countries”, 2021, available at <https://rm.coe.int/hs-mapping-eng-final-2-2789-8689-3829-1/1680a490e3>.

<sup>76</sup> Public Defender (Ombudsman) of Georgia and Council of Ethnic minorities released a statement on this issue on 26 March 2020, available at <https://www.ombudsman.ge/geo/akhali-ambebi/gantskhadeba-marneulis-da-bolnisis-munitsipalitetebshi-mtskhovrebi-adamianebis-mkhardasacherad>.

mostly concerned the issue of a David Gareja Monastery Complex, located in the disputed part of the Georgian-Azerbaijani border.<sup>77</sup> Some of these statements (5) concerned the violation of Covid-19 pandemic-related regulations and the spread of the pandemic.<sup>78</sup> The Advisory Committee learned of a low level of public awareness of the remedies available to combat hate speech, especially online, available, for instance, under the Law on Broadcasting (complaint mechanism cited above). Additionally, the lack of training sessions on hate speech constitutes another problem among the police, prosecutors and judges regarding the effective fight against it. In the context of vague legislation on hate speech adequate trainings are needed to this effect.

81. The Advisory Committee strongly encourages the authorities to ensure the effective investigation, prosecution and sanctioning of acts of hate crimes and incitement to national, ethnic, racial or religious hatred and to further increase training for law enforcement authorities. The authorities should take measures to combat stereotypes and prejudice against persons belonging to national minorities exposed to hate speech, including through specific awareness-raising campaigns, as well as to effectively address all instances of hate speech, including on social media.

## Article 8 of the Framework Convention

### Right to manifest one's religion and establish institutions, organisations and associations

82. A number of issues regarding the right to manifest one's religion identified during the previous monitoring cycle are still of concern. These relate to access to places of worship due to the lack of clear, non-discriminatory, and fair regulations regarding the allocation of building permits and the restitution of places of worship confiscated during the Soviet period. Interlocutors of the Advisory Committee further pointed out the insufficient dialogue between the authorities and the religious communities and lack of co-operation between the State Agency for Religious Issues and the Council of Religions under the auspices of the Public Defender.

83. On 21 September 2023, the Parliament of Georgia adopted a new Defence Code, which repealed the law according to which representatives of clergy of any denominations were exempted from military service. At the same time, an amendment was introduced in the law on alternative military service, according to which all representatives of clergy between the age of 18 and 27 should automatically be enrolled in the alternative, non-military labour service instead of compulsory military service. However, this obligation does not apply to the clergy of the Georgian Orthodox Church, who are exempted from all military obligations, including alternative service, based on the 2002 constitutional agreement between the Georgian state and the Georgian Orthodox Church. These newly adopted legislative provisions appear discriminatory and in contravention of the right to freedom of religion.<sup>79</sup>

84. In 2018, two judgements were delivered by the Constitutional Court of Georgia. These concerned the tax exemption for the construction, restoration and painting of churches and cathedrals commissioned by the Patriarchate of Georgia,<sup>80</sup> and the free-of-charge transfer of state-owned property to the Georgian Orthodox Church. The complainants contested that the Tax Code of Georgia and the Law of Georgia on State Property were unduly leaving them beyond the reach of such privileges. The Constitutional Court concluded that such privileges were discriminatory and should be abolished or extended to "other comparably equal religious organisations" by 31 December 2018 after which the contested provisions would have been considered invalid. Since no new provisions were adopted by that date this provision has been repealed. Currently, no denomination enjoys any privileges in this regard.

<sup>77</sup> Foreign Policy Research Institute, Miro Popkhadze, "Georgia and Azerbaijan's David Gareja Monastery Conundrum", 14 June 2019.

<sup>78</sup> Media Development Foundation, Media Development Foundation (MDF) within the framework of Promoting Integration, Tolerance and Awareness Program in Georgia (PITA) implemented by the UN Association of Georgia (UNAG) through the financial support of the United States Agency for International Development (USAID).

<sup>79</sup> Tolerance and Diversity Institute, "Government adopted discriminatory and unconstitutional defence legislation", September 2023, available at <https://tdi.ge/en/news/1095-government-adopted-discriminatory-and-unconstitutional-defense-legislation>.

<sup>80</sup> "Evangelical-Baptist Church of Georgia", "Evangelical Lutheran Church of Georgia", the "Highest Administration of all Muslims in Georgia", the "Redeemed Christian Church of God in Georgia", and the "Pentecostal Church of Georgia" v. the Parliament of Georgia, 3 July 2018, available at <https://constcourt.ge/en/judicial-acts?legal=1178>.

85. The Advisory Committee was also informed by its interlocutors that the state currently transfers property to the Georgian Orthodox Church for a symbolic fee. In 2019, religious communities submitted complaints to the Constitutional Court in relation to the discriminatory provisions of the Tax Code granting tax exemption only for land owned by the Georgian Orthodox Church and import tax exemption on religious items imported by it. The complaints also concerned the provisions of the State Property Law which prevent minority religious communities from acquiring or exchanging state-owned property, including property which was confiscated from them during the Soviet period. At the time of the approval of the present opinion, these complaints were still pending before the Constitutional Court.

86. Regarding the allocation of building permits for the construction of places of worship, the state report states that the regulations regarding construction permits are common to all, and the legislation does not provide different rules for constructing a religious building. It states that the process of obtaining a construction permit is transparent, prescribed by law, and non-discriminatory and that a number of building permits for the construction of religious buildings were issued during the reporting period.<sup>81</sup> The Advisory Committee was informed, however, that the construction of a new mosque in Batumi has been stalled since 2013 following a decision by the Batumi City Hall not to issue a construction permit. Subsequent to the set of appeals lodged by the Muslim community against the decision of the Batumi City Hall, the Batumi City Court (2019) and Kutaisi Appellate Court (2021) granted the appeal, held that there was a discriminatory treatment of Muslims by the Batumi City Hall (based on the argument that since seven Orthodox churches were located in the area where the Muslim community sought a permission to build a mosque and three Orthodox Churches were built in the meantime) and returned the case to Batumi City Hall for re-examination. As a result of an appeal on points of law, lodged by both parties, the Supreme Court, by its decision of 25 May 2023, held that that there was no discrimination against the Muslim community, because Batumi City Hall did not issue a permit for the construction of Orthodox churches in the area where the permission for the construction of the mosque was requested. Having held so, the Supreme Court quashed the decision of the Court of Appeal of 13 April 2021 and sent the case to the Court of Appeal for re-examination.

87. The Advisory Committee expects the relevant authorities to adopt a final decision on the case, pending for more than 10 years before different instances of the judiciary, in due time. Furthermore, the authorities have to treat all religious denominations equally in granting the permission for construction of their religious sites and avoid any discrimination or excessive formalism in this process, for instance by refusing official permission for construction to some religious denominations while tolerating *de facto* existence of other religious sites in the same area without having previously obtaining building permissions for constructing such religious sites.

88. According to the interlocutors of the Advisory Committee, the state did not develop any policy regarding the restitution of religious minorities' property confiscated during the Soviet period, except for the Georgian Orthodox Church.<sup>82</sup> In particular, the damage sustained by religious communities during the Soviet period was not adequately assessed; state approaches for compensation of damages and return of community property have not been developed; there are no legal regulations enabling religious associations to demand return of religious property or compensation thereof; in some cases, ownership of a religious building remains disputed by several religious organisations. Absence of the restitution policy results in an inequality between religious communities and the Georgian Orthodox Church. In particular, the Georgian Patriarchate has received religious property historically owned by it as well as new state-owned property and historic property of other religious communities. The Georgian Patriarchate, in addition to receiving religious property historically owned by national minorities, was also given historical property of religious communities. Interlocutors of the Advisory Committee referred to the Armenian Tandoyants Church in Tbilisi in 2017 and German Lutheran Church in Asureti village in 2019. Interlocutors of the Advisory Committee belonging to different religious communities also stated that there were cases of recent takeovers of their religious properties by the Georgian Orthodox Church. Such practice was reported by representatives of the Armenian Catholic Church, the Latin Catholic Church, who referred to six churches being taken away from them, and the Evangelical Church.

89. The state report indicates that the State Agency for Religious Issues co-operates closely with all religious organisations existing in Georgia and promotes dialogue between them, implementing different projects and campaigns to prevent discrimination and foster tolerance. According to a report of the Public

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<sup>81</sup> State report, para. 93. For example, in 2018, local authorities of Ninotsminda municipality issued a permit to construct St. Gabriel, Seer and Builder Temple. In 2019, the local authorities of Akhalkalaki municipality issued a permit for expanding the religious building in the village of Vachiani. In 2021, a permit to reconstruct a religious building on the land plot owned by the Administration of Muslims of All Georgia was issued in Adigeni municipality.

<sup>82</sup> Tolerance and Diversity Institute, Restitution Policy in Georgia, 2020, p. 12, available at <https://bit.ly/41A2NDB>.

Defender, the State Agency for Religious Issues is sometimes directly involved in managing and deciding financial and property matters of religious associations, beyond its consultative function. The report also points to the high risk of interference of the state, through the Agency, in the internal affairs of religious organisations. It further states that the State Agency for Religious Issues has not presented to the government any “progressive recommendations or opinions which would bring about positive changes in policy and legislation concerning freedom of religion”.<sup>83</sup> Interlocutors of the Advisory Committee voiced distrust in the State Agency for Religious Issues as they did not see it as an independent institution genuinely working for the benefit of religious communities and persons belonging to them. They also regretted the lack of co-operation between the State Agency for Religious Issues and the Council of Religions under the auspices of the Public Defender. Lack of co-operation and communication with the Council is also a problem identified by the Agency. This has also been noted in the recent report of the ECRI.<sup>84</sup>

90. In the light of the issues described above, the Advisory Committee is deeply concerned by the fact that its previous recommendations regarding the religious rights of persons belonging to national minorities and other religious communities have not been implemented. It considers that comprehensive, precise and targeted measures to address the above-described problems and remedying any obstacles to the free exercise of the religious freedom are required. Reiterating that effective access to places of worship is a key element of the manifestation of religion, the Advisory Committee finds it worrying that up-until-now the authorities did not set out any time limits within which restitution of the property confiscated during the Soviet period should have been ensured. In addition, new problems with regard to irregular takeover of religious properties seem to arise, which stem from the privileged status of the Georgian Orthodox Church.

91. In the Advisory Committee’s view, a meaningful and sustained dialogue with all religious communities as well as the Council of Religions under the auspices of the Public Defender is necessary to ensure adequate mechanisms for the restitution of property, the allocation of building permits and access to places of worship. The Advisory Committee considers that a collaboration between the State Agency for Religious Issues, regional and municipal authorities and the Council of Religions to address these issues could be useful. A review of why there is a lack of trust and how independence of the Agency can be ensured is also needed so as to address and overcome the reported deep distrust by a number of religious communities towards the State Agency for Religious Issues. Moreover, in view of the fact that the level of implementation of the recommendations made by the Council of Religions under the auspices of the Public Defender is very low (see Article 15), the Advisory Committee is of the opinion that higher consideration should be given to this body’s recommendations. The Council’s inclusiveness as well as expertise could be very relevant for addressing the issues above.

92. The Advisory Committee urges the authorities to ensure that persons belonging to national minorities and practising minority religions have effective access to places of worship and effective legal protection for that purpose. Decisions on the building or allocation of new places of worship should be taken in a timely, transparent and non-discriminatory manner, in close consultation with representatives of the communities concerned. The authorities should without any further delay ensure restitution or compensation for arbitrarily or unjustifiably appropriated property of national minorities or other religious communities, in consultation with all parties concerned.

## Article 9 of the Framework Convention

### Media in minority languages

93. In accordance with the Law on Broadcasting,<sup>85</sup> the Public Broadcaster continues to provide daily live broadcasting of news programmes with simultaneous interpretation into Armenian and Azerbaijani languages through regional TV channels. In 2021, the Public Broadcaster signed a Memorandum of Co-operation with the regional TV channels (ATV12, Parvana TV, Marneuli TV) in the regions densely populated by national minorities. This Memorandum implies the provision of regional news programmes in

<sup>83</sup> Public Defender of Georgia, [Report on the Situation of Protection of Human Rights and Freedoms in Georgia](#), 2021, p. 164.

<sup>84</sup> See ECRI’s [Sixth Report on Georgia](#), adopted on 28 March 2023, para. 87.

