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**Report submitted by Georgia
pursuant to Article 25, paragraph 1
of the Framework Convention
for the Protection of National Minorities**

(received on 16 July 2007)

First State Report by Georgia
Pursuant to article 25, Paragraph 1 of the European Framework Convention for
the Protection of National Minorities

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GENERAL INFORMATION ON THE IMPLEMENTATION OF THE CONVENTION IN GEORGIA

Part I

Introduction

1. Georgia is an ethnically, culturally, linguistically and religiously diverse country where particular attention of the government is required for the development of a national minority. The Constitution guarantees the rights of persons belonging to national minorities and prohibits discrimination on ethnic or religious grounds. In the aftermath of the “Rose Revolution”, full integration of all ethnic minorities in Georgia remains a continuous challenge for the current government. There are several reasons behind this challenge. The civic integration policy of the Soviet era had been directed towards establishing the Soviet nation. This policy lost its relevance nowadays. Immediately after the independence, as a result of strong nationalistic policies exercised by the then government, a few conflicts have erupted. Though politically motivated, they carried along ethnic features as well. In 1990s, public institutions and basic governmental functions disintegrated, whereas the law enforcement and dispute settlement mechanisms were in the hands of criminal or highly corrupt groups. This was particularly relevant for the geographically isolated regions, including those densely populated by ethnic minorities.

The new government of Georgia took firm course towards full integration of the minorities, including through constitutionally guaranteeing their rights by ratifying the European Framework Convention for the Protection of the rights of National Minorities on 13 October 2005.

2. The government started to work on the definition of the term “national minorities”. The definition contained in the Resolution of the Parliament No. 1938-II of 13 October 2005 did not conform to the principles of the Framework Convention, and experts, representatives of NGOs and the minorities did not agree with its content. As a result, when depositing the ratification note, Georgia refrained from presenting its definition of the term to the Council of Europe.

Georgia has accepted the recommendations of the Venice Commission and the European Commission against Racism and Intolerance on defining national minorities. The government is currently working on the new definition in cooperation with interested institutions, including the National Minority Council under the Office of the Public Defender and other civil society organizations. A working group developing integration policies, headed by the State Minister for Civil Integration, was established within the Civil Integration and Tolerance Council. This group will develop common approach in defining the term “national minorities”. A National Integration Strategy and Action Plan

will be drafted by the end of 2007. This entire process is publicly accessible for all interested individuals.

3. Georgia declares that the provisions of the Convention will be fully implemented in the territory under the jurisdiction of Georgia.

Status of International Law in the domestic legal order

4. International treaties are an inseparable part of the Georgian legislation. According to the Law of Georgia on “Normative Acts” (Article 19.1), an international treaty or agreement shall prevail over all other normative acts, except for the Constitution (the Constitutional Law) and constitutional agreements.

In accordance with Article 6 of the Constitution, Article 20.2 of the Law of Georgia on Normative Acts and Article 6 of the Law of Georgia on International Treaties to which Georgia is Party, an international treaty and agreement of Georgia shall take precedence over national normative acts if it does not contradict with the Constitution of Georgia.

State-level or local-level administrative authorities are entitled to conclude a treaty or agreement with the respective authorities of other countries, and such treaty or agreement (irrespective of its form and title) shall have the same legal force as a normative act issued by that authority (Article 20.3 of the Law on Normative Acts).

The provisions of an international treaty defining specific rights and obligations do not require adoption of the conforming national normative act, and are directly applicable in Georgia.

Unitary character of the State and major constitutional provisions

5. Territorial State structure of Georgia is defined by Article 2.3 of the Constitution pursuant to the principle of separation of powers (after full restoration of jurisdiction of Georgia over the whole territory of the country). According to the Constitution, the Autonomous Republics of Adjara and Abkhazia are part of Georgia. According to Article 3 of the Constitution, the status of the Autonomous Republics of Adjara and Abkhazia is defined by the Constitutional Law.

6. According to the Constitution, the political organisation of the State is that of a democratic republic. According to Article 5, the source of political power in Georgia is vested in people and is exercised by people and their representatives through referendum and other democratic forms.

7. The legislative power in Georgia is exercised by the Georgian Parliament. Pursuant to Article 48 of the Constitution, the Parliament of Georgia is the supreme representative body of the country. The current Parliament consists of 150 members elected according to a proportional system, and 85 members elected through a majority system on the basis of universal, equal and direct suffrage by secret ballot. As a result of the Referendum of 2

November 2003, a constitutional amendment was introduced to take effect as of 23 February 2005, according to which the next parliament to be elected in 2008 shall consist of 100 members elected through proportional system and 50 members elected through majority system. The main function of the Parliament lies in the exercise of the legislative power and in balancing the executive powers. The Parliament also manages public finances by adopting the Law on the State Budget and the Annual Progress Report. The Parliament also plays an important role in creating executive bodies and in the field of defense and security. It is also in the role of the Parliament to ratify and denounce international treaties and agreements, and determine general directions of the foreign and internal policy of the country.

8. The President is the head of State. Pursuant to Article 70 of the Constitution, “the President shall be elected through universal, equal and direct suffrage by secret ballot for a term of five years.” As the head of State, the President ensures the administration of the country and the implementation of internal and foreign policies, the integrity of the State and coordinates activities of the executive bodies. According to Article 73 of the Constitution, the President directs and implements the country’s foreign policy, negotiates with other States, and concludes treaties and agreements in accordance with the Constitution. With the consent of the Parliament, the President appoints Ambassadors and other diplomatic representatives of Georgia, and accepts accreditations of foreign ambassadors and diplomatic representatives of other countries and international organizations. The Constitution defines the rules according to which President has the right to dissolve the Parliament. The President appoints the Prime Minister. For the purposes of building the military and the State defense system, the President establishes the National Security Council, which he/her heads. The members of the Council are unilaterally appointed by the President. The President is the Higher Commander-in-Chief of the armed forces of Georgia. S/he has the power to appoint and dismiss the Chief of Staff of the Armed Forces and other Commanders, as well as to approve the structure of the Armed Forces. President also exercises other functions vested in him by the Constitution and the law.

9. The executive power is exercised by the Government of Georgia (Cabinet of Ministers). According to Article 78 of the Constitution, the Government ensures the implementation of the foreign and national policy of the country. The Government consists of the Prime Minister and the Ministers. State Ministers may be appointed in order to exercise vital tasks pursuant to the Constitution. The Government and its members may file their resignations with the President.

10. In February 2004, the Constitution was amended to change the political system of Georgia to semi-presidential. As a result of these constitutional amendments, the President, who used to be the head of the State and of the executive Government, became the head of State only. The President appoints the Prime Minister, who shall then appoint the members of the Government (Ministers) subject to the President’s consent. The President unilaterally appoints the Minister of Interior and the Minister of Defense. The formation of the Government (Cabinet of Ministers) also requires approval from the Parliament. If the Parliament fails to approve the Government three consecutive times,

the President has the power to appoint the Prime Minister without Parliament consent and dissolve the Parliament. In case the Parliament fails to declare confidence to the Government in connection with the proposed State Budget, the President shall dissolve the Government or the Parliament. In case of dissolving the Parliament, President shall schedule new extraordinary elections. President has unlimited power to dissolve the Government.

11. On the basis of Article 83 of the Constitution of Georgia, constitutional control is exercised by the Constitutional Court of Georgia. Pursuant to the Organic Law of Georgia on the Constitutional Court of Georgia, the judiciary ensures the supremacy of the Constitution, constitutional integrity and protection of constitutional rights and freedoms of individuals. Citizens of Georgia, as well as all other natural and legal persons residing in Georgia have the right to file a constitutional appeal before the Constitutional Court to challenge the constitutionality of a normative act or a bylaw, or any provision thereof if they believe that their constitutional rights and freedoms stipulated in Chapter 2 of the Constitution have been violated or may have been violated.

12. The rights and obligations of the judiciary are defined in the Constitution of Georgia, as well as in the Law on Common Courts and the Law on Supreme Court of Georgia. The independence of the judiciary and judges is protected by law and any infringement thereof is punishable under the law.

Common courts consist of three branches: first, regional (town) courts hear the cases and reach decisions; second, appeal courts (Tbilisi and Kutaisi Appeals Courts, Supreme Appellate Courts of Adjarian and Abkhazian Autonomous Republics) may hear appeals from the first branch. Third, the Supreme Court is the final branch and may pronounce cassation. During martial laws, court martial may be instituted within the system of common courts pursuant to the Constitution of Georgia. The formation of an extraordinary or special court is prohibited.

13. The State of Georgia recognizes and protects universal human rights and freedoms. Pursuant to the Article 7 of the Constitution of Georgia, in exercising State powers, people and the State are limited to those rights and freedoms, as well as by existing laws.

The Constitution recognizes equality of all citizens before the law. “Everyone is free by birth and is equal before law regardless of race, skin color, language, sex, religion, political and other opinions, national, ethnic and social belonging, property and title, place of residence”(Article 14).

The above stipulated principle is also recognized by the Article 9 of the Criminal Code of Georgia, according to which “everyone is equal before the law and the court irrespective of race, nationality, sex, social origin, property and position, place of residence, religion, faith and other circumstances.”

14. The right to defense in the court is ensured by the Constitution and the laws of Georgia. According to Article 42 of the Constitution, every person has the right to appeal

before the court to protect his rights and freedoms. The Constitution also establishes the right of a citizen to file a law suit at the court to claim full compensation from public funds for damages sustained as a result of the illegal actions of administrative bodies.

The basis for the recovery of the infringed right is an appeal, as a result of which a civil case is instituted pursuant to the disposition and adversarial principles of the parties. All natural and legal persons in Georgia have the right to appeal.

Historical developments

15. Georgia has been unique by its ethnic, linguistic, religious and cultural diversity throughout history. Geographic location of the country at the crossroads of the East and West, North and South has been a determinant factor of its diversity.

16. As a result of the political and economic processes taking place in the region, as well as of migration politics of the neighboring countries, the ethnic composition of the country changed in different periods. Some ethnic groups were forced to seek asylum in Georgia due to persecution faced in their own places of residence and some settled in the territories deserted as a result of previous invasions. In XVIII and XIX centuries major changes took place in the national composition of the population of Georgia. These changes emerged as a result of the settlement of Armenians, Russians, Greeks and Germans from other countries and provinces of Russia, which led to an increase in the number of different ethnic groups in the territory of Georgia. In XIX century, due to the migration and national policy of the Russian Empire, the settlement of the non-Georgian population started to intensify. On certain occasions, the Russian Empire forcibly settled other nations in the territory of Georgia. For example, in 60-70s of XIX century, as a result of forced migration, more than half of the Abkhazian villages were emptied.

17. After forcible unification in the Soviet Union, during the process of industrialization and industrial boom, significant migration of the population took place. People with different professions and skills arrived in Georgia from the other Soviet Republics, who then remained to live in Georgia. Internally, populations migrated towards industrial and tourist centres. In parallel with the settlement, emigration of populations from Georgia was also noted, as well as forcible migration. The deportation of about 90.000 Muslim citizens from the Samtskhe-Javakheti region to Central Asia on the basis of the 1944 decision of the State Defence Committee of the USSR is an example of such phenomenon.

18. Major changes in the ethnic composition of Georgia occurred as a result of the processes that took place in 1990s. Conflicts erupted in the territories of the Autonomous Region of South Ossetia and Autonomous Republic of Abkhazia. If the population Census of 1989 showed that national minorities in Georgia represented 30% of the total population, according to the 2002 Census this figure plummeted down to 16% (excluding the data from the Autonomous Republic of Abkhazia and the Autonomous Region of South Ossetia).

19. Nowadays, the main reason for the decrease in national minorities in Georgia is emigration. The first wave of emigration took place as a result of the drastic deterioration of the social and economic conditions, and due to political events in the former soviet republics in 1990s. The emigration affected all Georgian citizens, irrespective of their ethnic belonging.