<sup>85</sup> The Law on Georgia on Broadcasting of 2004 available at <https://matsne.gov.ge/en/document/download/32866/39/en/pdf>.

minority languages as well as other media programmes prepared by the Public Broadcaster. The 15-minute news programme “Moambe” is available in five languages (Abkhaz, Armenian, Azerbaijani, Ossetian and Russian) and is broadcast four times a day. The 21-hour edition of “Moambe” is also aired daily from 9 p.m. with simultaneous interpretation into Armenian and Azerbaijani.<sup>86</sup>

94. Within the Public Broadcaster’s large-scale programming, a special web-platform is available 24 hours a day in seven languages (Georgian, Abkhaz, Armenian, Azerbaijani, English, Ossetian and Russian). The 10-minute “Weekly Reporting” programme was launched online in Azerbaijani and Armenian and is aired every Sunday at 8 p.m. The 15-minute online weekly programme “Saturday Evening” in Armenian, aired every Saturday, and the 20-minute online programme “Bouquet of Tradition” in Azerbaijani, aired every Tuesday, were also launched through this online platform operated by the Public Broadcaster. Another programme entitled “Position” is aired at 8 p.m. every Friday, during which the persons belonging to the Azerbaijani and Armenian minorities are interviewed about significant events in Georgia during the week.<sup>87</sup> There are no specific programmes for children and youth or for the elderly persons belonging to national minorities reflecting their interests and needs, except for some language learning programmes and the programme for children, “Colourful World”, broadcasted every Thursday at 8 p.m. for 20 minutes.

95. For printed press, the authorities continue to support the publication of the newspapers “Vrastan” (in the Armenian language) and “Gurjistan” (in the Azerbaijani language). In 2021, there were 102 editions of the newspaper “Vrastan” and 50 editions of the newspaper “Gurjistan”. In 2017-2020, the annual state allocations for each newspaper were GEL 60 000. In 2021, the funding increased by GEL 20 000 for each publication.<sup>88</sup>

96. Regarding the availability of the media programmes in the languages of numerically smaller minorities, the authorities stated that “there is no need for broadcasting in their languages as the representatives of those minorities have an excellent command of the state language (Georgian) and they are fully integrated into the country’s information space.”<sup>89</sup> The only programme reported to the Advisory Committee is the weekly cultural-educational programme in the Kurdish language, broadcast on Georgian Public Radio.<sup>90</sup>

97. At a policy level, the “State Strategy for Civil Equality and Integration for 2021-2030” recognises a number of challenges related to access to information by persons belonging to national minorities. It indicates that the news provided by the Public Broadcaster and other regional TV channels in national minority languages are scarce, and the quality and regularity of the news need further improvement. It further states that in the villages far from the municipal centres, the news programmes are still received from neighbouring countries’ TV broadcasters, as they are struggling with poor signals from the national broadcasters and the programmes translated into minority languages do not reflect their interests and needs. The authorities indicated that the Public Broadcaster ensures the distribution of its programmes in the entire territory of Georgia, regardless of the specificity of the country’s terrain and urban arrangement.

98. Since 2020, awareness raising activities on disinformation and propaganda for different segments of the population, including national minority journalists have been organised. In 2022, a training on the impact of disinformation/propaganda on civic integration process was held for the media representatives from the regions densely populated by national minorities.<sup>91</sup>

99. Interlocutors of the Advisory Committee stated that access to the media in minority languages for persons belonging to national minorities, both print and broadcast, remains insufficient, especially in the regions where national minorities live in substantial numbers. Although the Public Broadcaster publishes information in minority languages on its online platform, these activities do not meet the demand also due to the fact that many persons belonging to national minorities, who live in the rural parts of the regions do not have access to the internet, although it is improving. The Public Defender considered that the practice of disseminating information in the languages of national minorities through the main online platform remained problematic due to the lack of internet infrastructure in rural areas where persons belonging to national minorities live, despite the significant activities carried out by the Public Broadcaster. In 2021, for

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<sup>86</sup> State report, paras. 337-345.

<sup>87</sup> State report, paras. 345-349.

<sup>88</sup> State report, para. 364.

<sup>89</sup> Additional information provided by the authorities on 12 May 2023, p. 32.

<sup>90</sup> State report, para. 366.

<sup>91</sup> Additional information provided by the authorities on 12 May 2023, p. 33.

example, the simultaneously interpreted “Moambe” programme, broadcast online, only had 500-1 500 views daily.<sup>92</sup>

100. Issues that are particularly relevant for persons belonging to national minorities are not integrated in the mainstream media and there are no media programmes for persons belonging to numerically smaller minorities. The editors-in-chief of the newspapers “Vrastan” (in the Armenian language) and “Gurjistan” (in the Azerbaijani language) told the Advisory Committee that they need more support from the authorities for the publication of their respective newspapers.

101. The Advisory Committee reaffirms that “the possibility to receive and impart information in a language one can fully understand and communicate in is a precondition for equal and effective participation in public, economic, social, and cultural life”.<sup>93</sup> “In order for public service broadcasting to reflect the cultural and linguistic diversity existing within society, it must guarantee an adequate presence of persons belonging to national minorities and their languages [...]. This entails granting support to the media and programmes for, by, and about national minorities in minority and majority languages, as well as in bi- or multi-lingual formats.”<sup>94</sup> In this connection, the Advisory Committee is worried by the fact that due to insufficient provision of programmes in minority languages, persons belonging to national minorities use media outlets from the neighbouring countries. It therefore considers that the level of domestically produced content in the Armenian and Azerbaijani languages, as well as in other minority languages, should be increased, accompanied with an adequate financial support to produce media contents for, by and about national minorities in Georgia. The Advisory Committee further hopes that the conclusion of a Memorandum in 2021 between the Public Broadcaster and the regional TV channels (ATV12, Parvana TV, Marneuli TV) in the regions densely populated by persons belonging to national minorities, implying the provision of regional channels with the news programmes in minority languages would be properly implemented. This is even more important due to the limited access to the internet by many persons belonging to national minorities living in the rural parts of the regions concerned.

102. The Advisory Committee is concerned by the reported indications that the issues pertaining to national minorities and persons belonging to them are not sufficiently included in the mainstream media. It reminds the authorities that “it is important for the formation of an open and pluralist media environment that issues of concern to minority communities generally are given weight in the broader public media debate and that persons belonging to such minorities are portrayed as integral members of society”.<sup>95</sup> In this context, the Advisory Committee considers it vital that media professionals and journalists obtain adequate training to increase their awareness of and sensitivity towards the specific and contemporary needs and concerns of diverse communities and persons belonging to the society, including by actively involving persons belonging to national minorities in the preparation and presentation of both mainstream and minority language programmes.

103. The Advisory Committee also reiterates that “the availability of print, broadcast and electronic media in minority languages has very specific emblematic value for national minorities, in particular for the numerically smaller ones. Through them, persons belonging to national minorities not only gain access to information, but minority language media also raise the visibility and prestige of the minority language as an active tool of communication.”<sup>96</sup> The Advisory Committee emphasises the significance of the role played by the media in contributing to societal cohesion and good inter-ethnic relations. It further stresses that an active and diverse media scene, including in minority languages, may considerably influence the sense of belonging and participation of persons belonging to national minorities. In order for public service broadcasting to reflect the cultural and linguistic diversity within society, it must guarantee an adequate presence of persons belonging to national minorities and their languages. This is especially important for languages spoken only by a small number of speakers, where the media can play a central role in preserving those languages. The Advisory Committee is of the view that information about the histories, cultures, languages and traditions of numerically smaller national minorities, with the active participation of representatives of such minorities, is necessary.

104. Finally, not only do media in minority languages provide information, but they also increase the level of exposure to the languages in addition to their use in family and/or in school. This may be particularly

<sup>92</sup> [Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia, 2021](#), p. 242.

<sup>93</sup> [ACFC Thematic Commentary No. 3](#), The Language Rights of Persons Belonging to National Minorities under the Framework Convention, adopted on 24 May 2012, para. 40.

<sup>94</sup> *Ibid.*, para. 41.

<sup>95</sup> [ACFC Thematic Commentary No. 4](#), para. 63.

<sup>96</sup> [ACFC Thematic Commentary No. 4](#), para. 69.

important and relevant for numerically smaller national minorities. To this end, it is necessary to ensure an adequate broadcasting duration, regularity and accessibility of the programme, which can be facilitated by the internet if available. In order to reach out to the national minority as a whole, the broadcasts, prepared by or with participation of journalists belonging to national minorities, should cover the content from various genres such as local and national news, entertainment and culture, and address different generations, including children and youth.

105. The Advisory Committee calls on the authorities to increase the support for the production of minority-language broadcast, including online and print media. The authorities should also ensure a prominent presence of national minorities and their languages in public media, including the numerically smaller minorities, notably by increasing the quality and quantity of television programmes adapted to their needs and interests, as well as by increasing the content produced by and for them. Minority-related issues should be integrated into mainstream media.

106. The Advisory Committee strongly encourages the authorities to take all the necessary steps towards the promotion of media environment where diversity is presented as an integral and valued part of society, including through the training and recruitment of persons belonging to national minorities in public service broadcasting.

## Article 10 of the Framework Convention

### Use of minority languages in relation with public authorities

107. The legal framework regarding the use of minority languages with public authorities and local self-government bodies has not changed during the reporting period. The Law on the State Language limits its exercise to "municipalities where representatives of national minorities are settled in communities".<sup>97</sup> This is understood and referred to as "compact settlement". Application of this provision in practice excludes areas with a small proportion of persons belonging to national minorities. However, the Advisory Committee reiterates that the rights of Article 10(2) are to be ensured where persons belonging to national minorities live "in substantial numbers" or "traditionally". They apply also to areas where only a relatively small percentage of persons belonging to national minorities reside, provided that persons belonging to national minorities traditionally inhabit the areas concerned, that there is a request by these persons, and that such a request corresponds to a real need. States should therefore carefully study the demand and assess the needs. The Advisory Committee considers that the requirement of "compact settlement" enshrined in the Law on the State Language should be reviewed to guarantee the practical implementation of Article 10(2) to persons belonging to numerically smaller national minorities. It is important to develop and promote coherent and balanced strategies to promote the conditions necessary for persons belonging to national minorities – particularly where they are numerically small – to revitalise and develop their language.

108. The Advisory Committee was informed of a number of problems as to the use of minority languages with the administrative authorities. During its meetings with persons belonging to Azeri and Armenian minorities in both Kvemo Kartli and Samtskhe-Javakheti, respectively, the Advisory Committee learned that the Public Service Hall<sup>98</sup> does not handle information in a language individuals understand, which often leads to disagreements and misunderstandings between the residents and the staff of the Public Service Hall. Regarding the practical use of minority languages with the municipal authorities, the Public Defender's Office conducted research in relation to the situation in the municipalities where national minorities constitute a numerical majority.<sup>99</sup> In Ninotsminda, Dmanisi and Akhalkalaki municipalities, the authorities admit and examine applications submitted in national minority languages, but they provide information only in Georgian. The Tsalka and Bolnisi municipalities accept applications submitted only in Georgian although ethnic Azeri and Armenian public servants who could provide services in minority languages are employed in the latter.<sup>100</sup> The authorities informed that in the vast majority in these areas, a minimum of one staff

<sup>97</sup> See [the Advisory Committee's Third Opinion](#), para. 102.

<sup>98</sup> Public Service Hall is an agency of the Georgian government which provides a variety of public services, including the services of the Civil Registry Agency, the National Agency of Public Registry, the National Archives, the National Bureau of Enforcement and the Notary Chamber of Georgia. Services are made available at public service halls throughout the country.

<sup>99</sup> Public Defender (Ombudsman) of Georgia, [Special Report on Situation of Equality and Combating and Preventing Discrimination](#), 2022.

<sup>100</sup> *Ibid.*, p. 22.

member is engaged, capable of fluently communicating in both the Georgian and Azerbaijani or Armenian languages, respectively.

109. Furthermore, it was reported that in municipalities where municipal councils are composed of a majority of persons with a minority language as their first language, the minutes of the municipal council meetings are only produced in the Georgian language, even though discussions themselves take place essentially in the respective minority language. It was also pointed out that the Service Development Agency of the Ministry of Justice of Georgia does not provide for translation services in minority languages in the Agency's territorial offices and community centres.