20. In the beginning of 1990s, one of the factors resulting in emigration of national minorities was the nationalistic rhetoric of the political groups then in power in Georgia.

21. In the beginning of 1992, the new government of the country rejected nationalistic policies; however, it did not result in the decline of emigration of persons belonging to ethnic minorities. The main reason for emigration back then was unemployment, deterioration of the living standards and inability to exercise professional capacity and skills. Because of those factors, ethnic Georgians also emigrated from the country.

22. Social and economic problems of ethnic minorities have deepened because of the lack of information. During the Soviet Union, Russian language was main language of communication among various ethnic groups. Following Georgia's independence, Georgian language became the State language and almost entirely replaced Russian in mass media. Because the knowledge of the Georgian language was not a priority in the Soviet times among ethnic minorities, a significant portion of Georgian citizens (persons belonging to national minorities) did not speak Georgian, which became a major contributing factor to their further isolation.

23. An important step towards protection of the rights of national minorities was made in April 1999, when Georgia became a member of the Council of Europe. Georgia undertook the signing and ratification of the Framework Convention for the Protection of National Minorities. In January 2000, Georgia signed the Convention, and in 2005, the Parliament of Georgia ratified it. Unfortunately, due to the malfunctioning of the government system and widespread corruption, major economic and political stagnation hit the country. The situation in the remote regions of the country was more acute. Weak administration, poor accessibility of roads and communications infrastructure, as well as unemployment, lack of electricity and fuel, and destruction of social connections have been perceived to have been connected to ethnic belonging. It is worth mentioning that similar problems also persisted in the regions predominantly populated by the majority.

24. In 1990s, the situation in the country grew into mass frustration towards the government. In November 2003, following falsified elections, headed by the democratic opposition people went to the streets to protect their electoral rights. The inability of the then government to maintain dialogue with people and hold new elections brought forward the "Rose Revolution". New opposition power National Movement came into power which brought its leader, Mikheil Saakashvili to the Presidency. Following his election as President announced the strife of Georgia towards integration in the Euro Atlantic institutions.

25. The Parliament ratified the Framework Convention on 13 October 2005, with effect from 1 April 2006. Shortly after its ratification, the government put in place a plan to develop a civil integration strategy and action plan. A State Minister for Civil Integration was appointed, who together with the Civil Integration and Tolerance Council, was charged with drafting the above mentioned document. The Council founded by the President is headed by the State Minister and consists of the Public Defender, the Minister of Internal Affairs, the Minister of Finance and the Minister of Justice, as well as the Head of the Board of Trustees of the Public Broadcasting and representatives of NGOs. At the first stage of implementation of the Convention, the Council determined the State policy in the areas covered by the Convention. During 2007, the Parliament also intends to ratify the European Charter for Regional or Minority Languages.

26. The country undertook first steps towards civil integration in a variety of areas. Currently, the attention of the government is focused on education, including teaching of the State language, professional and vocational training and training of public officials and employees belonging to national minorities, as well as preservation of cultural diversity. The biggest challenge awaiting the government of Georgia is the development of communication and infrastructure. The government is engaged in active work aimed at developing new programs of teaching the State language, which will allow national minorities to become bilingual. At the same time, improvement of the infrastructure will restore effective communication between the national minorities and the rest of the society.

Demographic information

27. The Statistics Department is responsible for maintaining statistical information in Georgia. This Department falls within the structure of the Ministry of Economic Development of Georgia. According to the Statute of the Statistics Department, the Department exercises its functions pursuant to the Constitution of Georgia, the Law of Georgia on “Statistics”, the Statute of the Ministry of Economic Development, and internationally recognized principles of statistics.

Following Georgia’s independence, the first country-wide census was conducted in 2002. On the basis of Article 4, section 2 of the Law on the Statistics and Article 3 of the Law on General Population Census of Georgia, the Presidential Decree No. 1026 dated 6 December 2005 was issued, according to which the next population census will be held in 2010.

28. The results of the first general population census of 2002 (which embraces the results of the census conducted in the territories controlled by Georgia, excluding the Autonomous Republic of Abkhazia and Autonomous Region of South Ossetia) disaggregated according to ethnic belonging are as follows:

Ethnic composition	2002		1989	
	Total	%	Total	%
Total for Georgia	4,371,535	100	5,400,841	100
Out of this:				
Georgian	3,661,173	83.8	3,787,393	70.1
Azeri	284,761	6.1	307,556	5.7
Armenian	248,929	5.7	437,211	8.1
Russian	67,671	1.5	341,172	6.3
Ossetian	38,028	0.9	164,055	3.0
Yezid*	18,329	0.4	...	-
Greek	15,166	0.3	100,324	1.9
Kist**	7,110	0.2	...	0.0
Ukrainian	7,039	0.2	52,443	1.0
Jew	3,772	0.1	24,720	0.5
Abkhaz	3,527	0.1	95,853	1.8
Assyrian	3,299	0.1	6,206	0.1
Kurd	2,514	0.1	33,331	0.6
Chechen	1,271	0.0	609	0.0
Other	8,946	0.1	49,968	0.9

* After the population Census of 1939, Yezids have been counted together with the Kurds. During the 2002 Census, this group has been separated at the request of the Centre for Yezid Traditions “Ra Zibun”.

** Before the 2002 Census, Kists were not separated from the category of “other ethnicities”.

The distribution of the Georgian population according to the selected ethnicities by administrative region, town and region may be viewed in Annex 1.

General economic indicators

29. Since 2004, the government of Georgia has introduced fundamental economic reforms. Fight against corruption and organized crime, liberalization and deregulation of the business environment contributed to the advancement of economic conditions. 90% of the licenses have been revoked and the procedures for obtaining the remaining licenses have been simplified. The progress made by Georgia in reducing corruption and improving the general business environment and administration was reflected in the World Bank report (Doing Business 2007), in which Georgia headed the list of the top reforming countries in 2005-2006¹. According to the data of the Ministry of Economic Development of Georgia, the overall increase of the Gross Domestic Product (GDP) reached 9.6% in 2005, and 9.4% in 2006, respectively. In addition, the report of the

¹ http://doingbusiness.org/documents/DoingBusiness2007_Overview.pdf

World Bank (Anticorruption in Transition 3 – Who is Succeeding... And Why (ACT3)) mentioned that among the countries in transition, Georgia recorded the most dramatic decline in corruption in 2002-2005¹.

In parallel with the improvement of the political governance, the new government reached achievements in the field of economic modernization. Since 2004, the government has amended the Tax Code and revoked most of the customs tariffs. Effective measures allowed the businesses sector to abandon shadow economy, and thus contributed to an increase of revenues and to the reduction of budgetary shortfall.

As a result of fundamental reforms, progress was also noted on the general economic indicators. Compared to 2003, State budgetary revenues and grants in 2006 increased by 275 per cent. In 2006, total budgetary revenues reached 2,772.2 million Laris, which represents a 44.7 per cent increase as compared to the revenues of 2005 (which reached 2,607.9 million Laris). Further growth is anticipated as a result of the expected 4.9 per cent increase of the budget for 2007 compared to 2006, to reach 3,712.3 million Laris².

Following the “Rose Revolution” the overall GDP was 8,564 million Laris in 2003, and in 2006 it grew by 61 per cent to reach 13,783 million Laris³. The prognosis for 2007 is that the GDP growth will continue and reach 16,527 million Laris. According to the 2006 data, GDP per capita reached 3,124.5 Laris,⁴ representing a 16.6 per cent growth compared to the 2005 data (2,679.8 mln Laris).

30. During last three years, the number of registered companies increased dramatically. This was also noted in the regions of Kvemo Kartli and Samtskhe-Javakheti, which are densely populated by ethnic minorities. According to the 2006 data, some 15,495 economic entities have been registered in Kvemo Kartli, representing 8.9 per cent of the total registered entities for Georgia. Based on this data, Kartli occupies the third place after Tbilisi and Imereti (49.1 per cent and 10.4 per cent respectively). In Samtskhe-Javakheti the number of economic entities in 2006 increased by 22 per cent compared to 2003 data and reached 3,938, representing 2.3 per cent of the total number of registered entities for the country⁵.

The average gross monthly base salary of employees in Kvemo Kartli and Samtskhe-Javakheti has increased as well. According to the third quarter data for 2006, the average gross monthly base salary for employees in Kvemo Kartli was 276.9 Laris (that is, 26.2 Laris less than the 303.1 country’s average), putting Kvemo Kartli at the fourth place.

¹ <http://siteresources.worldbank.org/INTECA/Resources/ACT3.pdf>

² Ministry of Finance of Georgia and Statistics Department of Georgia: <http://www.statistics.ge/main.php?pform=132&plang=2> and <http://www.mof.ge/dinamicPage.aspx?cmd=menu&rootid=5>

³ Ministry of Finance of Georgia: <http://www.mof.ge/documentfiles/bbd%20final.pdf>

⁴ Statistics Department of Georgia: <http://www.statistics.ge/files/georgian/GeorgianFigures-2006.pdf>

⁵ Statistics Department of Georgia: <http://statistics.ge/main.php?pform=93&plang=2>

According to this data, the average gross monthly base salary for employees in Samtskhe-Javakheti was 218 Laris (seventh place and 85.1 Laris less than the country's average).¹

Promotion measures in relation with the Convention

31. The Framework Convention for the Protection of National Minorities and related instruments have been translated for the purposes of their implementation and better information of the society of the purposes of this Convention.

32. On 6-7 March 2006, an international conference on "Participation of Ethnic Minorities in Civil Society: The Role of the Consultative Bodies" was organised by the government of Romania in Brashov, Romania. Together with the delegation of the Ministry of Foreign Affairs of Georgia, Mr. Zaur Khalilov, Director of the organization for national minorities "Civic Integration Foundation" participated in the above mentioned conference.

33. In order to support the preparation of the State Report and the implementation of the Framework Convention, a governmental session was organised on 15-16 June 2006 in Tbilisi, with the participation of the Council of Europe, the Ministry of Foreign Affairs and the European Centre for Minority Issues (ECMI).

On 15 June the Council of Europe experts organized a seminar, in which participated the representatives of the Parliament of Georgia, various Ministries, Public Defender and Council of Europe Office in Georgia. On 16 June, a general session took place with the participation of representatives of the government, international organisations and Georgian national minority organizations. A presentation on the monitoring mechanism of the Framework Convention was delivered by Mr. Rayner Hofman, former president of the Committee of Experts on Issues relating to the Protection of National Minorities (DH-MIN) of the Council of Europe, and Mr. Stephen Marshal, representative of the Secretariat of the Council of Europe for the Framework Convention. A detailed discussion of the relevant articles of the Framework Convention was led by Rayner Hofmann.

34. In addition, for the purpose of the preparation of this State Report, representatives of national minorities held consultations with relevant governmental bodies (see paragraph 168 below).

Public bodies responsible for civil integration

35. On 1 April 2006, the Framework Convention for the Protection of National Minorities took effect in Georgia. As a result, the government of Georgia started to develop a national integration strategy and action plan, aimed at supervising the implementation of the Framework Convention and enhancing the accountability of public bodies under the Framework Convention. To this end, the following agencies are

¹ Statistics Department of Georgia:

<http://www.statistics.ge/files/georgian/enterprise/regionebi/Sromis%20anazraureba-1.xls>

cooperating: Office of the State Minister for Civil Integration, Parliament of Georgia and Councils representing ethnic and religious minorities. The Office of the Public Defender is also actively engaged in this work.

36. Office of the State Minister for Civil Integration

Pursuant to the Government Decree No. 135 dated 31 December 2004, the Office of the State Minister for Civil Integration ensures the development of the national strategy for civil integration and the relevant cooperation with government representatives and donors; prepares reports on the protection of national minorities under the Framework Convention; elaborates programs aimed at protecting the rights of national minorities in Georgia. One of the fundamental goals of the Office is to establish close relationships with national minority organizations in Georgia and their representatives. The Office of the State Minister also collects information on the situation of national minorities in Georgia, studies public opinion on this matter and prepares conclusions as appropriate. It also ensures incorporation of the relevant legislative framework, discussion and preparation of the relevant conclusions, proposals and recommendations for the State Minister, the Government and the Prime Minister.

37. Parliament of Georgia.

According to a decision of the Parliament of Georgia, the Committee for Human Rights and National Minorities was established in 1995. In 2004, the area of responsibilities of this Committee widened to include civil integration, and was renamed as Human Rights and Civil Integration Committee. The purpose of this Committee is to facilitate the creation of a democratic society based on respect for human rights, as well as to improve the legal framework in the area of human rights and civil integration. The Committee cooperates with representatives of national minorities, as well as international and non-governmental organizations working on human rights protection and civil integration. This Committee is a permanent body and is established for the duration of the parliamentary term. The Committee sessions are normally called on needs basis, but no less than twice a month and, as a rule, during the “non-sitting” week.

The Committee prepared a “Draft Concept Paper on Integration Policy of the National Minorities in Georgia”. Organizations working on the issues of national minorities actively participated in the preparation of the mentioned draft concept paper. The discussion on this concept paper is planned in 2007.

38. Office of the Public Defender.

Office of the Public Defender supervises the protection of human rights and freedoms on the territory of Georgia. The Office of the Public Defender has functioned officially since 1 January 1998. The responsibilities of the Public Defender are defined by the Constitution of Georgia (Article 43) and the Organic Law on the Public Defender (dated 16 May 1996, No. 230). The Public Defender is authorized to identify cases of violations of human rights and freedoms and inform respective authorities of such violations.

According to Article 4 of the Organic Law, the Public Defender is independent in exercising his/her functions. Any pressure on the Public Defender or interference in

his/her activities is prohibited and punishable by law. The Public Defender monitors the state of protection of human rights and freedoms on the basis of applications and appeals as well as to his/her own initiative, and takes decisions upon review of the facts (Articles 12, 16). Based on verified evidence, the Public Defender makes recommendations to the bodies or relevant public authority having infringed human rights for the reinstatement of the violated rights, or requests the review of an earlier court decision to the relevant court.

The Public Defender is elected for 5 years by the Parliament and is accountable before the Parliament of Georgia. Pursuant to Article 22 of the Organic Law, once every six months the Public Defender presents a report on the status of protection of human rights and freedoms.

Discrimination cases are studied by the Unit for Freedoms and Equality of the Investigation and Monitoring Department of the Office of the Public Defender. This Department is responsible for accepting appeals and applications; managing research and monitoring of the cases related to civil, political, social and economic rights and equality involving administrative, penitentiary and law enforcement authorities; preparing reports and developing recommendations for the reinstatement of the rights infringed. The respective legal centers and specialized centres for tolerance, protection of the child's rights, patients' rights function within the Office of Public Defender.

Religious Council under the Public Defender of Georgia. The Religious Council was established on 21 June 2005. It incorporates 23 religious organizations. This Council facilitates the implementation of social and cultural activities which are crucial to the integration of religious minorities, and enhances civic education. Legal, informative, analytical, cultural, educational, social and humanitarian committees function within this Religious Council. The committees gather once in two weeks, while the Religious Council meets for sessions once in three months.

Ethnic Minorities Council under the Public Defender of Georgia. Aiming at improving the level of protection of the rights and freedoms of various ethnic groups – citizens of Georgia – and their civil integration, the Council for Ethnic Minorities was established in the Office of the Public Defender on 16 December 2005 to incorporate more than 80 non-governmental organizations. The Council cooperates closely with the Civil Integration and Tolerance Council and other public authorities. In order to facilitate close dialogue among the government and the representatives of the ethnic minorities, this Council periodically meets different public authorities.

Whilst founding the Council, a memorandum of the Council was signed. As a result, four committees with specific tasks were established to implement the goals of the Council and the principles embodied in the memorandum. These committees are for media and information, education and culture, regional integration and conflict prevention, and for legal matters.

Representatives of various ethnic groups and organizations became members of these committees. The committees gather once in two weeks, and the Council holds conferences once in six months.

The above mentioned committees work on the issues of implementation of the Framework Convention. The respective working groups gather once a week and together with experts of the European Centre for Minority Issues discuss necessary legal and administrative measures for implementation of the Framework Convention. The members of the Council regularly travel to the regions densely populated by the national minorities in order to study situation on the spot.

39. Public Boards at the Public Broadcaster. Within the Public Broadcasting, public boards were established to represent public interests and demands. These public boards study relevant problematic issues per areas of activities and elaborate recommendations for the Public Broadcaster.

40. Council at the Patriarchy. This Council was established on 20 June 2005. It consists of representatives of 7 religious groups incorporating representatives of the Orthodox, Catholic, Armenian Apostolic, Evangelistic-Lutheran and Evangelistic-Baptist churches, as well as Jewish and Muslim clergy.

Legislation in the field of protection of national minorities

41. The list below includes all laws directly or indirectly related to the protection of the national minorities:

- 1) Constitution of Georgia;
- 2) Electoral Code;
- 3) Law on Political Unions of the Citizens;
- 4) General Administrative Code;
- 5) Law on Gatherings and Manifestations;
- 6) Labor Code;
- 7) Law on Broadcasting;
- 8) Law on Public Education;
- 9) Law on Higher Education;
- 10) Law on Rights of the Patient;
- 11) Law on Protection of Health;
- 12) Law on Culture.

42. According to the Organic Law of Georgia “on Citizenship of Georgia”, any alien or stateless person at full legal age may apply for Georgian citizenship if he or she meets following criteria: a) permanently resided in Georgia during the past ten years (if a person is a spouse of citizen of Georgia – during past three years); b) knows the State language within the established standards; c) knows the history and law of Georgia within the established standards; d) is employed in Georgia or owns real estate.

A person must file an application for citizenship with the Ministry of Justice (persons residing outside Georgia file their application with the Georgian diplomatic and consular services) and pay the tax or consular duty. The process of application and decision making on citizenship applications shall not exceed 6 months.

Upon Presidential decision, Georgian citizenship may also be granted to a citizen of another country who has made significant contribution to Georgia and the world by his/her scientific or social activities, or has a profession and qualifications which are of importance to Georgia and match the interests of the country. To this end, an alien in Georgia must apply to the Consular Department of the Ministry of Foreign Affairs in Georgia and Diplomatic (or to the Georgian Consular Services in another country). The processing of the applications, including decision making, shall not exceed 3 months.

The Ministry of Justice, within the limits of its competence, offers consultations on matters related to citizenship to any interested person, and ensures dissemination of the information leaflet. It is worthwhile to mention that the Ministry of Justice of Georgia does not maintain statistical information on granting citizenship based on the breakdown for “minorities”.

Period covered by the Report

43. The State report covers information as of 01 March 2007.

44. Georgian authorities require greater assistance from the Council of Europe experts in defining the term “national minorities”, an objective which Georgia undertook to achieve in 2007. Expert opinions on the draft integration strategy and action plan would also be needed. More active work on this document will commence following submission of the first State report, and the advice of the Council of Europe experts will be invaluable in that it could be based on experience of the member States of the Council of Europe.

INFORMATION ON THE IMPLEMENTATION OF THE CONVENTION BY ARTICLE

Part II

Article 1

The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation.

45. Basic principles of the Universal Declaration of Human Rights have been incorporated in the laws of Georgia. International agreements of paramount importance in protecting rights and freedoms of national minorities have been ratified by Georgia, among which:

- International Convention on the Suppression and Punishment of the Crime of Genocide;
- International Covenant on Civil and Political Rights;
- Additional Protocol to the International Covenant on Civil and Political rights;
- International Covenant on Economic, Social and Cultural Rights;
- Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment;
- Additional Protocol to the Convention against Torture or other Cruel, Inhuman or Degrading Treatment or Punishment (the UN);
- International Convention Concerning Discrimination in Respect of Employment and Occupation
- Employment Policy Convention
- European Cultural Convention;
- Convention on the Elimination of all Forms of Racial Discrimination;
- International Convention on the Suppression and Punishment of the Crime of Apartheid;
- Additional Protocol to the Convention against Torture, Inhuman or Degrading Treatment or Punishment;
- European Convention for the Protection of Human Rights and Fundamental Freedoms, including 4th, 6th, 7th and 12th Additional Protocols;
- European Convention for the prevention of Torture and Inhuman or Degrading Treatment or Punishment, including its first and second Additional Protocols;
- Convention on the Political Rights of Women;
- Convention on the Elimination of all Forms of Discrimination Against Women;
- Framework Convention for the Protection of National Minorities.

Article 3

- 1. Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.**
- 2. Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others.**

46. Article 14 of the Constitution of Georgia recognizes equality of all before the law – “Everyone is free by birth and is equal before law regardless of race, colour, language, sex, religion, political and other opinions, national, ethnic and social belonging, property and title, place of residence.”. This principle is also embodied in the Criminal Code, Criminal Procedure Code, Civil Code and Civil Procedure Code of Georgia.

47. Chapter 2 of the Constitution of Georgia enshrines private, social economic and political rights of individuals. Political rights and freedoms envisage the right to participation of citizens in governing the country through electoral rights, right to association, right to information, right to gathering and manifestations, freedom of thought, and right to petition.

Private rights include: right to life, inviolability of dignity and honour, right to inviolability of freedom of the person, freedom of movement and choice of the place of residence, right to be heard by the court, right to freedom of consciousness and religious conviction, and right to political asylum.

48. The participation of national minorities in decision making at the local levels is secured by the Law of Georgia on Local Self-Governance and by the General Administrative Code of Georgia. According to Article 2 of the Law on Local Self-Governance, the engagement of citizens in decision making at the local level is secured through the following means:

- a) Right to elect and be elected in the local self-governance bodies;
- b) Possibility to occupy any position in the local self-governance bodies if the requirements under the Georgian law are met;
- c) Right to obtain public information from local self-governance bodies and public officials;
- d) Right to obtain advance information about the draft decisions of the local self-governance bodies, to participate in discussions and to demand publication and public discussion of those drafts;
- e) Right to appeal to the local self-governance bodies and public officials;
- f) Possibility to exercise other functions as determined under the laws of Georgia.

49. Pursuant to Article 115 of the General Administrative Code, issues of public relevance related to ownership of state-owned and municipal property, licensing, issuance of environmental or construction licenses, standardization and distribution of communications frequencies, or any other issues related to the interests of a wide group

of persons, shall be reached in compliance with certain public administrative procedures. The latter foresee public availability of the documentation related to the issue in question, possibility for the citizens to present their opinion on the matter to the extent possible and participate in oral discussions which are held in the process of adoption of the administrative act.

50. The Constitution of Georgia (Article 26) recognizes equal right of every citizen to establish or become a member of a public association. This rights is also secured by the Civil Code of Georgia which allows all citizens to establish legal entities (companies, unions, funds), if their goals do not contradict the existing law, recognized moral norms or constitutional principles.

The registration of non-profit legal entities is conducted by the Tax Department of the Ministry of Finance of Georgia. According to Article 29 of the Civil Code, applications to request registration shall be made and signed by the founders and authorized representatives of the non-profit legal entities. The application for registration shall be certified notary's signature and stamp. The following documents shall be attached to the application for registration: a) the founding document of the non-profit organization notarized appropriately; b) in case of registration of national sport federations, organizations collectively managing property rights or trade unions, charters certified by the notaries shall be submitted; c) document certifying the payment of the registration fees; d) sample signatures of the head and of the higher representative(s); e) notice on legal address of the non-profit organization as agreed with the owner and certified by the notary, or other relevant documents confirming the ownership of the named location.