110. The Advisory Committee reiterates that Article 10(2) of the Framework Convention provides the conditions under which minority languages may be used in relations with administrative authorities, without detriment to the official language(s). While states enjoy a margin of discretion with regard to the identification of areas where minorities live “in substantial numbers”, they have a duty to provide clear criteria as to what constitutes “sufficient numbers” or a “sufficiently large number”. The possibility of using minority languages in dealings with the administration in all areas where the criteria established by Article 10(2) of the Framework Convention are met may not be left solely to the discretion of the local authorities concerned. The Advisory Committee reiterates that it encourages “maximum implementation of the possibilities provided by law to allow the use of minority languages in contacts with administrative authorities at local level. Authorities should support and actively encourage such measures by creating an environment that is conducive to the use of minority languages, including through the allocation of necessary financial and human resources”.<sup>101</sup> It also recalls that “language rights are effective only if they can be enjoyed in the public sphere”.<sup>102</sup>

111. The Advisory Committee is concerned by reports that written proceedings initiated in national minority languages would not lead to a response in these languages. Considering the fact that persons belonging to Armenian and Azerbaijani minorities who live “in substantial numbers” in Samtskhe-Javakheti and Kvemo Kartli regions, respectively, do not have sufficient command of the state language (Georgian), this situation is even more worrying (see Article 4). Welcoming the fact that the webpages of the Akhalkalaki and the Ninotsminda municipalities are bilingual (in the Georgian and Armenian languages), the Advisory Committee hopes that this practice would be extended to other municipalities where persons belonging to national minorities live traditionally or in substantial numbers. Moreover, the Advisory Committee is of the opinion that digitalisation of the use of minority languages with administrative authorities can help to address the situation. For example, translation of documents and forms in minority languages and their publication online in all the municipalities concerned would improve access to linguistic minority rights. At the same time, printed versions of the documents and forms, also in minority languages, should be available in the municipalities especially for those who do not have internet access and also for the elderly and those with limited digital skills and competences.

112. The Advisory Committee strongly encourages the authorities to further facilitate the oral and written use of minority languages in contacts with administrative authorities through practical measures enabling administrative authorities to use such languages. The authorities should raise awareness of this right also among persons belonging to numerically smaller minorities.

113. The Advisory Committee strongly encourages the authorities in parallel to ensuring access to high-speed internet, to promote the digital use of minority languages on websites and through forms for administrative formalities and regularly monitor the progress achieved, while taking into account the needs of persons with limited digital skills and competences.

## Article 11 of the Framework Convention

### Use of surnames in minority languages

114. The Advisory Committee was informed that in the civil status documents and identity cards surnames of persons belonging to the Azeri minority are often written with Russian suffixes “-ov” or “-ev” because during the Soviet period a large part of Azeris changed their traditional surnames.<sup>103</sup> Article 65 of the Law of Georgia on Civil Acts provides that “a person may request the restoration of his or her historical surname

<sup>101</sup> [ACFC Thematic Commentary No. 3](#), para. 58.

<sup>102</sup> *Ibid.*, para. 51.

<sup>103</sup> Social Justice Centre, “We also support the campaign #GiveMeBackMySurname”, 12 August 2021, available at <https://socialjustice.org.ge/en/products/gvaridamibrune-kampanias-chvents-mkhars-vuchert>.

if the combination of evidence proves that his/her surname originated as a result of conversion of another surname or acceptance of another surname by a representative of his/her historical surname. The restoration of the historical surname, among other evidence, may also be based on a substantiated scientific assumption, which confirms the existence of the circumstances referred to in paragraph 1 of this article.”

115. According to the interlocutors of the Advisory Committee, this restoration of historical surnames is practically impossible or very complicated in practice due to the excessive burden of proof placed on the individual. In view of making the relevant amendments to the legislation, representatives of the Azerbaijani minority launched a campaign in 2021 titled “Give me back my last name”. A legislative proposal on the amendments to the Law of Georgia on Civil Acts was submitted to the Parliament, proposing a new rule for changing non-traditional surnames by removing or changing the last name’s suffix. More than 25 000 signatures were collected to this effect, but they were considered invalid by the Parliament for procedural reasons and the proposal was rejected. Later, members of the Parliament submitted a new draft on the same topic and representatives of national minorities had the opportunity to express their opinions on the document. The examination of the draft is still pending.

116. The Advisory Committee reiterates that “the right to use one’s personal name in a minority language and have it officially recognised is a core linguistic right of persons belonging to national minorities, linked closely to personal identity and dignity. The transcription should be as accurate as possible and should not be disconnected from the essential elements of the minority language.”<sup>104</sup> The Advisory Committee also highlights that the way of spelling surnames is an essential part of cultural tradition. It therefore welcomes the pending legislative proposal reflective of the fact that there seems to be political will to amend provisions on the possibility to remove the suffixes “-ov” or “-ev” to the surnames of persons belonging to the Azeri minority in civil status documents and identity cards.

117. The Advisory Committee asks the authorities to bring the legislation regulating the use of names and surnames in minority languages into line with the Framework Convention in order to ensure access to the right to use surnames (patronyms) and names in the minority language and to their official recognition.

### Display of minority language signs and topographical indications

118. The Law on the State Language limits the exercise of the right to display topographical indications in minority languages to “those municipalities where representatives of national minorities are settled in communities”.<sup>105</sup> In practice, this means areas in which a national minority constitutes a large proportion or the majority of the population. The Advisory Committee considers that an unclear legal formulation that in practice results in requiring the minority population to constitute high proportions or the majority of the population, raises concerns in terms of its compatibility with Article 11(3) of the Framework Convention, since it unduly limits its territorial scope of application to some national minorities and excludes numerically smaller national minorities. There is a need to establish an unambiguous legal basis and a procedure for the introduction of topographic signage in minority languages in line with Article 11(3) of the Framework.

119. The Advisory Committee understood from its interlocutors that there was a general lack of awareness regarding the right to display of minority language signs and topographical indications as provided for under Article 11(3) of the Framework Convention. Although the authorities reported that the absolute majority of all types of topographical signs are both in the Georgian and minority languages, the Advisory Committee regrets to note that it was unable to observe this on the ground, for example, in the regions of Samtskhe-Javakheti and in Kvemo Kartli, where persons belonging to national minorities live in substantial numbers and traditionally. Only in Akhalkalaki, some street names were displayed in the Armenian language. However, topographical signs, such as the sign at the entrance of the municipality, are not displayed also in Armenian, nor are important historical touristic signs in the area. In Marneuli, the Advisory Committee observed a similar lack of topographical signs in the Azerbaijani language. The same observation can be made regarding the municipality of Akhmeta, in the Kakheti region, where persons belonging to the Kist minority live in substantial numbers and traditionally. The Advisory Committee therefore regrets the lack of full implementation of the existing, although insufficient, legislation on the display of bilingual signs. The Advisory Committee further considers that the legislation must not constitute a disproportionate obstacle with respect to certain minority languages. It should take due account of the specific conditions and

<sup>104</sup> ACFC Thematic Commentary No. 3, paras. 61-62.

<sup>105</sup> The Law on the State Language, Article 24, available at <https://matsne.gov.ge/en/document/download/2931198/0/en/pdf>.

consider the demographic structure of the area in question over a certain period and thus enable the display of bilingual signs as a sign of a shared presence by different communities in a particular area.

120. The Advisory Committee notes that in light of the information received, no action was taken to restore abolished traditional place names in minority languages, as recommended by the Advisory Committee in previous monitoring cycles. The Advisory Committee recalls that topographical indications in minority languages contribute to the maintenance of the local linguistic and cultural heritage and raise awareness of national minorities, conveying the message that a given territory is shared in harmony by different communities and persons belonging to them.<sup>106</sup> Therefore, the Advisory Committee considers that the re-introduction of traditional place names, in addition to the respective place names in Georgian, would not only result into topographical indications in minority languages, but also constitute an affirmation of the long-standing presence of national minorities as appreciated and welcome part of society. This would also contribute to the maintenance of the local linguistic and cultural heritage and raise awareness of national minorities locally.

121. The Advisory Committee calls on the authorities to restore, in addition to the respective place names in Georgian, traditional place names in minority languages. The authorities should also establish such a legal basis and a transparent procedure for the introduction of topographic signage in minority languages that will ensure that persons belonging to national minorities can effectively enjoy this right. The authorities should also raise awareness of this right among persons belonging to national minorities in areas where they reside traditionally in substantial numbers, and subsequently implement topographical indications in these languages.

## Article 12 of the Framework Convention

### Intercultural education and knowledge about minorities

122. The state report informs that teaching on diversity and society is laid down in the compulsory subjects "Me and society", taught in grades 3-4; "Our Georgia", taught in grades 5-6; and "Citizenship" taught in grade 7. In 2021, the Ministry of Education and Science approved a national curriculum for middle-level (secondary) education and finalised the evaluation of textbooks for grade 9. According to the authorities, issues of civic integration and cultural diversity are now fully reflected in the national curriculum.<sup>107</sup> The history of the 20<sup>th</sup> century is taught in grades 9-12 and the textbooks feature general information about the Holocaust. The idea of preparing an optional course on "Holocaust studies" for the upper-secondary level is also being considered by the authorities.<sup>108</sup>

123. Persons belonging to all minorities, especially Armenians and Azeris, stated that their distinct cultures, traditions and histories in Georgia over centuries are not adequately reflected in relevant educational materials or in the school curricula. In addition, the importance of minority rights in general education as an integral part of human rights protection is not adequately reflected. Pupils and students in different parts of Georgia are often unaware of the fact that national minorities have lived in the territory and contributed to the development of Georgia's society for centuries, and that their languages are still taught in schools. The Advisory Committee was also informed that stereotypical and negative portrayals of minorities and persons belonging to them in the textbooks still exist.<sup>109</sup> The authorities informed the Advisory Committee that the Ministry of Education has finalised an approval process of the new textbooks for the grades 7-11 and 1-2 (in some subjects for grades 1-4).<sup>110</sup> They further stated that for 2024-2025, they plan to replace all old textbooks in grades 12 and 3-6 with the new ones.

<sup>106</sup> [ACFC Thematic Commentary No. 3](#), para. 67.

<sup>107</sup> State report, paras. 112-117 and 123.

<sup>108</sup> Additional information provided by the authorities on 12 May 2023, p. 37.

<sup>109</sup> Georgian Young Lawyers' Association, Study of Needs of Authors of School Textbooks Main Findings and Recommendations, 2022, p. 13, available at <https://bit.ly/3Lnsi4r>.

<sup>110</sup> According to the authorities, textbooks are evaluated by different criteria, according to which they should comply with ethical norms – (i) protection of equality, prohibition of discrimination and discrediting elements; (ii) they should be free from stereotyped, incorrect, discriminatory and/or discrediting elements based on language, nationality, religion, gender, social affiliation and other grounds; and (iii) they should take into account the specifics of the subject, the texts and illustrations preserve equality of nationality, religion, gender, social affiliation, etc.

124. The Advisory Committee recalls that adequate information about societal diversity, including about national and other minorities, must form part of the curriculum and be adequately reflected in educational materials used in all schools throughout the states parties, not only to promote intercultural understanding and respect among all students, but also to raise the prestige and self-awareness of persons belonging to numerically smaller or socially or economically marginalised communities.<sup>111</sup> It further underlines that as part of an integrated and inclusive curriculum, education about national minorities should also recognise contributions of individuals, including women, belonging to national minorities to various fields, whether in art, music, literature or science. In the Advisory Committee's view, the promotion of respect for diversity and intercultural understanding must not only be taught as a subject in class but must be lived through joint teaching and learning wherever possible, as well as through the respectful accommodation and affirmation of diversity present in the schools.

125. The Advisory Committee welcomes that within the framework of the teaching of some subjects, pupils and students have the possibility to learn about different minorities in Georgia. It, nevertheless, regrets that various reports demonstrate that curriculum contents about Georgia's national minorities remain sporadic and insufficient. Not least in the context of the increasing awareness of the need to teach respect for diversity, the Advisory Committee is of the view that all pupils and students in Georgia, regardless of where they live, should have basic knowledge about all the national minorities. The Advisory Committee reminds the authorities of Committee of Ministers Recommendation (2020)2 "on the inclusion of the history of Roma and/or Travellers in school curricula and teaching materials" and emphasises the importance of its implementation.<sup>112</sup> Teaching about the substance and purpose of minority rights in the general human rights education is also of utmost importance. Moreover, it is essential that all teachers be adequately trained to promote respect for different ethnic, cultural and linguistic identities and to promote inclusion and dialogue in the classroom and throughout regular school practices, including in extracurricular activities. Efforts to review educational materials to address stereotypical and negative portrayal of minorities is also needed.

126. The Advisory Committee calls on the authorities to step up their efforts to ensure that information about the cultures, traditions, histories, religions and languages of national minorities, including numerically smaller ones, and their integral and valued role in Georgia's diverse society is included in school curricula, in educational materials and in accompanying teacher training. The authorities should also raise awareness of the importance of minority rights in general education as an integral part of human rights protection.

### Equal access to education

127. The Advisory Committee notes that one of the main challenges regarding access to preschool education is the shortage of preschool educational facilities in the rural areas populated by persons belonging to national minorities.<sup>113</sup> The authorities reported that in 2023, there are 13 Azerbaijani-language kindergartens with 988 children, and 29 Armenian-language kindergartens with 1 839 children in the areas populated by national minorities.<sup>114</sup> They further stated that in 2023 the Government of Georgia initiated a large scale programme to construct/rehabilitate kindergarten infrastructure, with allocated budget of GEL 1 billion (approximately € 348 million). According to the information received by the Advisory Committee, the number of preschool education facilities is 2.7 times lower in these minority regions compared to the rest of Georgia. For example, in Bolnisi and Dmanisi municipalities, there is no kindergarten in the villages with mostly minority populations.<sup>115</sup> The rate of enrolment of children in preschool educational facilities is 65%, and in the regions densely populated by ethnic minorities is 25.5%.<sup>116</sup> The enrolment rates are significantly lower for ethnic minority children from socially marginalised communities and for those living in rural areas. Moreover, access to quality education is hampered by the fact that the bilingual teaching

<sup>111</sup> [ACFC Thematic Commentary No. 4](#), para. 59.

<sup>112</sup> [Recommendation CM/Rec\(2020\)2](#) of the Committee of Ministers to member States on the inclusion of the history of Roma and/or Travellers in school curricula and teaching materials, adopted by the Committee of Ministers on 1 July 2020 at the 1380th meeting of the Ministers' Deputies.

<sup>113</sup> Social Justice Center, When kids dream about kindergarten, 15 December 2022, available at <https://socialjustice.org.ge/ka/products/rotsa-bavshvebi-otsneboben-sabavshvo-baghze>.

<sup>114</sup> Additional information provided by the authorities on 12 May 2023, p. 40.

<sup>115</sup> Social Justice Center, Information for the Advisory Committee regarding Georgia's implementation of the Council of Europe's Framework Convention for the Protection of National Minorities, Reporting period 2019-2023.

<sup>116</sup> The "State Strategy for Civic Equality and Integration 2021-2030" approved on 13 July 2021, p. 16, available at <https://smr.gov.ge/en/page/31/state-strategy-for-civic-equality-and-integration-and-action-plan>. The Strategy refers to the Study on Quality of Early Childhood Education in Georgia, 2018, UNICEF, <https://www.unicef.org/georgia/media/1236/file/Preschool%20Quality%20Study.pdf>.

model has not been fully established at the preschool level and the number of qualified human resources/personnel in kindergartens remains low (see Article 14). The Advisory Committee reiterates the importance of preschool for successful inclusion of children in, and completion of, mainstream education and for their long-term employment prospects. It therefore considers that shortage of preschool facilities, in particular in the rural areas densely populated by national minorities, needs to be addressed so that access to quality education is ensured early on.

128. Regarding access to general (compulsory) education, the 2005 Law of Georgia on General Education provides that citizens of Georgia with a non-Georgian first language have the right to acquire the complete general education in their first language in accordance with the national curriculum. The quality of general education still remains a challenge mostly due to the shortage of qualified teachers (see Article 14). According to the authorities, in 2020, more than 61% of teachers working in so-called minority language schools, where the main language of instruction is a minority language, had the status of a practicing teacher, which, according to the scheme of Teachers' Professional Development, is the lowest level. In these schools, 24.5% of teachers had the status of a senior teacher, only 3.9% belonged to the category of a lead teacher and only 37 teachers held the status of a mentor, which constituted 0.5% of the total number of minority language schoolteachers.

129. The Advisory Committee was informed by its interlocutors about a lack of general educational materials in minority languages and their quality. They also explained that not only do these follow the curricula of neighbouring states, which may differ (also in timing) from the curricula in Georgia, but they also lack information about Georgia, including on national minorities in Georgia. This hinders identification of persons belonging to national minorities with Georgia.<sup>117</sup> Development and publication of minority language and literature textbooks and other educational materials for Armenian, Azerbaijani and Russian language schools as well as development of language teaching and learning materials for smaller minorities, such as Ossetian, Kist, Khundzuri/Avaric, Udi, Assyrian, and Kurdish/Kurmanji, remain a challenge, according to the Public Defender<sup>118</sup> (see Article 14). The authorities informed the Advisory Committee that textbooks in Armenian and Azerbaijani languages ("native languages") as well as on Literature are imported from Armenia and Azerbaijan and all other materials are translated from Georgian.

130. The Advisory Committee deeply regrets that these problems, already highlighted in its previous Opinions on Georgia, have not been adequately dealt with in compliance with the standards of the Framework Convention. At the same time, it notes positively the Georgian authorities' commitment, as shared with the Advisory Committee during its monitoring visit, to address these problems through the implementation of the "State Strategy for Civic Equality and Integration 2021-2030" and its ensuing Actions Plans. It is therefore very important that appropriate monitoring, evaluation and follow-up is carried out by the authorities so that its goals are achieved in practice. Additionally, the Advisory Committee considers that attention also needs to be paid to numerically smaller minorities to ensure that the right of persons belonging to these minorities to access quality education is effectively guaranteed.

131. Regarding access to higher education, the Advisory Committee notes with interest the "1+4 Programme",<sup>119</sup> initially envisaged as a temporary measure to help students gain sufficient language competence in Georgian to be able to enrol in a university programme.<sup>120</sup> In 2022, the number of students enrolled in high educational institutions within the "1+4 Programme" was 1 234, which constituted 3.8% of all students (32 687) in Georgia.<sup>121</sup> The authorities consider this programme as successful and they plan to increase the number of its beneficiaries. However, there are some issues that need to be addressed so that the programme could effectively facilitate access to higher education of minority students. The Public Defender has pointed to the need to increase overall funding for the programme as a large number of students belonging to national minorities had no access to in recent years due to insufficient monetary

<sup>117</sup> Ibid.

<sup>118</sup> [Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia, 2020](#), p. 321.

<sup>119</sup> According to ACFC Third Opinion on Georgia of 7 March 2019, the "1+4 Programme" (one preparatory year and four years of a Bachelor's degree) is in place since 2010 and allows students with a minority background to take an aptitude test in their native language, instead of four exams that persons with Georgian as a first language are required to take. If they pass the aptitude test, they are expected to undergo a one-year intensive Georgian language programme in order to attain the required level of command of the Georgian language, before being able to enrol in a Bachelor's degree.

<sup>120</sup> State report, para. 387.

<sup>121</sup> Additional information provided by the authorities on 12 May 2023, p. 40.

resources.<sup>122</sup> In addition, the so-called language preparatory year to start Bachelor studies is not free of charge, which is a problem as raised by the interlocutors of the Advisory Committee. The youth belonging to national minorities considers this as a discriminatory practice.<sup>123</sup> Some interlocutors of the Advisory Committee, including minority youth, also expressed doubts as to the possibility to acquire the needed language skills in the first year and their disappointment in a lack of suitable jobs for graduates who have completed this programme. The Advisory Committee considers that an increase of funds is needed to lower the financial barrier of students belonging to national minorities who cannot afford to enrol in the “1+4 Programme” and for the programme as a whole.<sup>124</sup> Furthermore, until sufficient language competence is acquired by persons belonging to national minorities through pre-university education, the quality of the “1+4 Programme” needs to be improved so that language competence in Georgian is acquired by students in the first year.

132. The Advisory Committee calls on the authorities to pursue their efforts to promote equal access to quality education for all pupils and students belonging to national minorities at all levels, including those residing in rural areas. The authorities should increase the number of preschool educational facilities, especially in the rural areas densely populated by persons belonging to national minorities. Close consultations on all programmes and measures with minority representatives, including with minority youth, should be conducted to ensure that the specific educational needs are adequately addressed.

133. The Advisory Committee invites the authorities to improve access to and the quality of the “1+4 Programme” so that it produces the expected results, in close consultation with persons belonging to national minorities, including the youth.

### Equal access to education for Roma

134. The authorities reported on their meaningful efforts in recent years with respect to inclusion of children belonging to the Roma minority. According to the 2022 data, up to 50 Roma children were enrolled in early and preschool educational facilities. In 2020-2021, 323 pupils belonging to the Roma minority were registered in public schools (the number increased from 88 in 2014), but 29 of them suspended their education. Additional lessons in the Georgian language, math and speech were provided to 10 students. As of 2020-2021 academic year, out of 24 Roma students (16 male - 67% and eight female - 33%) in grade 9 (16 male students (100%) and six female students (75%)) completed their compulsory education and received a certificate. Measures were put in place to prevent dropouts of pupils and students belonging to the Roma minority from general (compulsory) education. Social workers should get involved if a student is absent from school for 20 consecutive school days. An ongoing communication between parents and social workers, including awareness-raising meetings were also reported as measures to address school dropouts and absenteeism.<sup>125</sup> A number of other activities, such as organisation of non-formal educational clubs, aimed at improving access of Roma to education were implemented by the Ministry of Education and Science within the framework of the educational programme “Supporting Social Inclusion.”<sup>126</sup>

135. The Advisory Committee commends the authorities for their efforts to facilitate access to education for Roma. Despite the progress achieved, the Advisory Committee, echoing ECRI's concerns regarding the link between higher drop-out rates among Roma girls and early marriages not being adequately monitored and that there are no specific incentive programmes for Roma to continue to secondary

<sup>122</sup> [Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia, 2021](#), p. 241.

<sup>123</sup> Social Justice Center, Information for the Advisory Committee regarding Georgia's implementation of the Council of Europe's Framework Convention for the Protection of National Minorities, Reporting period 2019-2023.

<sup>124</sup> In this context see also UN Committee on the Elimination of Racial Discrimination (13 December 2022), CERD/C/GEO/CO/9-10, [Concluding observations on the on the combined ninth and tenth periodic reports of Georgia, paras. 11-12.](#)

<sup>125</sup> State report, paras. 213-222.

<sup>126</sup> According to the State report (para. 217), as of 2022, eight projects were funded within the programme “Supporting Social Inclusion”, aiming to plan and implement various non-formal education activities in the form of activity clubs, bringing together peers with common interests in several schools. The authorities further reported that in 2022, a student belonging to the Roma minority successfully passed the national exams and enrolled in a higher education institution. Since 2023, in order to promote higher education opportunities for Roma, the Ministry of Education and Science is financing studies at the bachelor's level for Roma students.

education.<sup>127</sup> In this context, the Advisory Committee reiterates that ensuring equal opportunities for access to quality education at all levels for persons belonging to national minorities as enshrined in Article 12(3) of the Framework Convention requires states to act resolutely in a number of areas. States should monitor “school attainments, including absenteeism and drop-out rates, literacy, completion of studies, grades, gender disparities, access to higher educational levels and subsequently access to employment. In some cases, preparatory classes and class or individual assistants/mediators/advisors may be necessary for pupils from disadvantaged environments. Adult education is a necessary complement to the basic education system.”<sup>128</sup>

136. The Advisory Committee further considers that comprehensive measures aimed at inclusive classrooms and at fostering extra-curricular contacts between persons belonging to national minorities and those belonging to the majority are instrumental to further promote effective equality of opportunities in access to education for Roma at all levels. In addition, the authorities may envisage a provision of learning assistance to Roma children and students with qualified educators that are adequately paid. It is important that the gender aspect is mainstreamed in all such measures.

137. The Advisory Committee strongly encourages the authorities to identify and implement long-term sustainable solutions to ensure equal opportunities for pupils and students belonging to the Roma minority at all levels of education, including by enacting a quality learning assistance project, supported by adequate funding. The authorities are invited to conduct a comprehensive study on challenges faced by Roma women and girls in education and, on that basis, to develop and implement targeted measures.