51. Georgian laws do not require information on the ethnic origin of the applicants. Identity documents do not contain a separate field on ethnic origin, and they bear the name and surname in their original form.

Article 4

- 1. *The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.***
- 2. *The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.***
- 3. *The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.***

52. The principle embodied in this Article is guaranteed by the Article 14 of the Constitution of Georgia, quoted with regard to Article 2 of the Framework Convention above.

53. This principle is also enshrined in the Criminal Code of Georgia, which criminalizes acts of infringement of the equality of individuals (Articles 142, 143), and direct or indirect limitation of their rights based on race, skin colour, social origin, national or ethnic identity, as well as favoring any individual on those grounds.

The Constitutional principle of equality between the citizens is recognized by Article 9 of the Criminal Procedure Code (20 February 1998, N 1257). It stipulates that everyone is equal before the law and court regardless of race, nationality, language, sex, social origin, property or position, place of residence, religious conviction, belief or any other circumstances.

The exercise of the principle of equality of the citizens is ensured through participation of an interpreter for the convicts, suspects or other parties to a criminal procedure who are unable to understand the language of the proceedings. The interpretation costs are covered by the State (Articles 17 and 94 of the Criminal Procedures Code).

The participation of an interpreter in the proceedings is also considered in the Civil Procedure Code (14 November 1997, No. 1106). Interpretation costs must be recovered by the losing party to the procedure (Articles 9.4 and 53.1).

54. According to the General Administrative Code (25 June 1999, No. 2181), in their communication with administrative bodies, persons belonging to national minorities applying or appealing in other language than the State language, are allowed extra time in obtaining legalized translation of the required documents. In such cases, the established deadlines are regarded as being respected (Article 73).

55. Pursuant to Article 22 of the Constitution, any individual lawfully within the territory of Georgia has the right to freedom of movement and of free choice of residence.

56. On 6 June 2003, the new Article 142¹ of the Criminal Code came into effect. Pursuant to this Article, discrimination on racial grounds is considered as a crime, so is regarded any action committed for the purpose of instigating animosity or conflict on ethnic or racial grounds, as well as direct or indirect limitation of human rights based on race, skin color, social origin, national or ethnic identity, or favoritism of any individual on the above mentioned grounds. Such crimes are punishable by up to three years of imprisonment. Similar actions committed with the use of force, by threatening to use force, by threatening the life or health of individuals, or by use of official capacity, shall be punishable by up to five years imprisonment.

57. Racial, religious, national or ethnic grounds are regarded as aggravating circumstances in connection with most of the crimes according to the Criminal Code of Georgia: Article 109 (premeditated murder committed in aggravating circumstances), Article 117 (premeditated health injury), article 126 (assault), Article 258 (disrespect to the deceased). In addition, racial motive is regarded as an aggravating circumstance to the crimes addressed by the new articles of the Criminal Code related to torture: Article 144¹ (torture), Article 144³ (degrading or inhuman treatment). Despite the fact that there is no

all-encompassing article on the matter, the Criminal Code thus provides for specific punishment of the crimes committed on racial grounds.

58. Article 142 of the Criminal Code recognizes equality of persons before the law on the basis of Article 14 of the Constitution. This constitutional principle, together with Article 142¹ of the Criminal Code, provides for a solid basis against the crimes committed on racial grounds.

59. The Criminal Code also condemns genocide in its Article 147. Genocide was defined as “an action committed to implement an agreed plan for the purpose of full or partial elimination of any national, ethnic, racial, religious or any other group, effected through mass killing, grave health injury, intentional placement in poor living conditions, forced reduction of birth or forced removal of a child from one ethnic group to another.”

60. On 14 August 2003, a new amendment on crime against humanity was introduced in Article 408 of the Criminal Code. Before the amendment, this article read as follows: “crime against humanity – any action committed massively and systematically against civil populations or persons, involving murder, mass extermination of individuals, deportations or other inhuman actions damaging the physical or psychological state of individuals.” The aforementioned norm was extended and now it includes elements to racism and intolerance and is defined as follows; “any of the following acts when committed as part of a widespread or systematic attack directed against civilian population or persons, as such: murder, extermination, grave injury to health, deportation, illegal deprivation of liberty, torture, rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, persecution against any identifiable group *on political, racial, national, ethnic, cultural, religious or other grounds, apartheid or other inhuman acts* which cause serious physical or mental harm to a person”.

61. Article 258 of the Criminal Code qualifies racial, religious, ethnic or national intolerance motives as aggravating circumstances to the crime of disrespect to the deceased.

62. Until 2005, prohibition of torture was regulated under Article 126 of the Criminal Code. It was defined as systematic coercion inflicting severe physical or mental pain but not leading to intentionally inflicted severe harm to health (Article 117) or leading to intentionally inflicted negligible harm to health (Article 118). Similar action committed on the basis of racial, religious, ethnic or national intolerance was regarded as committed under aggravating circumstances.

63. The above mentioned definition of torture did not comply with internationally recognized principle of protection of human rights, and the Parliament of Georgia introduced amendments to the Criminal Code on 23 June 2005. The new definition conforms to the internationally recognized standards enshrined by Article 1 of the Convention against Torture, Inhuman or Degrading Treatment or Punishment. Article 144¹ of the Criminal Code defines torture as follows: “torture means any act against any

person, his/her relative or financially or otherwise dependant person, by which severe pain or suffering, whether physical or mental, is intentionally inflicted to a person for such purposes as obtaining from him/her or a third person information or a confession, punishing him/her for an act he or a third person has committed or is suspected of having committed.”

64. The same act committed in violation of the principle of equality among persons regardless of race, color of the skin, language, sex, religious conviction, political or other opinion, national, ethnic, social origin, origin, place of residence, property or social status, is regarded as committed under aggravating condition.

65. Together with this new definition of torture, Article 144³ was introduced. It previously solely declared degrading or inhuman treatment as an offence. This Article now defines cruel or inhuman treatment as an act of degrading or coercing a person for such purposes as to bring him/her into inhuman, degrading or disrespectful condition, thus inflicting upon such person severe pain, whether physical or mental.

Agencies fighting discrimination

66. In accordance with the Criminal Procedure Code, investigations for the crimes stipulated in articles 142 (violation of equality between persons) and Article 142¹ (racial discrimination) are carried out by the Ministry of Internal Affairs, while procedural management of the investigation is carried out by the Office of the Prosecutor.

67. The government of Georgia facilitates fast and effective investigation of the crimes committed on ethnic grounds, and has to this effect introduced subsequent amendments to the Criminal Procedure Code. According to Article 261 of the Criminal Procedure Code, upon obtaining information on the crime, the investigator shall commence preliminary investigation within the limits of his/her functions. The basis for commencing preliminary investigation is any information about the crime provided by any natural or legal person, central or local self-governance agency, public official, detective, by the convict, or by mass media, or information discovered during an investigation, except for the cases where information has been gathered through the investigation and the Prosecutor him/herself is a witness or a victim in the crime in question (Article 263).

68. Special attention is also paid to the training of relevant officials in the field of human rights. The training centre of the Office of the Prosecutor conducts advanced training program aimed at educating the staff on the rights of minorities and on the importance of protection of their rights.

69. In addition, the Code of Ethics of the Office of the Prosecutor establishes certain standards of conduct which are particularly relevant to the public interest. The purposes of this Code are: to establish higher standards of conduct to support the process of strengthening the responsibility of the officers and establishing principles of equity; to enhance the exercise of just, effective, impartial and professional criminal prosecution; to

improve unconditional and effective enforcement of justice; to enhance unconditional observance of the law by the officers of the Office of Prosecutor; to protect human rights in accordance with universally recognized standards. The Code of Ethics pays particular attention to the prohibition of discrimination. In accordance with Article 5 of this Code, officers shall facilitate the process of elimination of all forms of discrimination.

70. An important role in the field of protection of human rights within the structures of the Office of the Prosecutor and the Ministry of Internal Affairs is exercised by the respective Departments for Human Rights. Their responsibility is to monitor the process of effective investigation of the crimes committed on ethnic or religious grounds. These Departments conduct research on the level of compatibility of the Criminal Code with the Criminal Procedure Code of Georgia and make recommendations on the matters of protection of human rights.

Article 5

1. The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.

2. Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.

71. Pursuant to Article 34 of the Constitution of Georgia, the government facilitates and promotes free participation of all citizens in cultural development, and their involvement in cultural life, as well as promotion of cultural identity and its enrichment, recognition of national and universal values and enhancement of international cross cultural relationships. Article 38 stipulates that every citizen shall have the right to develop his/her culture, use his/her mother tongue in private and public life freely, without any discrimination or interference, in accordance with universally recognized principles of international law.

72. The Law on Advertisement establishes specific criteria with respect to the use of language in advertising. More specifically, Article 4.2 stipulates that advertisement in the territory of Georgia shall be made in the State language. This requirement does not extend to programs or editions disseminated in other languages, or signs on the product, except for the trade mark: the owner of a product or service located in Georgia who has registered this product (logo mark) in another language is obliged to transliterate it into Georgian language.

73. The Law on Entrepreneurship does not establish any constraints on choosing the name of a company. According to Article 6.5, a limited liability partnership or joint stock company may be named as desired.

74. The Human Rights and Civil Integration Committee prepared draft amendments to the Civil Code and to the Law on the Entrepreneurship. These draft amendments will allow any person, including any person belonging to a national minority, alien or a stateless person to choose a name in his/her own language for his/her non-profit legal entity, as well as signs, ethnic symbols, and other information of a private nature. However, the name of a non-profit legal person shall be transliterated into Georgian, and information signs shall have a Georgian translation attached.

Use of State and non-State languages in the field of education

75. Georgian is the State language in Georgia, with the addition of Abkhaz Language in the Autonomous Republic of Abkhazia (Article 8 of the Constitution).

76. The policy on State language is regulated by the Law of Georgia on Public Education. Article f4 of this Law defines the language of instruction as follows: “the language of instruction in public educational institutions is Georgian, and Georgian and Abkhaz languages in the Autonomous Republic of Abkhazia”.

77. Citizens of Georgia for whom Georgian is not the mother tongue have the right to obtain general education in their own language, in accordance with the national curriculum and in conformity with law. Learning Georgian language is compulsory in public educational institutions, while in Abkhazia both languages are compulsory.

78. Where Georgia signed relevant international treaties or agreements on the matter, instruction in foreign language in some institutions is allowed, and in those institutions instruction of the Georgian language is compulsory, while in the Autonomous Republic of Abkhazia both languages are compulsory.

79. Articles 7 and 8 of this law guarantee access of all to the public education: “7.1. The State facilitates and promotes the right of every student to be instructed in his/her own language in the closest possible location to his/her residence.”

80. Pursuant to this law: “7.2. If the exercise of the right stipulated in section 7.1. cannot be exercised by the use of a standard voucher, the government then provides such students with an enhanced voucher “9.1 everyone shall have equal right to public education in order to fully develop his/her personality and obtain the knowledge and skills required for successful private and public life. Primary and secondary education are compulsory.”

81. The Law on Public Education protects all students from any type of coercion and allows freedom of expression in their native language:

- “13.2 The use of the learning process at public school for purposes of religious education, proselytism or forcible assimilation is prohibited. This norm does not limit the right to celebrate public holidays and historical events, as well as to carry out of activities directed at strengthening national and universal values.

- 13.6 The school shall protect and promote tolerance and mutual respect among students, parents and teachers irrespective of their social, ethnic, religious, linguistic or other origin.
- 13.7. The school shall protect individual and collective rights of minorities to freely use their native language, and to preserve and express their cultural origin on the basis of equality of all.
- 14.1. A student, parent or teacher shall have the right to procure, accept, create, store, elaborate or disseminate any information and ideas during the school hours or in the premises of the school, as well as use the school resources to search, obtain, develop, research or disseminate information and new ideas, in accordance with the law and with due respect to certain limitations applied thereto.
- 14.2. A student shall have the right to express his/her views and demand respect.”