## Article 14 of the Framework Convention

### Teaching in and of minority and majority languages

138. There are about 300 minority language public schools in Georgia<sup>129</sup> (14% of the total number of schools), which, according to the “State Strategy for Civic Equality and Integration for 2021-2030”, is proportional to the number of schoolchildren (approximately 52 000 schoolchildren, 10% of the total number).<sup>130</sup> The authorities reported that in the 2020-21 school year, there were 13 038 pupils in the Azerbaijani schools/sectors,<sup>131</sup> 6 711 pupils in the Armenian schools/sectors and 8 262 pupils in the Russian schools/sectors at the primary level of education. In the secondary education, there were 12 200 students in the Azerbaijani schools/sectors, 6 574 in the Armenian schools/sectors and 6 135 in the Russian schools/sectors.<sup>132</sup> In the minority language schools, the Georgian language is taught five hours per week. The curriculum for minority language schools envisages teaching of all subjects as in the Georgian language schools. The majority of the subjects are taught in a respective minority language. However, it is mandatory to teach social sciences (history, geography and civic education) in the Georgian language. This requirement is only partly met in some schools due to the lack of human resources or teachers’ insufficient language competence and qualifications.

139. Interlocutors of the Advisory Committee informed about the use of the outdated textbooks and other educational materials. They further mentioned quality-related problems in the textbooks for minority schools and the fact that the literature textbooks, as well as minority language (“native language”) textbooks, are provided by the neighbouring states. The Public Defender stated that no effective measures

<sup>127</sup> See ECRI’s [Sixth Report on Georgia](#), adopted on 28 March 2023, para. 66. See also UN Committee on the Elimination of Racial Discrimination (13 December 2022), CERD/C/GEO/CO/9-10, [Concluding observations on the combined ninth and tenth periodic reports of Georgia](#).

<sup>128</sup> See [ACFC Thematic Commentary No. 1](#), Education under the Framework Convention for the Protection of National Minorities, adopted on 2 March 2006, pp. 21-22.

<sup>129</sup> State report, para. 133.

<sup>130</sup> The “State Strategy for Civic Equality and Integration 2021-2030” approved on 13 July 2021, p. 16, available at <https://smr.gov.ge/en/page/31/state-strategy-for-civic-equality-and-integration-and-action-plan>.

<sup>131</sup> According to the additional information received by the authorities on 28 September 2023, in a “non-Georgian (or ethnic minority-language) sector - the language of instruction is different at a particular school: Georgian and Azerbaijani; Georgian and Armenian; Armenian and Russian; Georgian and Russian; Azerbaijani and Armenian; Azerbaijani and Russian; Azerbaijani, Georgian and Russian; Armenian, Georgian and Russian. For instance, Tbilisi Public School #64 has 5 parallel groups for 1st grade: 3 groups, where the language of instruction is Georgian, 1 group, where the language of instruction is Azerbaijani, 1 group, where the language of instruction is Russian.”

<sup>132</sup> Additional information provided by the authorities on 12 May 2023, Annex 2.

were taken to develop and publish textbooks on language and literature for Armenian, Azerbaijani and Russian language schools and to incorporate these textbooks in the teaching process in Georgia.<sup>133</sup> Representatives of the Kist minority shared the same concerns and hopes to be able to use educational materials produced in Georgia, rather than relying on what they referred to as inappropriate textbooks from the Russian Federation (Chechnya). They also informed the Advisory Committee that it was difficult for them to bring those textbooks to Georgia, due to custom and border controls and restrictions (Articles 17 and 18). The Advisory Committee was also informed that no vocational education exists in minority languages. Persons belonging to national minorities are enrolled in vocational education institutions on the basis of selection procedures.<sup>134</sup> The authorities informed the Advisory Committee that since 2018, more than 1 000 individuals have been enrolled in vocational educational programmes based on the selection procedure in Armenian, Russian or Azerbaijani languages, which represents 1.89% of the student population in these years (for comparison, 88 non-Georgian speaking students were enrolled in 2016-2017).<sup>135</sup>

140. The poor command of the state language by many persons belonging to national minorities and teaching in and of the state language continues to be an acknowledged problem (see Articles 4 and 12) although many students belonging to national minorities met by the Advisory Committee explained that they were fluent in Georgian. Still, this issue constitutes to be one of the main priorities for the Georgian authorities in the field of Georgia's integration policy, managing diversity in general and in its policies relating to persons belonging to national minorities, as set forth in the "State Strategy for Civic Equality and Integration for 2021-2030".

141. In order to address this issue, the authorities launched in 2020 the state programme for bilingual education. Subsequently, the Ministry of Education and Science started the project "Implementing State Standards at Minority Pre-school and School Level", aimed at implementing preschool standards and National Curriculum in schools by introducing a bilingual education model,<sup>136</sup> which is currently implemented in 37 preschools and 180 schools in Tbilisi, Kvemo Kartli and Samtskhe-Javakheti regions. The authorities informed the Advisory Committee that gradual expansion of the coverage is planned. The bilingual education model is being implemented in kindergartens and schools with the involvement of bilingual assistant teachers, whose pre- and in-service training is carried out through various activities planned within the framework of the programme.<sup>137</sup> The Advisory Committee was interested to learn about this gradual approach towards the bilingual education that is focused on improving linguistic competences in Georgian. At the same time, it reminds the authorities that this should not be done at the expense of education in minority languages. It is important that the authorities provide adequate resources, educational materials, teacher training and awareness-raising to this effect and in close consultation with persons belonging to national minorities, including minority youth. The Advisory Committee will closely follow this reform.

142. Reiterating that Article 14(3) of the Framework Convention entails the obligation to ensure that persons belonging to national minorities have equal access to the learning of official languages to promote their inclusion and effective participation in society, the Advisory Committee welcomes the authorities' willingness to improve the quality in learning Georgian, whilst preserving teaching and learning of respective minority languages, by putting in place a bilingual education model which will also cover the preschool education. In this context, the Advisory Committee considers it essential to develop appropriate methodology for teaching the state language from preschool level onwards. It is also important to regularly monitor the quality of education provided throughout the reform process. This should be carried out in close co-operation with representatives of school boards, teachers and parents' organisations. The Advisory Committee further points out that the comprehensive training of adults, which may be combined with vocational training opportunities, also plays an important role in the promotion of Georgian language skills of their children and could help the implementation of the new bilingual education model.

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<sup>133</sup> Public Defender of Georgia, Report on the Situation of Protection of Human Rights and Freedoms in Georgia, 2021, p. 240.

<sup>134</sup> State report, para. 483.

<sup>135</sup> The authorities informed the Advisory Committee that a new mechanism was developed for teaching state language, which will allow all interested persons to study Georgian language, obtain a certificate from the National Assessments and Examinations Centre, and afterwards enrol in the desired vocational education and training programme.

<sup>136</sup> State report, paras. 161-168.

<sup>137</sup> Ibid.

143. Furthermore, the Advisory Committee recalls that the availability of quality educational materials in minority languages constitutes a prerequisite for increasing interest among students and parents in minority languages learning and an indispensable element for providing quality bilingual education.<sup>138</sup> The Advisory Committee regrets that up until now the publication of textbooks and other educational materials in minority languages is not ensured by the Georgian authorities. Relying almost entirely on textbooks from other states and thus outsourcing the obligation of the authorities is not conducive to implementing the national curricula in Georgia. It therefore considers that the new bilingual education model needs to be accompanied by the production of updated and high-quality educational materials as an integral part of the teaching of minority languages and of Georgian as a second language.

144. As regards teacher training, the authorities report of a number of measures to this effect.<sup>139</sup> The Advisory Committee was informed that recently, the Samtskhe Javakheti State University has prepared an educational programme<sup>140</sup> which takes into account the methodology of teacher training for both primary and secondary levels. The programme is yet to be accredited. Interlocutors of the Advisory Committee viewed training for teachers of minority languages as unsatisfactory. The need for Georgian language and literature teachers for minority language schools persists.<sup>141</sup> This problem, combined with insufficient translation of educational materials, adversely affects the quality of education in minority language public schools.<sup>142</sup> The Advisory Committee recalls that pre- and in-service quality teacher training is one of the essential preconditions for ensuring good quality education for students. "Adequate" opportunities for teacher training imply that the authorities should collect baseline data and make regular needs assessments to ensure that teachers from both majority and minority communities are recruited and given training equipping them to work in multilingual and multicultural environments.<sup>143</sup> In view of the implementation of the new bilingual education model which, as reported by the authorities, is ensured with the help of the bilingual assistant-teachers, the Advisory Committee finds it crucial to elaborate comprehensive mechanisms for minority school teachers' training and evaluation.

145. Concerning the higher education, the Advisory Committee notes that the absence of Armenian and Azerbaijani language and literature subjects in the curricula of higher education institutions does not allow students to specialise in these directions, obliging them to continue their studies in Armenia and Azerbaijan, respectively (see Article 12). This also leads to them not being able to become teachers of Armenian and Azerbaijani culture and literature of Georgia and to teach this to Georgian students.

146. Finally, regarding the teaching of the languages of numerically smaller minorities, in the 2021-22 school year, Avar, Assyrian, Ossetian, Udi and Chechen were taught two hours per week. Schools may, if necessary or desired, offer paid or free additional language classes to students in the form of a language group or club. Kurdish is the only language allowed in the national curriculum but not available in practice due to a shortage of teachers. Development of language textbooks for numerically smaller minorities (Ossetian, Chechen, Khundzuri/Avaric, Udi, Assyrian and Kurdish/Kurmanji) and training of the respective language teachers still remain to be a systemic problem.<sup>144</sup> The Georgian authorities have participated in the elaboration of kindergarten textbooks in 13 minority languages.<sup>145</sup> The state report recognises that the teaching resources for these languages need to be developed. In 2021, the Udi language textbook "*Bez Muse*" (Our Language) for elementary school was published. The special report of the Public Defender of 2022 indicates that the Udi language, which is on the UNESCO list of endangered languages, is taught in the basic school of the village of Zinobiani, but the education process "does not produce results expected", as stated in the report of the Public Defender. The Public Defender also stated that Jews living in the Oni municipality speak Georgian fluently, but they do not speak their minority language because Hebrew

<sup>138</sup> [ACFC Thematic Commentary No. 3](#), para. 77.

<sup>139</sup> State report, paras. 125-132.

<sup>140</sup> The authorities reported about the "Educational Program for the Training of Armenian Language and Literature Teacher". The authorities also informed the Advisory Committee about their plans to develop the "Educational Program for Teacher Training of Azerbaijani Language and Literature".

<sup>141</sup> The "State Strategy for Civic Equality and Integration 2021-2030", p. 17.

<sup>142</sup> Carnegie Europe, Rusudan Amirejibi, Kakha Gabunia, Georgia's Minorities: Breaking Down Barriers to Integration, 9 June 2021, available at <https://carnegieeurope.eu/2021/06/09/georgia-s-minorities-breaking-down-barriers-to-integration-pub-84689>.

<sup>143</sup> See [ACFC Thematic Commentary No. 1](#), pp. 20-21.

<sup>144</sup> [Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia, 2020](#), p. 326.

<sup>145</sup> These textbooks, elaborated in the framework of a Council of Europe/European Union programme, are available in Abkhaz, Armenian, Assyrian, Avar, Azeri, Chechen, German, Greek, Kurdish, Ossetian, Russian, Udi and Ukrainian.

courses are not available in the region, while online courses are “associated with a significant financial burden.”<sup>146</sup>

147. The Advisory Committee emphasises that one of the purposes of minority language education is to maintain or inculcate a degree of fluency and literacy which enables the learner to use the language in public and private life, and to pass it on to the next generation. The Advisory Committee notes the existing offer of numerically smaller minority languages in Georgia, but considers that teaching a minority language for a very small number of hours per week is unlikely to ensure fluency and literacy, especially when that language is not the predominant language used within families. In order to make an effective contribution to the preservation of minority languages as an essential element of the identities of persons belonging to national minorities, it is necessary to extend the number of teaching hours of minority languages. The Advisory Committee reiterates that for minority languages spoken by a small number of persons, particular measures to revitalise or preserve the language may be necessary – including language immersion.

148. The Advisory Committee calls on the authorities to provide for sufficient quality teaching of Georgian while maintaining the use of Armenian, Azerbaijani and Russian as the main languages of instruction in preschool, primary and secondary education in the regions concerned. The authorities should also ensure that the implementation of the new bilingual teaching model is subject to comprehensive monitoring and recurrent professional evaluation, in close co-operation and consultation with the minorities concerned. The implementation of the bilingual teaching model should also be coupled with appropriate education materials, teaching methodologies and teacher training.

149. The Advisory Committee strongly encourages the authorities to consider introducing the bilingual model for vocational, adult and continuing education.

150. The Advisory Committee calls on the authorities to increase the offer of teaching in the languages of numerically smaller minorities in the general curriculum at primary and secondary levels, including through financial incentives for students belonging to these minorities to train and work as teachers. Curricula of national minority cultures and literature, such as Armenian and Azerbaijani, and teacher training at the university level should be developed. Possibility to have an access from preschool to secondary education in the same area should also be ensured by the authorities.

## Article 15 of the Framework Convention

### Effective participation in decision-making processes

151. The Council of Ethnic Minorities, under the auspices of the Public Defender, is operational since 2005. It is composed of more than 100 organisations. In 2005, the Council of Religions was also established and is composed of more than 30 religious communities. These two councils serve as the main consultation mechanisms for national minorities, and they are entitled to address recommendations to public authorities. Regarding the Council of Ethnic Minorities, the Public Defender noted that “the existence of the council under the auspices of the Office of the Public Defender of Georgia is a powerful safeguard for its institutional independence and plays a major role in identifying the challenges that national minorities face. However, it does not serve as a channel for dialogue between governmental authorities and national minorities.”<sup>147</sup> Representatives of both councils told the Advisory Committee that the councils are inclusive which enables the expression of many different views and concerns. However, the majority of their recommendations are not implemented by the authorities. As neither the parliament nor the government are obliged to hold regular consultations with the Council of Ethnic Minorities,<sup>148</sup> members of both councils expressed concern to the Advisory Committee regarding the lack of systematic and formalised mechanisms for their consultation with the authorities, as well as regarding the lack of permanent premises for their operation. In the 2021 report, the Public Defender regretted the fact that “no effective institutionalised consultative mechanisms were established for minorities at the executive level and no

<sup>146</sup> Public Defender (Ombudsman) of Georgia, [Special Report on Combating and Preventing Discrimination and the Situation of Equality](#), 2022, p. 13.

<sup>147</sup> [Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia](#), 2020, p. 319.

<sup>148</sup> EMC, Ethnic Minority Consultation Mechanisms, the Reality in Georgia and International Experience, Tbilisi, 2020, p. 21.

effective steps were taken to strengthen the existing mechanisms.”<sup>149</sup> The need to have full-fledged and regular dialogue with the authorities was also pointed out by the interlocutors of the Advisory Committee.

152. The authorities reported that the advisory councils established in 2017 under the auspices of the administrations of State Representatives of the Kvemo Kartli and Kakheti regions continued to function.<sup>150</sup> The Council of Ethnic Minorities considers that the advisory councils do not sufficiently ensure regular dialogue between the representatives of national minorities and the state. “The civic engagement functions of these councils do not allow them to act as minority consultation mechanisms and their mandate is not clearly formulated.”<sup>151</sup> The Advisory Committee is pleased to note that the “State Strategy for Civic Equality and Integration 2021-2030” (see Article 4) indicates that in order to improve minority participation in the decision-making process at the local level, activities of the advisory councils functioning within the administrations of the State Representatives in Kvemo Kartli and Kakheti regions should have a regular character. It further points at the importance of establishing similar councils in the Samtskhe-Javakheti region and in municipalities densely populated by persons belonging to national minorities.<sup>152</sup> The Advisory Committee expects implementation of these plans. The Advisory Committee considers that in order to ensure an effective functioning of these councils, the problems and challenges raised by the persons belonging to national minorities before these councils should be duly taken into account and appropriate follow-up measures put in place.

153. In March 2021, the Parliament of Georgia announced the establishment of a Scientific-Advisory Council for National Minorities within the parliamentary Committee on Diaspora and Caucasus Issue. This initiative was strongly criticised both by the civil society and the Public Defender as it implied the consideration that Georgia’s historically present minorities were a diaspora, thereby strengthening the perception of national minorities being closely linked to other states and simultaneously preventing full inclusion of persons belonging to national minorities in all aspects of life in Georgia.<sup>153</sup> Due to the criticism, this process was halted, but no alternative consultative mechanism has been put in place.<sup>154</sup>

154. The Advisory Committee fully shares the criticism of its interlocutors and deeply regrets that no satisfactory steps have been taken by the authorities to ensure the establishment of effective institutionalised consultative mechanisms. The Advisory Committee reiterates that persons belonging to national minorities should be given real opportunities to meaningfully influence decision-making, the outcomes of which should adequately reflect their needs and interests.<sup>155</sup> It is essential that the legal status, role, duties, membership and institutional position of consultative bodies be clearly defined, including through a statutory text, which neither of the two councils (of national minorities and of religions) has at present. In addition, it is important that the meetings of these bodies are convened frequently and on a regular basis.<sup>156</sup> The Advisory Committee considers that the co-operation and consultations between the Council of Ethnic Minorities and the Council of Religions on one hand and the state authorities on the other hand need to be regulated. Moreover, in order to be effective, higher consideration to the recommendations elaborated by these councils is required on the part of the authorities and failure to implement them should provide for a reasoning. In addition, the consultation needs to be regular. The authorities should have a clear obligation to genuinely consult the councils prior to the decision-making on the matters relevant/having a direct impact on the interests of persons belonging to national minorities. In the Advisory Committee’s view, the fact that the Council of Ethnic Minorities does not have premises to organise regular meetings is also problematic, requiring a concrete solution thereto.

155. The Advisory Committee calls on the authorities to clearly set out the role and competences of the Council of Ethnic Minorities, the Council of Religions and local consultative councils and make consultation

<sup>149</sup> [Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia, 2021](#), p. 238.

<sup>150</sup> State report, para. 422.

<sup>151</sup> EMC, Ethnic Minority Consultation Mechanisms, the Reality in Georgia and International Experience, Tbilisi, 2020, p. 21.

<sup>152</sup> The “State Strategy for Civic Equality and Integration 2021-2030”, p. 35.

<sup>153</sup> [Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia, 2021](#), p. 238.

<sup>154</sup> Social Justice Center, Information for the Advisory Committee regarding Georgia’s implementation of the Council of Europe’s Framework Convention for the Protection of National Minorities Reporting period 2019-2023.

<sup>155</sup> See [ACFC Thematic Commentary No. 2](#), The effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, adopted on 27 February 2008, para. 71.

<sup>156</sup> [ACFC Thematic Commentary No. 2](#), paras. 116-117.

with these councils compulsory on matters of concerns for persons belonging to national minorities. The authorities should ensure timely, transparent, inclusive and genuine consultations with these councils and that their recommendations are adequately reflected in subsequent decisions. The priorities set out in State Strategy for Civic Equality and Integration 2021-2030 regarding the improvement of minority participation in the decision-making process should be fully implemented.

### Representation of national minorities in elected and executive bodies

156. Persons belonging to national minorities do not enjoy special political rights such as guaranteed representation in elected bodies, exemption from threshold requirements, reserved seats or veto rights. Historically, the proportion of minorities represented in the parliament has never matched their proportion in Georgia's population.<sup>157</sup> Furthermore, the number of persons belonging to minorities in the parliament decreased from 11 (7.33% of the total number of seats) to six (3.33% of the total of number of seats)<sup>158</sup> after the 2020 parliamentary elections. After these elections, there are no representatives of Abkhazians and Ossetians in the parliament, which, according to the authorities, is the consequence of ongoing occupation of these regions. The Georgian Constitution explicitly outlines that as soon as the sovereignty and territorial integrity of Georgia is restored, the Parliament will be comprised of two Chambers including the representatives of Abkhazia region. As noted by the Public Defender, problems related to political participation of persons belonging to national minorities became evident during the parliamentary elections of 2020 during which the majority of the political party election programmes almost completely omitted issues related to national minorities.<sup>159</sup> This was despite a general belief, shared with the Advisory Committee by its interlocutors, that political parties tend to become interested in national minorities and minority regions before elections.

157. At the government level, persons belonging to national minorities are still very rarely or not at all represented in central government bodies, except for the Office of the State Minister for Civic Equality and Integration.<sup>160</sup> The representation of national minorities in local councils of the municipalities where persons belonging to minorities live in substantial numbers is disproportionately low (Gardabani, Bolnisi, Dmanisi, Marneuli, Tsalka, Akhalkalaki) with the exception of local councils of two municipalities - Akhalkalaki and Ninotsminda.<sup>161</sup> Only in Akhalkalaki, Ninotsminda and Marneuli, persons belonging to national minorities hold the position of a mayor.<sup>162</sup>

158. In order to support political and civic engagement, the State Ministry for Reconciliation and Civic Equality implements three to six-month long internships programme in different state agencies, including local self-government entities for students participating in the "1+4 Programme". For the Council of Ethnic Minorities, counting the internship programme as the government's active measure to support political participation of persons belonging to the Azeri and Armenian minorities is unconvincing and only partially

<sup>157</sup> Centre for the Studies of Ethnicity and Multiculturalism (CSEM), National Minorities in the Parliament of Georgia, Infographic, 2017.

<sup>158</sup> The "State Strategy for Civic Equality and Integration 2021-2030" approved, p. 22.

<sup>159</sup> [Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia, 2020](#), p. 318.

<sup>160</sup> Ibid.

<sup>161</sup> According to the additional information provided by the authorities on 12 May 2023, as of March 2023, in the Akhalkalaki municipality - 35 members (out of 42) are persons belonging to ethnic minorities; in the Akhalkalaki municipality - 5 members (out of 38) are persons belonging to ethnic minorities; in the Ninotsminda municipality - 29 members (out of 30) are persons belonging to ethnic minorities; in the Marneuli municipality - 20 representatives (out of 33) are persons belonging to ethnic minorities; in the Gardabani municipality - 16 members (out of 36) are persons belonging to ethnic minorities; in the Dmanisi municipality - 10 members (out of 30) are persons belonging to ethnic minorities; in the Bolnisi municipality - 15 members (out of 36) are persons belonging to ethnic minorities; in the Tsalka municipality - 11 members (out of 30) are persons belonging to ethnic minorities.

<sup>162</sup> According to additional information provided by the authorities on 12 May 2023 (pp. 42-43), as of May 2023, in the Akhalkalaki municipality - one deputy mayor (out of two) belongs to an ethnic minority; in the Akhalkalaki municipality - one deputy mayor (out of three) belongs to an ethnic minority; in the Ninotsminda municipality - one deputy mayor (out of two) belongs to an ethnic minority; in the Gardabani municipality - one deputy mayor (out of three) belongs to an ethnic minority; in the Bolnisi municipality - one deputy mayor (out of three) belongs to an ethnic minority; in the Dmanisi municipality - one deputy mayor (out of three) belongs to an ethnic minority; in the Tsalka municipality - one deputy mayor (out of three) belongs to an ethnic minority.

effective. Around 80% of the students cannot benefit from this opportunity,<sup>163</sup> since they have not participated in the “1+4 Programme”, do not master the Georgian language, or do not fall in the specific age group.<sup>164</sup> If they do participate, they are frequently disappointed by low prospects of getting a job afterwards, as the Advisory Committee was told by its interlocutors during the visit.

159. Interlocutors from all national minorities told the Advisory Committee that one of the major preoccupations for them is the lack of possibilities for their effective participation in Georgia’s political life. They complained that due to their inability to have an influence on political agenda of the government, their needs and interests are not taken into account. The Advisory Committee deeply regrets this situation. Bearing in mind that state parties determine their electoral systems, the Advisory Committee reiterates that it is important for electoral systems to provide opportunities for minority concerns to be included on the public agenda. This may be achieved either through the presence of minority representatives in elected bodies and/or through the inclusion of their concerns in the agenda of elected bodies.<sup>165</sup>

160. Furthermore, despite the fact that the issue of political participation was noted in the previous “State Strategy for Civil Equality and Integration for 2015-2020,”<sup>166</sup> the Advisory Committee regrets that it did not produce any concrete results. The Advisory Committee hopes that this situation will be remedied effectively in the course of the implementation of the “State Strategy for Civil Equality and Integration for 2021-2030”, with its priority no. 3 – equality, civil and political participation.<sup>167</sup> The Advisory Committee reminds the authorities that where possibilities for persons belonging to national minorities to be represented in elected bodies are limited in practice, alternative channels, such as specific arrangements to facilitate minority representation, need to be considered in order to enhance their effective participation in decision-making. The fact that national minorities are increasingly poorly represented in the parliament is worrying. The Advisory Committee thus considers it particularly important to reinforce the existing consultative mechanisms and develop measures to improve participation of persons belonging to national minorities at the national level. For this to happen, awareness raising is needed among the ethnic Georgian majority to genuinely accept the need to ensure effective participation of persons belonging to national minorities in decision-making processes and among persons belonging to national minorities on the importance of their right to political participation and possibilities they can seize to this effect. In the Advisory Committee’s view, the Georgian authorities should consider putting in place electoral legislation that will promote effective participation of persons belonging to national minorities in elected bodies at national and local levels. The Advisory Committee is of the view that persons belonging to national minorities should also be represented in executive bodies.