Policy of the State language

82. By virtue of the Governmental Decree No. 37 dated 21 May 2004 adopted pursuant to Article 2.2.C1 of the Statute of the Ministry of Education and Science of Georgia, the Ministry of Education and Science implements the State language policy and facilitates and promotes the teaching of the State language and monitors its appropriate use, as permitted by the law. Pursuant to subsection “L” of this section, the Ministry facilitates the development of the Georgian language, as well as of the Abkhaz language in the territory of the Autonomous Republic of Abkhazia.

According to the Statute, the Department for National and Regional Programs of the Ministry of Education and Science synchronizes the implementation of the State language policy and educational process, facilitates the dissemination of the State language in the entire territory of Georgia by developing and implementing relevant civil integration projects, and is responsible for implementing public policies for the protection of national minority languages.

State and Religion

83. According to Article 9 of the Constitution, the State declares freedom of religion and faith. At the same time it recognizes the particular role of the Orthodox Church throughout the history of Georgia and its independence from the State. The Constitutional Agreement dated 14 October 2002 defines the relationships between the State of Georgia and the Orthodox Church.

84. Article 19 of the Constitution ensures freedom of speech, expression, consciousness, faith and religion. Persecution of any individual on account of speech, expression, faith or religion is prohibited, as well of any coercion to express any opinion. The Constitution prohibits the limitation of these freedoms during the martial laws or state of emergency. One of the possible grounds for limiting these freedoms may be infringement of the rights of others.

Article 6

1. The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.

2. The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.

85. Articles 34 and 38 of the Constitution of Georgia provide for the protection of the principles embodied in Article 6 of the Convention.

86. In accordance with Article 10 of the Law on Culture, everyone shall have the right to protection of his/her cultural identity and to protection of artistic and aesthetic orientation. The Law also defines culture and cultural heritage as priorities, and encourages the promotion and enrichment of the cultural identity of the people and each citizen, as well as moral enrichment and humanization of the entire society.

87. In order to promote cross-ethnic cooperation and respect, and to deepen the culture of tolerance, the following activities were carried out:

- Since 2004, each year the Sports and Youth Department has carried out so called summer camp for Youth –“the Patriots” which allow children and youth of all nationalities aged 15-22 residing in Georgia to participate.
- Since March 2006, the Office of Public Defender has published a monthly journal called “Solidarity”, which publishes articles on the problems, culture, history and other important aspects of national minorities. This journal is published in 3000 copies and is disseminated among the government and non-governmental organizations, including national minority organizations.
- In 2006 a series of seminars called “Integration and Tolerance” was organized for young leaders from the Capital and the regions, by the Centre for Tolerance under the Office of the Public Defender. 4 such seminars are planned to take place in 2007.
- In 2006 a football tournament called “Tolerance Cup” was organized with the support of the Mayor of Tbilisi and the Centre for Tolerance under the Office of the Public Defender. This tournament will take place in November 2007 and will become a traditional event.
- A painting competition on tolerance was organized in the schools of Tbilisi in 2006 to identify best paintings on this topic. This event was organized by the Centre for Tolerance under the Office of the Public Defender. Participants in this competition were Georgian students as well as students belonging to national minorities.
- The Office of the Public Defender started drafting an “Encyclopedia of Georgian Ethnic Diversity” for publication in autumn 2007 to provide an overview on the history, culture and traditions of ethnic groups living in Georgia, as well as famous persons from among those groups and other

interesting information. It will include information on the contribution made by national minorities to history, art, culture, science, sport and other fields of public life in Georgia. The encyclopedia is being prepared with the involvement of scientists and representatives of national minorities.

- With the support of the Mayor of Tbilisi, the Office of the Public Defender and the non-governmental organization United Nations Association of Georgia, a Tolerance Festival will be organized in the Old Tbilisi area (Abanotubani) in September 2007, in which representatives of all ethnic groups in Georgia will participate. During this Festival the representatives of different ethnic groups will have a possibility to present their performances, national dances, songs, art, cuisine, traditional handcraft and other ethnographic traditions.

88. As of April 2007, the Public Broadcasting shall commence a new talk show to promote the integration of ethnic and religious minorities living in Georgia. This program will be implemented in cooperation with the UN Association within the USAID program “Civil Integration and Tolerance in Georgia”. This easily understandable, entertaining program will provide information and facilitate discussions with the participation of persons belonging to national minorities on issues of their concern. The talk show will be in Georgian and will attract Georgian auditorium in addition to national minorities. This project was elaborated with the participation of an American journalist and producer Stan Matthews who has invaluable experience in working on TV debates and programs regarding national minorities in the United States. The program will run for 50 minutes and will be aired once a week on the Public Broadcasting.

Article 7

The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.

89. Article 25 of the Constitution establishes the right to unarmed public or private gathering without any prior permission. This however does not extend to military forces and personnel working for the Ministry of Interior. The authorities are allowed to dissolve a gathering or manifestation if it becomes unlawful in nature.

According to the Law on Gatherings and Manifestations the relevant authorities shall be notified in advance if a gathering or manifestation is due to take place in a public place with intense traffic. It is prohibited to make statements calling for overthrowing or changing the constitutional order by force, calling for infringing independence or territorial unity, calling for war or violence, or instigating national, regional, religious or social conflict (Article 4.2 of the Law).

90. In accordance with Article 26.2 of the Constitution, citizens shall have the right to found political parties and participate in the activities of such parties. However it is punishable by law to found a political or social entity or carry out activities with the purpose of overthrowing or changing by force constitutional order, infringing upon

territorial integrity, promoting or war or violence, or instigating national, regional, religious or social conflict.

According to the law, the Ministry of Justice registers political parties and artistic unions. As for other social entities, recent amendments to the Civil Code in force since 1 September 2006 foresee that legal and fiscal registration of a non-profit legal entity is conducted by the tax body of the location of such non-profit legal entity.

The registration of non-profit legal entities is regulated by the Civil Code of Georgia. According to Article 28.6 of this Law “the registration of a non-profit entity and of its branches (representations) shall be based on an application for registration appropriately notarized.” Article 29 enumerates the documents required for the application for the registration of a non-profit legal entity.

Article 32 of the Civil Code also determines grounds for rebuttal of registration of a non-profit legal entity: a) the goals of the non-profit legal entity or its branches (representations) contradict with the law, recognized moral norms or constitutional principles of Georgia; b) the provisions Article 26.3 of the Constitution of Georgia apply¹; c) the provisions of Article 27.2 of the Civil Code apply²; d) the application does not meet the requirements of the Civil Code³; e) the documents for application are incomplete or missing⁴; f) the application documents are not legalized in accordance with the procedures set forth by the law. The applicant has a two-day deadline to correct or complete the information or the list of documents enumerated in section “c”, “d”, “e” and “f” of the Code. The registration body is authorized to reject the application if the above conditions are not met.

91. The registration of political entities is defined by the Organic Law on Political Entities of Citizens. According to Article 22 of the Law: 1) the registration of a party shall be processed by the Ministry of Justice of Georgia; 2) within one week from the founding session of a party, a number of documents shall be submitted to the Ministry of Justice (including a list of 1000 members indicating their full name, date of birth, ID number, workplace, place of residence and telephone numbers, as well as the signatures of the members).

¹ Article 26.3 of the Constitution stipulates that the establishment or activities of a political or social entity are prohibited in case they aim at overthrowing or changing by force the constitutional order, infringing independence or territorial integrity, or propagating national, regional, religious and social conflict.

² According to Article 27.2 of the Civil Code, the use of the name of a company which is registered under other laws, and the use of a name characteristic of a public body shall not be used for non-profit legal entities (Law on Entrepreneurs, Law on Employees and Artistic Unions, Organic Law on Political Parties of Georgia). In addition, according to Article 27.3 the name of a non-profit legal entity shall not be identical to the name of an already registered non-profit legal entity.

³ Article 29 of the Civil Code defines the information which shall be contained in the application.

⁴ Article 29.3 of the Civil Code enumerates the documents to be attached to the application

According to Article 12 of the Organic Law on Political Entities of Citizens: 1) the founding session (conference, congress, assembly, or other) shall be held by a group of at least 300 citizens; 2) the charter of the party is adopted at the founding session; 3) the founding session shall be attended by a notary who shall attest the ensuing protocol.

Article 23.2 provides that the Ministry of Justice shall verify the accuracy of the documentation submitted, and decide whether or not to register the party within one month from the submission of the application.

92. Noteworthy is the Decree No. 5/4 of 2 April 1999 of the Registration Collegium of the Ministry of Justice. According to this Decree, the party “Virq” (the members of which are residents of Samtskhe-Javakheti of predominantly Armenian origin) was denied registration because the registration documents were inadmissible as per the requirements of the Law. Specifically, the conditions enumerated by Articles 6 and 14 of the Organic Law on Political Entities of Georgia were not met. Article 14 provides that the name of a party, its abbreviated title and its symbols shall not be identical to the name of a party that is already registered, or that has ceased to exist for less than four years. The same Article provides that the use of the name of any other party and of its abbreviated title or symbol is prohibited without prior consent of that party. Moreover, the protocol of the founding session of the party required significant corrections; the list of 1000 persons was not submitted as per the requirements of the law; almost all articles of the charter of the party required correction in order to satisfy the requirements of the law.

93. According to the information of the Ministry of Justice, five political entities (parties) were denied registration at different times due to incomplete documentation.

94. There are numerous non-profit legal entities active in Georgia. Some of them work on the issues of national minorities, both in the Capital and the regions predominantly populated by national minorities. Non-profit legal entities founded by persons belonging to national minorities mainly focus on national minority issues.

Article 8

The Parties undertake to recognise that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organisations and associations.

95. Article 19 of the Constitution prohibits persecution on grounds of speech, expression, religion or belief. Every individual shall enjoy freedom of speech, expression, religion and belief. The limitation of these rights is envisaged only for the purpose of protecting the rights of others.

96. According to Article 115 of the Criminal Code of Georgia, unlawful obstruction of religious ceremonies by coercion or threat, or insult to a person or to another religious person shall be punishable by fine or correction works for a up to one year or by imprisonment for up to two years.

Article 156 of the Criminal Code prohibits persecution of a person on account of speech, expression, consciousness, belief, faith or religion or political, social, professional religious or scientific activities. Infringement upon these rights shall be punishable by fine or restriction of freedom or imprisonment for up to two years.

Pursuant to Article 166 of the Criminal Code, obstructing the founding or functioning of a political, social or religious organization through coercion, threat or abuse of power shall be punishable by fine or correction works for up to one year, or restriction of freedom or imprisonment for up to two years.

97. On 6 April 2005, the President of Georgia introduced amendments to Article 1509 of the Civil Code of Georgia: religious entities were allowed to register as non-profit organizations. By doing so the government deprives itself of a right to interfere in the activities of the religious organizations.

Article 9

1. The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.

2. Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.

3. The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.

4. In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.

99. Article 23 of the Constitution secures freedom of intellectual creation and bans interference and censorship in creative activities. Limitations to artistic works may be imposed if their dissemination violates the basic rights of other persons.

100. Article 4 of the Law on Freedom of Speech and Expression fully and unconditionally protects freedom of opinion of the citizens. It recognizes and safeguards the principle of freedom of expression and establishes a standard for freedom of expression through the following features:

- a) absolute freedom of opinion;
- b) freedom of political opinion and debates;
- c) right to research, obtain, create, store, develop or disseminate information or idea of any kind;
- d) prohibition of censorship, independence of medial and pluralism, right of a journalist to defend confidentiality of the sources of information and to consciously decide on editing matters;
- e) freedom of academic education, teaching and research;
- f) freedom of art, creativity and invention;
- g) right to use any language or scripts in communication;
- h) right to perform charity work;
- i) right to accuse, and protection of the whistleblowers;
- j) freedom to express or not to express opinion regarding religion, faith, consciousness and vision of the world, as well as regarding ethnic, cultural and social origin, identity, family, property and public status and other.

101. On the basis of the General Administrative Code (Chapter III), mass media and every citizen shall have the right and opportunity to request and obtain any information from any public authority if such information is not regarded as containing confidential information of governmental, commercial or personal nature.

102. The exercise of broadcasting is defined by the Law on Broadcasting. Dissemination of broadcasting is conditioned by the delivery of the relevant license. This area is regulated by the National Communications Commission of Georgia, which determines the licensing conditions, issues, suspends, renews or terminates the licenses.

Article 16 of the Law, entrusts the Public Broadcasting with enhancing integrity, spiritual values and cultural diversity and with encouraging information in the languages of national minorities and with preparing programs on their problems or allowing allow them to prepare their own projects.

103. The founding of printed media is managed in a way similar to that of profit-making entities, in accordance with the provisions of the Law of Georgia on Entrepreneurship.

104. In addition to central TV channels, local TV channels are broadcasted in the regions densely populated by Armenian and Azeri minorities. The TV channel “ATV12” is broadcasted in Armenian language and is available in the Akhalkalaki region and partially in the Ninotsminda region. The broadcasting of this channel is available three hours a day. Five times a day a news program presented by locally hired journalists is aired by this channel. Another TV channel in Javakheti region is “Parvana TV”, however, neither ATV12 nor Parvana TV have licenses. They are broadcasting without the required licensing.

TV Imperia LLC is active in Samtskhe-Javakheti. It translates into Armenian language the news program “Courier” by Rustavi 2, and airs it at 23:00 every day.

105. Marneuli TV is broadcasting in Azeri language and is available in the Marneuli region of Georgia. This channel does not offer regular broadcasting. The news program is broadcasted only once a week on Fridays by this channel. Within the 20 minute chronometrics, there are only 10 original parts, most of them belonging to the central TV companies, the rest being filled in by translated EURONEWS topics. Kvemo Kartli also offers one TV channel called Kvemo Kartli, which airs in Georgian and Azeri languages.

106. The Ministry of Culture, Monument Protection and Sport finances the following newspapers: “Gurjistan” in Azeri, “Vrastan” in Armenian, “Svobodnaya Gruzia” in Russian. In addition, organizations working on the problems of national minorities also issue periodic papers concerning national minorities.

Public Broadcasting

107. It is part of the mission of the Public Broadcasting to contribute to strengthening democratic values, enhancing the level of public education, diversity and social integration, as well to widespread cultural values in the society at large. The Public Broadcasting functions on the basis of a program approved by its Board of Trustees. One of the main priorities for 2007 is the strengthening of social unity and tolerance by promoting the diversity of various regions and people of Georgia.

108. The standards in the coverage of national minority issues in Georgia are defined by the internal Code of Ethnic of the Public Broadcasting of December 2006 (see http://gpb.ge/angarishi_3.php?lang=geo&lm_id=4). It is a compilation embodying basic professional standards and journalistic ethics, and is applicable to the entire personnel of the Public Broadcasting. The underlying goal of the Public Broadcasting, according to the Code, is “to bring to light the diversity of people and culture in Georgia, respect the rights of ethnic and religious minorities and facilitate their development.”

109. In order to establish self regulation in the Public Broadcasting, on 10 July 2006, a monitoring group was founded. The main function of this group is to establish and promote basic professional standards of ethics among the personnel of the Public Broadcasting and permanent monitoring of the implementation of these standards. Furthermore, the monitoring group is entitled to study complaints from natural or legal persons on violation of the above mentioned principles, and react accordingly. There have been three complaints since the establishment of this group, none however, relate to national minorities.

110. The Department of Information and Social-Political Policy prepares a news program called “Moambe” in five languages comprehensible for other ethnic groups: Abkhaz, Osset, Armenian, Azeri and Russian. The national information program lasts for 25 minutes and is aired at 16:00. The sequence of the news is as follows: Monday – news in Abkhaz language, Tuesday – Ossetian language, Wednesday – Armenian, Thursday – Azeri, and Friday – Russian.

111. “Moambe” is comprised of two parts: the first part is informative in nature and reflects the social and political headlines of the week. The second part of the program is divided into a few rubrics: region, voice of people, famous people, youth and others, including an entertainment and creative part. Social topics are prepared regularly on the basis of the received letters and phone calls. The problems concerning ethnic minorities are aired according to the response of public.

112. For the purpose of matching the public’s interests and demands, eight public boards, including an ethnic minority board, have been established within the Public Broadcasting. These public boards study various problems according to their sphere and make recommendations to the Public Broadcasting.

113. **Board of Ethnic Minorities at the Public Broadcasting.** This Board was created in 2006. It unites 10 organisations and gathers once in two months. The Public Broadcasting considers the views of the board when preparing the programs on national minority issues..

114. **Board of Religious Minorities at the Public Broadcasting.** This Board was also created in 2006 and now unites six organizations. The Board gathers once in two months.

115. **Gender Equality Board at the Public Broadcasting** – established in 2006. This Board unites six organizations and gathers once every two months.

Public Radio

116. The public radio airs five-minute news in Abkhaz, Osset, Armenian, Azeri and Russian languages on a daily basis. The headline news of the day is aired during the news program. Every Saturday there is twenty-minute summary of the headline news for the week in Russian language.

Furthermore, every Thursday at 16:05 there is a program of Koba Chopliani on the Public Radio called “Our Georgia”. This program focuses on the history of ethnic and religious minorities, their traditions and culture, as well as other topics relevant to ethnic and religious identity. The idea of this program is to support the process of civil integration and strengthen the values of an inclusive society.

Article 10

1. The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.

2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.

3. *The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter.*

117. Pursuant to Article 85.2 of the Constitution of Georgia, court proceedings are held in the State language. Interpreter's services shall be provided to any person who does not understand the State language. This is also guaranteed by the Criminal and Civil Procedure Codes. According to the Criminal Procedure Code, an accused, suspect or other party to the procedure who does not understand the State language shall be assigned an interpreter. The interpreter fees shall be paid from the State budget (Articles 17 and 94 of the Criminal Procedure Code).

Interpretation is also guaranteed by the Civil Procedures Code of Georgia (14 November 1997, No 1106) and the payment of interpretation fees shall be covered by the losing party (Articles 9.4 and 53.1).

118. In accordance with Article 297 of the Criminal Procedure Code of Georgia, if the investigator determines that the interrogated person cannot understand the language of the proceedings, the suspect/accused shall be provided with an interpreter. Pursuant to Article 17, and in accordance with the requirements of the law, all the investigation and court documents shall also be translated into the language understandable by this person.

119. The legislation does not contain any provision on the use of the State language in prisons. The law instead determines the principles and rules of the penitentiary. According to Article 21, of the law on detention upon arrival of the convict at the penitentiary institution the administrative personnel shall inform him/her in writing and in a language s/he understands about his/her rights and his/her treatment by the personnel, as well as about the procedures of receipt of information and appeal, disciplinary and other. The law makes the penitentiary institution responsible for creating conditions for a person who does not understand the state language, to learn it.

It should be noted that in the penitentiary institution No.2 of Kutaisi, Georgian language is taught to the persons belonging to national minorities by social workers.

120. According to Article 14 of the General Administrative Code, the language of administrative proceedings is Georgian, as well as Abkhaz language in Abkhazia. If a person submits an application or a document in another language, the relevant administrative body allows additional time for presenting a notarised translation of the document. This additional time is not considered for the purpose of establishing the respect of legal deadlines (Article 73).

121. Article 9 of the Law of Georgia on Local Self Governance stipulates that Georgian is the official working language of local governance as well as Abkhaz language on the territory of Abkhazia.

122. Pursuant to Article 7 of the Law of Georgia on the Names of Geographic Objects, toponymy on the territory of Georgia shall be assigned in the State language, as well as in Abkhaz language in Abkhazia. Article 8 specifies that names shall be assigned to:

- a) newly established administrative territorial entities and residential areas;
- b) newly established or untitled geographic objects.

The names shall correspond to the physical-geographic characteristics of the place, as well as historic and cultural or agricultural features, and respond to the toponymic structure of the region.

Forms of instruction at non-Georgian schools

123. Article 6.1 of the Law on Public Education determines that full public education involves the completion of the three stages of the national educational plan and certification thereof by a relevant certificate. Furthermore, Article 9.4 stipulates that public education may be obtained through distance learning as well as through other alternative forms. Such cases are regulated by section 5 of the same article and according to the procedures established by the Ministry of Education and Science, in view of age, labour and family conditions of the student. The above rules apply to any public educational institution on the territory of Georgia.

124. Pursuant to the Order of the Ministry of Education and Science dated 22 May 2005 No. 452, on the Statute of Certification of Long Distance Education, a student shall be entitled to obtain education through distance learning program in Georgian, Russian, and Armenian or Azeri languages. For distance learners who take exams in Russian, Armenian or Azeri languages but take the exam in the Georgian language and literature according to the approved test, the translation from Georgian into Russian, Armenian or Azeri language shall be provided by the National Examinations Centre. In addition, those distance learners taking tests in the Russian language may not be allowed to take the test in Russian language as a foreign language.

125. By Order of the Minister of Education and Science dated 28 March 2005 No. 127, the Statute of the Unified National Entrance Examinations was approved. According to Article 5.2 of this Statute, all students enrolling in the accredited higher educational institutions (irrespective of their language of instruction) are obliged to take tests in Georgian language and literature, one foreign language at student's choice (English, German, French, Russian), and test on general abilities.

In addition, pursuant to section 7 of the same Article, students enrolling in higher educational institutions (irrespective of their language of instruction) accredited by the State may take tests in general skills, mathematics, history of Georgia and social sciences (physics, chemistry, biology) either in Georgian or in Russian. In such cases, applications shall be submitted in advance.

126. According to Article 4 of the Law of Georgia on Higher Education, the language of instruction in higher educational institutions is Georgian, as well as Abkhaz language in Abkhazia. Instruction in any other language is admissible provided it is regulated by an international treaty or agreement with the Ministry of Education and Science. The latter requirements do not apply to individual teaching courses.

Social Programs

127. According to the Decree of the Government of Georgia No. 140 dated 19 July 2006, 300.000 Lari have been allocated for citizens who obtained full public education in the schools located in conflict zones, Azeri or Armenian schools, schools in the mountainous zones and zones concerned by ecological migration, for children of persons deceased in connection with the territorial integrity of Georgia, as well as for the descendents of the persons deported from Georgia during the communist regime. According to Article 6.1.c and Article 52.8, as well as Article 47 of the Law on State Budget of Georgia, those enrolled in higher educational institutions shall be entitled to this financial aid for the first year of their studies.

Pursuant to the existing social program this amount may be allocated to:

- a) 20 students who studied in Azeri schools during the past three years and obtained the certificate of completion of public education. However not more than 10 of these students must be from Tbilisi;
- b) 20 students who studied in Armenian schools during the past three years and obtained the certificate of completion of public education. However, not more than 10 of these students must be from Tbilisi.

In addition, 20 grants per each were made available to the students who graduated from Armenian and Azeri schools. Twelve students applied for this grant and all of them obtained 100% funding (their university tuition fees will be fully covered during the next 4 years of their studies).