161. The Advisory Committee’s assessment at the level of elected bodies is equally applicable in the context of minority representation at the central government and at the local level, including in local councils where, minority representation is disproportionately low. The situation with regard to participation at the local level in Tbilisi, where about 11% of the population belongs to national minorities, is also worrying for the Advisory Committee. According to the report of the Public Defender, there is still not a single representative of national minorities in the Tbilisi City Council (“*Sakrebulo*”) or the Tbilisi municipal government.<sup>168</sup> If in other regions, where persons belonging to national minorities live in substantial numbers, political participation can be hampered due to language barriers (Article 14), this obstacle does not exist in Tbilisi. The Advisory Committee thus considers that this situation needs to be addressed

<sup>163</sup> Council of Ethnic Minorities of the Public Defender of Georgia, personal communication, 19 May 2020.

<sup>164</sup> Salome Kandelaki, “Integration of ethnic minorities in Georgia: Barriers to political participation”, Policy Paper #16, Georgian Institute of Politics, August 2020.

<sup>165</sup> [ACFC Thematic Commentary No. 2](#), para. 81.

<sup>166</sup> Office of the State Minister of Georgia for Reconciliation and Civic Equality, State Strategy for Civic Equality and Integration for 2015-2020, available at <https://smr.gov.ge/en/page/31/state-strategy-for-civic-equality-and-integration-and-action-plan>. See, among others, Interim goal 1.3 “Increasing access to state administrative and judicial bodies and mechanisms for members of ethnic minorities”, in particular its objectives 1.3.3 to 1.3.6 (respectively on access, professional development, knowledge of state language and recruitment); see also interim goal 1.4 “Encouraging participation of ethnic minorities in the political decision-making process” and its objectives 1.4.1 to 1.4.3 (respectively on electoral information, involvement in political parties and legal framework for participation).

<sup>167</sup> The “State Strategy for Civic Equality and Integration 2021-2030”, approved on 13 July 2021, pp. 34-38, available at <https://smr.gov.ge/en/page/31/state-strategy-for-civic-equality-and-integration-and-action-plan>.

<sup>168</sup> [Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia](#), 2020, p. 318.

comprehensively and effectively, for instance, by carrying out awareness raising campaigns about the importance of the right to political participation of persons belonging to national minorities.

162. Finally, the Advisory Committee notes that recent research shows that the majority of women belonging to national minorities are not involved in civil society and political life.<sup>169</sup> The authorities informed the Advisory Committee that the current Georgian legislation imposes mechanisms with a view to improving women's participation in political life.<sup>170</sup> The Advisory Committee still considers that specific policies seeking to redress the gender imbalance and mainstreaming gender in existing policies are necessary in the field of political participation. The Advisory Committee also emphasises the importance of sub-national forms of government in creating the necessary conditions for effective participation of persons belonging to national minorities in decision-making, including in regions where persons belonging to national minorities live compactly".<sup>171</sup> The authorities should therefore pay close attention to the diverse needs and interests of national minorities.

163. The Advisory Committee urges the authorities to ensure that the legislative framework contains effective mechanisms for persons belonging to national minorities, including women, to be adequately represented in elected and executive bodies at all levels so that they may participate fully in public affairs. The authorities should carry out awareness-raising campaigns, including in minority languages to raise awareness about their right to political participation.

### Participation in social and economic life

164. A large part of persons belonging to national minorities live in Georgia's rural areas, where opportunities for their socio-economic participation are low. According to the authorities, the number of state projects implemented in the regions densely populated by persons belonging to national minorities and the provision of state programmes and services to support the development of micro, small and medium-sized businesses increased significantly. Large-scale infrastructural projects, such as gas infrastructure development in villages, road construction, irrigation and drinking water systems, reconstruction of street lighting, were implemented. Many programmes and projects for the construction and reconstruction of preschool establishments, schools and ambulatory clinics have also been implemented.<sup>172</sup>

165. Minority representatives in rural areas told the Advisory Committee that their biggest concern was the lack of economic opportunities in their region, which forces young people to seek work in large cities or abroad. They also mentioned the lack of public spaces for young people to socialise such as youth centres or sports facilities. On the positive note, in the recent years, some activist groups and community centres in the minority regions (i.e. Solidarity Museum, Solidarity Community, Platform Salam, New Thinking Institute) started working actively to voice their community needs and concerns, and to participate in social life of Georgia.<sup>173</sup> Representatives of the Kist minority mentioned the lack of employment prospects in the Pankisi Gorge. The Public Defender also stated that infrastructural issues are most acute in the Avar community in terms of gasification and quality water supply, as well as in the areas of transport, internet and primary healthcare.<sup>174</sup> Poor access to high-speed internet continues to be a problem in most rural areas. The authorities have informed the Advisory Committee that they are currently implementing some activities to address this issue.

<sup>169</sup> Sapari, Study of Problems and Needs of Women Members of Ethnic Minorities living in Marneuli Municipality, 2023, available at <https://sapari.ge/wp-content/uploads/2023/04/marneuli.pdf>.

<sup>170</sup> Namely, according to the 2023 amendments in the Election Code of Georgia, in the case of elections of municipal bodies, the validity period of the temporary rule of "gender quotas" has been extended, and such regulation will apply to the municipal elections due in 2032. Moreover, a party list for the parliamentary elections of Georgia and municipal elections shall be formed by a political party in such a manner that at least one person in each four/three candidates on the party is a female candidate.

<sup>171</sup> [ACFC Thematic Commentary No. 2](#), para. 129.

<sup>172</sup> State report, paras. 455-463.

<sup>173</sup> Social Justice Center, Information for the Advisory Committee regarding Georgia's implementation of the Council of Europe's Framework Convention for the Protection of National Minorities Reporting period 2019-2023.

<sup>174</sup> Public Defender (Ombudsman) of Georgia, , [Special Report on Combating and Preventing Discrimination and the Situation of Equality](#), 2022, p. 13.

166. Recent research also indicates that unemployment remains a big problem among Georgia's national minorities, including in public service.<sup>175</sup> To increase access to the public administration for youth belonging to national minorities, the Georgian Government created in 2017 a special six-month period internship programme for the beneficiaries of the "1+4 Programme" in different state agencies, including local self-government entities (see Articles 12 and 14). It implies recruitment of national minority students to public service to increase their employment opportunities, through enhancing qualifications, improving knowledge and gaining working experience (300 young people have successfully completed the programmes so far).<sup>176</sup> Interlocutors of the Advisory Committee praised the introduction of this internship programme but stated that there are no employment prospects after its accomplishment. The Zurab Zhvania School of Public Administration continues to provide short and long-term vocational education programmes for public servants throughout Georgia through the implementation of diverse courses for teaching the state language in 13 educational centres and by 171 mobile groups.<sup>177</sup> The authorities informed the Advisory Committee that the Zurab Zhvania School serves various target groups including teachers and other administrative personnel of schools and preschool institutions, military recruits on the military bases, clergymen, youth, and others offering up to 30 long and short-term state language courses within the "State Language Teaching and Integration Programme", with a view of improving the state language competences as well as, through sectoral sub-programmes, development of diverse vocational skills for better inclusion of persons belonging to national minorities.

167. The Advisory Committee observes that the above-mentioned social and economic problems are exacerbated by the state language-related barriers (see Articles 4, 12 and 14), resulting in that access of persons belonging to minorities to a number of social and healthcare programmes is hampered. It was reported that persons belonging to national minorities do not have access to information on the vacant employment possibilities since vacancy notices are not available in minority languages. Due to socio-economic problems, persons belonging to national minorities face (further) financial hardships as many services are not free of charge. As noted by the Public Defender, registration of agricultural land is a critical issue in the Kvemo Kartli and Samtskhe-Javakheti regions. One of the difficulties is the lack of financial resources necessary for receiving relevant services and preparing documents for the registration of property rights.<sup>178</sup> Significant barriers in terms of access to healthcare services were also reported to the Advisory Committee. Persons belonging to the Armenian minority, referring to the long distance between Samtskhe-Javakheti and Tbilisi, expressed the need to establish a comprehensive healthcare institution at the regional level. Moreover, most women in Marneuli and Adjara seek medical service only when their pain is unbearable.<sup>179</sup> Persons belonging to the Kist minority also told the Advisory Committee about the shortage of healthcare institutions and doctors in the Pankisi Gorge.

168. A recent study notes that the implementation of special programmes without collection of disaggregated data on different spheres of economy, employment, healthcare, access to social and state services, agriculture and others, is not effective.<sup>180</sup> The need to collect such data is acknowledged in the "State Strategy for Civic Equality and Integration for 2021-2030".<sup>181</sup> The authorities informed the Advisory Committee that every year, persons belonging to national minorities are provided with information regarding access to social and healthcare programmes.<sup>182</sup>

<sup>175</sup> Carnegie Europe, Rusudan Amirejibi, Kakha Gabunia, Georgia's Minorities: Breaking Down Barriers to Integration, 9 June 2021, available at <https://carnegieeurope.eu/2021/06/09/georgia-s-minorities-breaking-down-barriers-to-integration-pub-84689>.

<sup>176</sup> State report, para. 424.

<sup>177</sup> State report, para. 397.

<sup>178</sup> Public Defender (Ombudsman) of Georgia, Special Report on Situation of Equality and Combating and Preventing Discrimination, 2022, p. 24. The Report also refers to Social Justice Center, Critical Assessment of the State Strategy for Civic Equality and Integration, 2020, p. 10.

<sup>179</sup> Social Justice Center, Situation of Muslim Women in Georgia and Multi-Layer Description of their Oppression, 2021, pp. 10-20.

<sup>180</sup> Social Justice Center, Social and Economic Exclusion of Ethnic Minorities Tbilisi, April 2023, p. 16, available at <https://socialjustice.org.ge/en/products/etnikuri-umtsiresobebis-sotsialuri-da-ekonomikuri-ekskluzia>.

<sup>181</sup> The "State Strategy for Civic Equality and Integration 2021-2030" approved on 13 July 2021, p. 26, available at <https://smr.gov.ge/en/page/31/state-strategy-for-civic-equality-and-integration-and-action-plan>.

<sup>182</sup> The authorities reported that in 2023, 19 information meetings were held in the municipalities of Kakheti and Samtskhe-Javakheti regions. Up to 650 participants were informed about monetary social programmes (state pension, state compensation, social package, subsistence allowance, etc.) and on social services (social rehabilitation and childcare programme) implemented by the authorities. The Social Service Agency has translated information about

169. Regarding persons belonging to the Roma minority, the Advisory Committee notes that their socio-economic situation, in particular, access to adequate housing, healthcare, employment and social services remains limited. This has been acknowledged by the Public Defender, who mentioned that Roma receive limited information about the services offered by the state. Inadequate responses to applications and requests submitted to various public institutions are also frequent. Due to unfavourable attitudes in the broader society, Roma find it difficult to rent an apartment, affecting their right to adequate housing, since the relevant municipal programmes mainly provide only rental assistance. The majority of Roma are unemployed<sup>183</sup> and continued social exclusion by service-providing civil servants or other members of society leaves them at risk of extreme poverty.<sup>184</sup>

170. The Advisory Committee reiterates that “participation in social and economic life covers a wide range of issues, from access to adequate housing, healthcare, social protection (social insurance and social benefits), to social welfare services and access to work. [...] Moreover, equal opportunities should not be limited to giving equal access to markets and services. Effective participation also requires that state parties promote participation of persons belonging to national minorities in economic and social life and in benefits and outcomes in the social and economic spheres, which includes, among others, the right to benefit from economic development, health services, social security and other forms of benefits.”<sup>185</sup> The Advisory Committee further reiterates that “persons belonging to national minorities often live in border areas and other regions at a distance from political and economic centres of activity. Hence, they can be confronted with more difficult socio-economic situations than the majority population. States parties should take specific measures to increase the opportunities for persons belonging to national minorities living in peripheral and/or economically disadvantaged areas to participate in socio-economic life.”<sup>186</sup>

171. In the light of the above, the Advisory Committee considers that in order to ensure the effectiveness of development programmes, studies should be undertaken to assess their possible impact on persons belonging to national minorities. Particular attention should be paid to the situation of women and youth belonging to national minorities. The Advisory Committee also considers that it is necessary to explore ways to involve Roma in the design and implementation of economic development strategies or programmes by the state authorities. Moreover, an appropriate follow-up, including through surveys and collection of data, on outcome measures of those development programmes is also important in terms of assessing their effectiveness. The Advisory Committee draws the authorities’ attention that the absence of disaggregated data makes it impossible to evaluate the impact of the programmes aimed at enhancing socio-economic participation of persons belonging to national minorities.