Article 11

1. The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.

2. The Parties undertake to recognise that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.

3. In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.

128. The issue of changing of names is regulated by Chapter IX of the Law of Georgia on the Registration of Civil Acts. In relation with national minorities there are no exceptions as such. Foreign (or national minority) names and surnames must be recorded so as to protect their pronunciation in original language, but there is no law regulating this issue. However, the interests of every individual are taken into account. The Civil Registry is working on a reform of the legal basis for the functioning of the Civil Registry which will also include a legal basis for the above mentioned issue.

Changing of names and surnames is permitted for all citizens irrespective of their nationality. There are no restrictions under the law, and the law does not provide specific national minority-oriented provisions.

Changing of names and surnames is possible irrespective of the national minority background, on the following grounds: if the name or surname is hard to pronounce or sounds humiliating; if an applicant wishes to change or add his/her surname during the matrimony; if an applicant wishes to obtain the surname of his/her guardian; if a person wants to recover his/her pre-matrimonial surname in case this was not done during the registration of the divorce; if an applicant wishes to take the surname of his/her ascending relative's family tree.

To this end, an applicant must apply to the territorial branch of the Civil Registry at the place of his/her residence and submit the documents required by the law. If the surname cannot be documented through available documents, it shall be referred to and decided by the court.

The names and surnames are entered in the documents on the basis of the personal identification document (Georgian ID card or Passport) verified by the relevant certificate of the registration of civil act. The names of the citizens provided in foreign documents shall be entered in the relevant Georgian documents on the basis of notarized translations.

Civil legislation establishes the right of every person to have a name and surname. Currently, the problem is to enter surnames in the birth certificates in the areas populated by Azeri minorities. Part of the population does not have surnames, which is problematic when issuing personal identification documents. The name and surname shall be indicated in the personal identification documents, and the law currently does not foresee acquiring surnames for people who do not have any. A number of persons have expressed the wish to have surnames, but lack information on which surname they possess. The Civil Registry is currently working to address this problem through a new legislative framework. Another problem relates to entering patronymic names. In official documents Azeri patronymic names are often mentioned as Kizy (Kzy) and Oghly, which in Georgian means "daughter" and "son". In such cases father and child may bear different surnames.

The issue of registration of civil acts is also problematic. A large portion of the population lacks birth or death certificates, which is due to absence of the documents required for registration, as well as to reluctance to approach relevant services to register

civil acts. In some cases, people have expressed will to cooperate with the relevant agency and have managed to collect some documentation, certify legal facts and have obtained of personal identification documents.

The Order of the Minister of Justice dated No. 1398 12 November 2004 approving the Procedures of Identification of Citizens of Georgia, Stateless Persons and Aliens Residing in Georgia and Issuance of Passports (and Travel Documents for the Stateless Persons) in its Article 8.6 stipulates that a citizen of Georgia shall apply to the Civil Registry at the place of his/her residence and file an application attaching the following documents: any document certifying his/her identity (birth certificate, personal ID, or passport of the USSR), two photos and document certifying his/her ownership of the place of residence, or written consent of the owner of the place of residence, without the requirement to submit document certifying ownership or renting rights or notarized certification thereof.

According to Article 5 of the Law on the Procedures of Registration of Citizens of Georgia and Aliens Residing in Georgia and Issuance of Passports to Citizens of Georgia, a person without a place of residency will be unable to present the documents certifying his/her residency rights and shall be allowed to register at the place of his actual residence without indicating any address.

One of the problems in the process of registration and issuance of identification documents in the places densely populated by national minorities was that some persons were unable to present any identification document (birth certificate or USSR Passport). To address this problem local agencies of the Civil Registry actively cooperate with the Village Boards, Administrations and other public authorities. As a result, it became possible to address similar problems in some regions. For example, as a result of joint efforts of the Civil Registry of the Ministry of Justice, Department for Citizenship and Migration and Supreme Council of Justice, appropriate conditions were created to ensure that residents of villages would not have to travel to the regional centre to obtain personal identification documents. Under this initiative, the employees of the above mentioned authorities were commissioned to visit the village councils of Iormughanlo, Duzagram, Lambalo and Tulari in the Sagarejo region, where the population had no identification documents for many years, to solve this problem. As mentioned above, a number of procedures should be observed to submit documents, which included the need to travel to Sagarejo region and on some occasions, court certification of the legal facts (of identity and birth, etc). It was decided that all those procedures would be done on the spot. The local authorities prepared a list of people who did not have the documents required for identification and the population was allowed to appoint a representative in order to perform the necessary administrative and judicial acts. The employees of the Civil Registry of the Sagarejo region were commissioned to travel to the above mentioned villages and together with the judge they established the facts of legal nature (such as certification of birth, identity, marriage, etc) for free, without incurring payment of the State tax. Following the certification of birth, it is possible to register the birth and obtain a personal ID. As a result of these efforts, a large portion of the population in the villages

of Iormughnalo, Duzagrami, Lambalo and Tulari of Sagarejo region (the majority of population being Azeri) have obtained personal identification documents.

The Civil Registry actively cooperates with the village councils of Marneuli and Bolnisi, which are predominantly populated by ethnic minorities.

The Ministry of Justice ensures that the population is informed about the procedures for obtaining the required documents. There is a proactive campaign in the areas populated by national minorities. In 2005 trilingual (Russian, Armenian and Azeri) information booklets and posters have been printed containing information about the number of documents, deadlines and payments required for obtaining personal identification documents.

The Civil Registry elaborated a public relations and campaigning strategy aimed at increasing motivation among national minorities so they better understand the importance of the documents issued by the Civil Registry, and the need to obtain them in a timely manner. This strategic plan encompasses the printing of trilingual information booklets, brochures and posters in Russian, Armenian and Azeri languages) and distribution in the villages, as well as the diffusion of information spots on TV to ensure that the population is better informed about the work done or innovations planned by the Civil Registry.

129. In connection with Article 11.3 of the Framework Convention, the government of Georgia considers amending the relevant legislation to capture the use of the Georgian language or the language of national minorities on the streets and topographic settlements in the regions densely populated by those national minorities.

Article 12

- 1. The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.**
- 2. In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.**
- 3. The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.**

130. Pursuant to Article 4.3 of the Law on Public Education, citizens of Georgia for whom Georgian is not the native language shall have the right to obtain full public education in their native language following the curriculum elaborated in accordance with the law. In these public schools learning the State language is compulsory and in the Autonomous Republic of Abkhazia learning both State languages is required. Furthermore, pursuant to section 4 of this article, in some cases regulated by international treaties and agreements to which Georgia is party, teaching in foreign languages is also allowed. In those public schools learning the State language is compulsory, and in the Autonomous Republic of Abkhazia both State languages should be learnt.

131. Pursuant to the law, national minorities may found educational institutions as private legal entities. To do so, they shall obtain relevant license for carrying out higher, elementary or secondary educational activities in accordance with the provisions of the law.

132. Irrespective of the language of instruction, all public schools in Georgia are funded equally. The Constitution stipulates that full public secondary education shall be financed by the government. During the last three years of the educational reform, the educational system of Georgia moved to the principle of financing “per student”, according to which every school, whether public or private, whether of Georgian language or not, shall obtain a voucher per student.

In accordance with Article 7 of the Law on Public Education, the State ensures the right of every student to obtain public education in his or her own language in the vicinity of his residence. In case the exercise of this right is not possible through a standard voucher, the State provides a student with an enhanced voucher and/or additional financing, as approved by the Ministry of Education of Georgia through a specifically tailored program. The number of enhanced vouchers and additional financing programs shall ensure access to education within smaller public schools, specialized or corrective schools, or linguistic minority school or class if there are at least three students at the elementary level, six students at basic level and 21 students at secondary level.

133. According to article 51 of the Law on Public Education, the financing of the school is exercised pursuant to the law and on the basis of the voucher issued in accordance with procedures established by the law.

In addition, Article 22.1 stipulates that the State ensures access by all to full public education. The financing of the students in the public schools is for 12 years. In addition, section 2 of this Article specifies that the State reimburses the expenses incurred for the instruction in elementary and/or basic or secondary programs.

Pursuant to section 7 of this Article, financing under this article is provided to citizens of Georgia. As for the right to education of aliens residing in Georgia and stateless persons, these are regulated by international treaties or agreements to which Georgia is party. If the right to education of citizens of another country residing in Georgia is not regulated by international treaty or agreement, the financing from the government is exercised on the principle of reciprocity. The list of the countries exercising such reciprocal arrangements is published by the Ministry of Education and Science on the basis of information from the Ministry of Foreign Affairs.

National Minority Educational Policy of the Ministry of Education

134. The Ministry of Education and Science actively works to improve the linguistic situation inherited from the Soviet Union. Following the collapse of the Soviet Union the situation deteriorated mainly on account of persisting economic problems. As a result of

economic isolation, linguistic and ethnic isolation of the regions deepened. In addition, isolation was worsened by the political rhetoric of certain individuals, who blamed isolation on ethnic difference, where the reasons were mainly of a social and economic nature, and connected to the general situation in the country. Therefore, overcoming civil isolation and better integrating the regions populated by national minorities is a vital task for the country.

Nowadays, a positive evolution is perceptible in many fields. Previously the students and schools staff often regarded educational plans as unattainable by students belonging to national minorities, and the learning process had lost its relevance. The youth would often graduate without knowing the State language; higher education and employment were mainly sought abroad, which resulted in emigration of the intellectually skilled people; there was no substantial motivation within the population to improve the knowledge of the State language; some regions were been left without information and remained in a state of civic isolation, characterized by low involvement of the public in civil society.

The first indicator of progress in the field of civil integration is the knowledge of the State language. There is a direct link between the ability to speak the State language and integration into civil society. However, there is a risk that dissemination of the State language may be regarded as assimilation or badging policy by national minorities, which may provoke reluctance. This would hamper the achievement of genuine civil integration policies.

Therefore, it is important that promotion of the State language be accompanied by the fulfillment of minority rights, so that persons belonging to national minorities realize that they do have equal opportunities and can defend their own values. It is also vital that every citizen in the country protects basic national values based on the respect of the rights of others.

From the linguistic perspective, the picture in Georgia is very diverse. Samtskhe-Javakheti and Kvemo Kartli regions serve as good examples for the analysis of the linguistic diversity of the country. In these regions the Armenian and Azeri languages are used not only for daily interaction, but also concern the educational system and information sources (media coverage mainly available from the neighbouring country). Minority languages are also the working languages of local governance and administrative authorities in these regions.

By offering Georgian language courses, the government offers to persons belonging to national minorities further opportunities for inclusion into the society at large.

135. Ensuring the learning of the State language within the education system is the first and the most realistic task. However, targeted activities should go beyond this objective. Learning of the State language shall be accessible to every individual at any age, in line with international standards of continuous education. For the time being, the most basic and evident area of enhancing the learning of the State language is the school system.

Obviously, in those schools where instruction is in the native language of the students or in Russian, Georgian language and literature are compulsory courses. Therefore, the resolution of persisting problems shall start from these schools as they do not require significant financial and organisational incentives. It must also be recognized that some students are unable to graduate from the schools solely because their knowledge of the State language is insufficient. This phenomenon is due to the rareness of opportunities to practice Georgian language, in a regional environment where Georgian language is not commonly used. There is a need for renewal of the teaching methods and class books. The method of teaching and class books were constructed on the disputable principle that learning a language should start from learning the grammar and literature. As a result of the recent reforms in the educational sphere, the approach towards instruction of the Georgian language has changed.

136. The implementation of the new educational standards, methodology and textbooks requires teachers training. To this end, the Ministry of Education and Science of Georgia has planned certain activities on improvement of State language teaching. In this regard, the assistance of the OSCE High Commissioner for National Minorities has enabled to commence the training of Georgian language teachers in the non-Georgian schools of Samtskhe-Javakheti in 2005. The same process commenced in Kvemo Kartli in 2006.