172. The Advisory Committee further points out to the necessity to ensure an adequate, effective and non-discriminatory access to healthcare, including to sexual and reproductive health services for women belonging to national minorities. Regional circumstances and lacking infrastructure need to be addressed so as to provide for equal and effective access to healthcare for persons belonging to national minorities, in particular persons belonging to the Armenian minority in Samtskhe-Javakheti and persons belonging to the Kist minority in Pankisi Gorge.

173. Finally, concerning employment, the Advisory Committee reiterates that states should “remove barriers [to] equal access to various spheres of economic life [...] and promote their equal access to employment and market opportunities”.<sup>187</sup> Commending the authorities for their efforts highlighted above, the Advisory Committee finds a persistent lack of disaggregated data on employment prevents positive measures being designed to address the specific issues faced by persons belonging to national minorities, whether that is through employment programmes, further vocational education in minority languages, or any other potential measure to address the issues at root. In addition, the overall pursuit to favour the use of Georgian language should not lead to the situation that persons belonging to national minorities are excluded from the socio-economic life.

174. The Advisory Committee calls on the authorities to gather disaggregated data, in accordance with the European standards on data protection, regarding the socio-economic situation of persons belonging to national minorities, especially in the fields of employment, healthcare and access to infrastructure.

social programmes and state payments (such as targeted social assistance programmes, state pensions, promotion programmes for demographic situation improvement, household subsidies, maternity leave payments, etc.) into Azerbaijani and Armenian languages.

<sup>183</sup> Tolerance Center of the Public Defender of Georgia, *Ethnic Diversity in Georgia*, Tbilisi, 2021, p. 372.

<sup>184</sup> Public Defender (Ombudsman) of Georgia, , [Special Report on Combating and Preventing Discrimination and the Situation of Equality](#), 2022, p. 12.

<sup>185</sup> [ACFC Thematic Commentary No. 2](#), paras. 24-27.

<sup>186</sup> [ACFC Thematic Commentary No. 2](#), para. 42.

<sup>187</sup> [ACFC Thematic Commentary No. 2](#), para. 27.

Positive measures to address the disparities identified should be designed on this basis and in close co-operation with persons belonging to national minorities, including women, with a view to actively promoting participation in socio-economic life. The authorities should also provide targeted support for minority women and youth to ensure their effective participation in social and economic life. Participation of Roma in socio-economic life through targeted measures, such as increased adult education, improvement of the housing situation and better access to healthcare should also be ensured by the authorities.

## Articles 17 and 18 of the Framework Convention

### Bilateral agreements and regional co-operation

175. Georgia has concluded a significant number of bilateral agreements with Azerbaijan and Armenia, relating to different fields, such as culture, education, economy, etc. In January 2023, Georgia and Armenia signed a new agreement on the bilateral visa-free movement of their citizens.<sup>188</sup> This agreement simplifies the border crossing procedure by allowing Georgian and Armenian citizens to cross the border with biometric identity cards. The Advisory Committee is pleased to note that the high number of bilateral agreements contributes to the promotion of bilateral and regional co-operation on a variety of issues, and in a spirit of good neighbourly relations. The Advisory Committee considers that informal cross-border co-operation could be strengthened to contribute to the promotion of the rights of persons belonging to national minorities.

176. The authorities informed the Advisory Committee that the Covid-19 related quarantine measures introduced by Azerbaijan since 2020 and extended until 2 April 2024 and the subsequent closure of its land borders have been particularly challenging for those travelling via land. The Advisory Committee was also informed that persons belonging to the Kist minority are confronted with problems in maintaining contacts across borders, often for family visits to the Russian Federation when they face difficulties in crossing the border (see Article 6). Instances of harassment and disrespectful behaviour by the Georgian law-enforcement authorities at border checkpoints were reported to the Advisory Committee. The Advisory Committee draws the authorities' attention that "Article 17 (1) of the Framework Convention stipulates that state parties shall not prevent persons belonging to national minorities from establishing and maintaining free and peaceful contacts across frontiers, in particular with persons belonging to the same national minorities."<sup>189</sup>

177. The Advisory Committee strongly encourages the authorities to continue international co-operation with the neighbouring states for the benefit of persons belonging to national minorities. The authorities should ensure that free and peaceful cross-border contacts between persons belonging to national minorities and persons living in neighbouring countries are ensured.

<sup>188</sup> Additional information provided by the authorities on 12 May 2023, pp. 48-49.

<sup>189</sup> [ACFC Thematic Commentary No. 2](#), para. 166.



### III. CONCLUSIONS

178. The Advisory Committee considers that the present concluding remarks and recommendations could serve as the basis for the resolution to be adopted by the Committee of Ministers with respect to the implementation of the Framework Convention by Georgia.

179. The authorities are invited to take account of the detailed observations and recommendations contained in Sections I and II of the Advisory Committee's Fourth Opinion. In particular, they should take the following measures to improve further the implementation of the Framework Convention:

#### **Recommendations for immediate action:**<sup>190</sup>

- The Advisory Committee urges the authorities to take all steps to effectively prepare for the next census to take place in 2024, including by adopting and publicly sharing the new census form. This form or any other data collection form should include the possibility of declaring multiple affiliations and its list of possible responses to the ethnicity and language questions should be open-ended and optional. An awareness-raising campaign is needed on the importance of the census, among persons belonging to national minorities in the areas where they live. The authorities should recruit persons belonging to national minorities as census interviewers. They should also ensure the appropriate training of all census interviewers to ensure interviewees trust the census and are able to provide freely their responses which are recorded accurately.
- The Advisory Committee urges the authorities to ensure effective, targeted and evidence-based measures to address inequalities faced by persons belonging to national minorities, the Armenians, Azeris, Kists and Roma in particular. This should be done in a sustainable way, and in co-operation with different minority representatives, including women. The authorities should monitor and evaluate outcomes of those measures at all levels.
- The Advisory Committee urges the authorities to pursue and increase their efforts by taking concrete steps to promote trust, mutual respect and understanding in relation to persons belonging to all minorities, through among others awareness-raising activities among the general population. The knowledge among the majority population about national minorities should be improved with a view to accepting minorities and persons belonging to them as an integral and valued part of Georgian society. Active efforts by the authorities are still needed to combat prejudices against and stereotypes of minorities and persons belonging to them and perceptions of some minorities as a security threat.
- The Advisory Committee urges the authorities to ensure that persons belonging to national minorities and practising minority religions have effective access to places of worship and effective legal protection for that purpose. Decisions on the building or allocation of new places of worship should be taken in a timely, transparent and non-discriminatory manner, in close consultation with representatives of the communities concerned. The authorities should without any further delay ensure restitution or compensation for arbitrarily or unjustifiably appropriated property of national minorities or other religious communities, in consultation with all parties concerned.
- The Advisory Committee urges the authorities to ensure that the legislative framework contains effective mechanisms for persons belonging to national minorities, including women, to be adequately represented in elected and executive bodies at all levels so that they may participate fully in public affairs. The authorities should carry out awareness-raising campaigns, including in minority languages to raise awareness about their right to political participation.

#### **Further recommendations:**<sup>191</sup>

- The Advisory Committee calls on the authorities to effectively implement all the priority goals set out in the State Strategy for Civic Equality and Integration for 2021-2030. The authorities should monitor and evaluate the Strategy and future annual action plans in close consultation with minority representatives reflecting the diversity within minorities and civil society actors. For these purposes, they should, among others, collect reliable and disaggregated equality data and put in

<sup>190</sup> The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

<sup>191</sup> The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

place follow-up measures and activities. They should also publish and proactively disseminate all reports regarding the implementation of the Strategy and action plans.

- The Advisory Committee calls on the authorities to ensure the provision of the stable, sustainable long-term baseline funding necessary to preserve, develop and promote cultures and identities of persons belonging to national minorities, through, among others, the allocation of suitable premises and with a particular focus on supporting numerically smaller minorities. The allocation procedure should be transparent and efficient and the needs and interests of persons belonging to national minorities should be taken into account in all aspects of the procedure. The authorities should further consider making available dedicated funding for maintenance or reconstruction of cultural heritage monuments related to national minorities.
- The Advisory Committee calls on the authorities to increase the support for the production of minority-language broadcast, including online and print media. The authorities should also ensure a prominent presence of national minorities and their languages in public media, including the numerically smaller minorities, notably by increasing the quality and quantity of television programmes adapted to their needs and interests, as well as by increasing the content produced by and for them. Minority-related issues should be integrated into mainstream media.
- The Advisory Committee calls on the authorities to restore, in addition to the respective place names in Georgian, traditional place names in minority languages. The authorities should also establish such a legal basis and a transparent procedure for the introduction of topographic signage in minority languages that will ensure that persons belonging to national minorities can effectively enjoy this right. The authorities should also raise awareness of this right among persons belonging to national minorities in areas where they reside traditionally in substantial numbers, and subsequently implement topographical indications in these languages.
- The Advisory Committee calls on the authorities to step up their efforts to ensure that information about the cultures, traditions, histories, religions and languages of national minorities, including numerically smaller ones, and their integral and valued role in Georgia's diverse society is included in school curricula, in educational materials and in accompanying teacher training. The authorities should also raise awareness of the importance of minority rights in general education as an integral part of human rights protection.
- The Advisory Committee calls on the authorities to pursue their efforts to promote equal access to quality education for all pupils and students belonging to national minorities at all levels, including those residing in rural areas. The authorities should increase the number of preschool educational facilities, especially in the rural areas densely populated by persons belonging to national minorities. Close consultations on all programmes and measures with minority representatives, including with minority youth, should be conducted to ensure that the specific educational needs are adequately addressed.
- The Advisory Committee calls on the authorities to provide for sufficient quality teaching of Georgian while maintaining the use of Armenian, Azerbaijani and Russian as the main languages of instruction in preschool, primary and secondary education in the regions concerned. The authorities should also ensure that the implementation of the new bilingual teaching model is subject to comprehensive monitoring and recurrent professional evaluation, in close co-operation and consultation with the minorities concerned. The implementation of the bilingual teaching model should also be coupled with appropriate education materials, teaching methodologies and teacher training.
- The Advisory Committee calls on the authorities to increase the offer of teaching in the languages of numerically smaller minorities in the general curriculum at primary and secondary levels, including through financial incentives for students belonging to these minorities to train and work as teachers. Curricula of national minority cultures and literature, such as Armenian and Azerbaijani, and teacher training at the university level should be developed. Possibility to have an access from preschool to secondary education in the same area should also be ensured by the authorities.
- The Advisory Committee calls on the authorities to clearly set out the role and competences of the Council of Ethnic Minorities, the Council of Religions and local consultative councils and make consultation with these councils compulsory on matters of concerns for persons belonging to national minorities. The authorities should ensure timely, transparent, inclusive and genuine consultations with these councils and that their recommendations are adequately reflected in

subsequent decisions. The priorities set out in State Strategy for Civic Equality and Integration 2021-2030 regarding the improvement of minority participation in the decision-making process should be fully implemented.

- The Advisory Committee calls on the authorities to gather disaggregated data, in accordance with the European standards on data protection, regarding the socio-economic situation of persons belonging to national minorities, especially in the fields of employment, healthcare and access to infrastructure. Positive measures to address the disparities identified should be designed on this basis and in close co-operation with persons belonging to national minorities, including women, with a view to actively promoting participation in socio-economic life. The authorities should also provide targeted support for minority women and youth to ensure their effective participation in social and economic life. Participation of Roma in socio-economic life through targeted measures, such as increased adult education, improvement of the housing situation and better access to healthcare should also be ensured by the authorities.

The Advisory Committee on the Framework Convention for the Protection of National Minorities is an independent body that assists the Committee of Ministers of the Council of Europe in evaluating the adequacy of the measures taken by the Parties to the Framework Convention to give effect to the principles set out therein.

The Framework Convention for the Protection of National Minorities, adopted by the Committee of Ministers of the Council of Europe on 10 November 1994 and entered into force on 1 February 1998, sets out principles to be respected as well as goals to be achieved by the states, in order to ensure the protection of national minorities. The text of the Framework Convention is available, among other languages, in English and French, as well as Georgian, Armenian, Azerbaijani, Romani, Russian, Ukrainian, and many other languages.

This opinion contains the evaluation of the Advisory Committee following its 4<sup>th</sup> country visit to Georgia.

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