137. In addition to enhancing the learning of the State language, it is important to renew the methods of teaching of native languages for the national minorities. With the OSCE support, programs supporting native language learning in Samtskhe-Javakheti and Kvemo Kartli have been initiated. These programs involve teachers training and the elaboration of relevant standards.

138. All in all, the Ministry of Education and Science manages a number of short term and long term programs. Their primary goal is to promote civil integration of the non-Georgian schools, through the improvement of the level of instruction of both State language and languages of national minorities. Programs tailored to better manage, finance and improve the level of teaching in schools is equally important for all public schools in Georgia; non-Georgian schools are equally covered by such country-wide initiatives.

139. In addition, Presidential programs such as “Iakob Gogebashvili” (material rehabilitation of the schools) and “Irmis Nakhtomi” (programs aimed at improving computer procurement, internet and other informative-communication technologies) and “Giorgi Nikoladze” (rehabilitation of stadiums) are designed to improve the level of delivery in Georgian public schools.

140. Within the framework of the general school reform, a project called “Ilia Chavchavadze” is considered particularly effective. This project aims at establishing an effective learning environment, and foresees teaching and results assessment (this project is financed by a loan from the World Bank). In order to reform and strengthen the educational system in Georgia, new teaching plans and new text books have been developed (since the 2006-2007 academic year for the first, seventh and tenth grades, and

in following years in for higher grades). These plans and textbooks are also available in non-Georgian schools, which are thus included into the general educational environment reforms. Teaching plans and textbooks in non-Georgian schools must be of modern quality and by all means equal to those available to other students. To this end, new recommended text books will be published and translated into other languages by the Ministry of Education and Science with financial support from the State Budget and donors. This will help solve the problem of inconsistency in the Curriculum, which has been persistent in the non-Georgian schools during the past ten years and had resulted in the import of textbooks from neighboring countries.

141. For many years the students of non-Georgian schools have been instructed on the basis of textbooks received from Russia, Armenia and Azerbaijan. The textbooks published in Georgia for non-Georgian schools which were developed according to the Georgian curricula failed to compete with text books received for free or at very low cost from abroad. As a result, non-Georgian schools were left out of the general educational environment.

At the initiative of the Ministry of Education and Science, the legal aspects of the isolation of non-Georgian schools started to be discussed at inter-governmental level. In parallel, in 2006-2007 the Ministry started to purchase text books for non-Georgian schools which meet educational standards of Georgia.

For the academic year 2004-2005 all 50,000 students of the first and second grades in Azeri and Armenian schools received text books in Georgian language for free.

In addition, the textbooks in History and Geography were received by all fifth, sixth and seventh grade students in the Armenian and Azeri schools (38,000 students in total).

For the students in Russian schools, the publishing house “Intellect” donated more than 5,000 textbooks, which were distributed by the Ministry.

190,000 Laris were allocated from the State Budget for the procurement of text books in line with the national curriculum for non-Georgian schools.

142. Translation and piloting of the textbooks in Russian, Azeri and Armenian languages take account of the views of various teachers’ circles. The new National Teaching Plan was piloted in 100 Georgian schools across the regions of Georgia. As a result, for the academic year 2006-2007, new textbooks have been introduced for the first, seventh and tenth grades of Georgian schools.

Translation costs of the textbooks adopted according to this National Curriculum Plan are covered by “Georgian Industrial Group” holding (190.000 Laris) and “Bank Republic” (87.000 Laris). Similar pilot projects were launched for 10 Russian, 10 Azeri and 10 Armenian schools across the region in the academic year 2006-2007.

143. Non-Georgian schools form an integral part of the general educational environment of Georgia, but due to certain cultural and linguistic specificities some problems may arise which requires additional research and initial assessments. In 2005, in order to carry out the situation analysis and develop recommendations on the non-Georgian schools, the UN Fund for Development and Reform has funded a study performed by the company “Analysis and Consulting Group - ACT” to collect accurate information on the situation in non-Georgian schools. Up-to-date information was gathered and a sociological picture of non-Georgian schools was created. Those recommendations will be used to help develop these schools, improve the level of State language teaching and promote civil integration.

144. The goal of the ongoing programs is to liven up the civil environment of non-Georgian schools, in addition to promoting State language learning. Within the project “Future Starts Today”, about 40 professors were assigned to work in Samtskhe-Javakheti and Kvemo Kartli in the 2004-2005 and 2005-2006 academic years. They have contributed greatly to the process of civil integration.

145. In order to strengthen friendly and collegial relationships between Georgian and non-Georgian schools in the field of civil integration of students and schools staff, a school partnership program was designed three years ago. This program fosters friendship among the schools through carrying out of joint events, educational or artistic activities, tours and visits. Some 100 schools benefited from this program in 2006.

146. The next priority of the educational reform is the reform of vocational education which will help citizens develop their working potential and employment opportunities. Within the framework of the Presidential program for rehabilitation of vocational institutions, two new institutions will be opened in 2007 which will offer the citizens skills and education within a short period of time in the most popular vocations on the current market, including construction, transport, agriculture, computer technologies. Vocational centres in Akhaltsikhe and Rustavi will provide training to residents of the regions mainly populated by the national minorities. A similar centre will also be opened in Akhalkalaki.

147. Currently, the Ministry of Education and Science is financed by 15% from international funding for the programs aimed at strengthening civil integration (about two million Laris per year). Funds thus primarily come from the State Budget.

Program of Teaching State Language in non-Georgian Schools

148. Poor knowledge of the State language in the regions densely populated by the national minorities is one of the most significant problems to be solved by the government. Integrating national minorities requires their understanding of the State language, and the protection of their own linguistic and cultural identity. In this respect, the Ministry of Education and Science has carried out activities aimed at promoting the instruction of the State language.

149. Existing programs and textbooks for learning Georgian language, which had been used by non-Georgian schools, have been found incompatible with current requirements. They were based on of the wrong assumption that the students had basic knowledge of the Georgian language whereas in reality, non-Georgian students in the regions concerned could not understand Georgian. Students have been graduating from secondary schools without knowledge of the State language, which further became a deterrent factor in applying to local universities at the same competitive level with other students. As a result some young students have left the country, which had provoked further isolation of these regions.

150. In order to solve these persisting problems, the Ministry of Education and Science launched a new teaching policy in 2005. The Ministry approved new transitional standards of Georgian language teaching for non-Georgian schools, jointly prepared by the Ministry of Education and Science and the OSCE High Commissioner for National Minorities within the program entitled “Georgian as Second Language in the Minority Schools of Samtskhe-Javakheti.” A new pedagogic method rewrite required for this new program. Therefore, there was a need to develop new textbooks following a second language-teaching approach. The textbook produced is based on the levels of proficiency was elaborated within the CoE program “European Language Portfolio” and “Common European Framework of Reference for Languages: Learning, Teaching, Assessment.”

151. In 2005-2006 the first and second parts of the new textbook “Tavtavi” were published. The first part consists of a student’s textbook, a course book and a teacher’s curriculum, whereas the second part consists of a student’s textbook, a course book, a teacher’s curriculum and a portfolio. Within the project of subsidising textbooks for non-Georgian schools a number of authors, publishing houses and free distributors of the books in Samtskhe-Javakheti, Kvemo Kartli and Kakheti regions were identified for the 2005-2006 academic year, and these new textbooks have been distributed to the teachers of seventh to eleventh grades. As preceding assessments revealed that students in non-Georgian schools had very low proficiency levels or no notion of Georgian, this initiative enabled students to study the State language.

152. The drafting of five parts of the “Tavtavi” textbook has been planned for up to the level 5 of the defined proficiency standard. Based on active engagement of both the teacher and the student, this textbook allows attaining a fair level of fluency within a few trimesters, which will greatly contribute to solving the problem of knowledge of the State language among the young generation within few years.

153. The preparation of the level III of the text book “Tavtavi” and its introduction is planned in 2007, which entails the drafting of the textbook by the authors (student textbook, notebooks and teacher’s textbook), printing and distribution. Mandatory standards are defined by the program – “Teaching Georgian language as second language in non-Georgian schools”.

154. Within the program of Instruction of the State language in non-Georgian schools the authors will be remunerated, and following a tender the Ministry of Education and Science will ensure distribution of the textbooks free of charge for the students and teachers of non-Georgian schools in Samtskhe-Javakheti, Kvemo Kartli and Kakheti.

155. The assessment of the introduction of "Tavtavi" textbook in the secondary schools will be monitored by the Ministry of Education and Science.

156. Below is the list of educational activities and programs in which the minorities are involved:

1. School Partnership Activity

In order to create a common civil environment it is important to enhance the knowledge of the State language and to strengthen inter-ethnic and inter-cultural links. The Ministry started the implementation of the "School Partnership Program" to achieve these goals.

In a contest organised in 2005-2006 130 projects were submitted for funding. Out of these, 16 projects were selected and financed. The students and teachers from different regions of Georgia were actively involved in the activities conducted under these successful projects. The regions of Tsalka, Terjola, Marneuli, Bolnisi, Tbilisi, Akhlagori, Akhaltsikhe, Chkhorotsku, Lagodekhi, Gardabani, Abasha, Akhalkalaki, Kobuleti, Dmanisi, Khelvachauri, Kutaisi, Khoni, Ninotsminda, Sagarejo, Tskaltubo participated. This program will enable many students and teachers of majority and minority origin to establish friendship and become familiar with each other's culture and traditions, which is a key factor of integration.

2. Preparatory Courses for Unified National Entrance Examinations

Due to social and economic factors there is no equal opportunity of high quality education in the above mentioned regions of Georgia, which places some categories of students from these regions on an unequal footing. These groups are the following:

- a) students who during past three years have attended non-Georgian schools in Samtskhe-Javakheti, Kvemo Kartli and Kakheti regions;
- b) Descendants of the population from Samtskhe-Javakheti forcibly deported from Georgia during the Communistic regime.

As a result of the contest, some 203 students enrolled in a preparatory course for the Unified National Entrance Examinations in 2006. The students chose 4 higher educational institutions as follow: Iv. Javakhishvili Tbilisi State University, Tbilisi State Medical University, Gori State University and Shota Rustaveli State University.

These institutions are required to provide these students with more highly qualified and experienced teachers, and with specific curricula to improve their skills in view of the Unified National Entrance Examinations. Under this program, the students are required to take special tests developed by the National Examinations Centre.

The students participating in the preparatory courses will be eligible for a State voucher of 500 Lari, which will enable them to fully cover their tuition fees. This amount will be directly transferred to the account of the university; the students will also receive a stipend of 50 Lari; in total, 200 students will benefit from State funding of their higher studies.

The universities must carry out internal monitoring of this process.

The students belonging to the above mentioned groups who successfully pass the 2007 Unified National Entrance Examinations and enroll in Georgian universities will be eligible for a State social grant in accordance with the procedures determined by the government of Georgia.

Zurab Zhvania State School of Public Administration¹

157. The Zurab Zhvania State School of Public Administration was founded in 2005 pursuant to the special decree of the President on “Founding of the Zurab Zhvania State School of Public Administration and State Program for Professional Retraining and Improvement of Skills of Public Officials.”

This school was founded as a national centre for professional retraining and skills development for public officials from the regions. The studies are carried out in two main directions:

- a) teaching of the State language for those officials who are not fluent or cannot speak Georgian;
- b) teaching of basics of modern public administration methodology.

In order to meet the goals of the Zurab Zhvania State School of Public Administration, professional retraining is carried out through two main programs:

- o advanced program of teaching Georgian language;
- o public administration program in Georgian language.

The length of the advanced program is 12 weeks. The program involves five hours courses per day. Those who cannot speak Georgian (or are not fluent in Georgian) are trained through recent and proven methods of language teaching.

The graduates of this advanced program in Georgian language will be able to continue their studies in the public administration program.

The students are eligible to a stipend of 200 Lari.

The program also foresees daily advanced classes of 6 hours each (5 days a week), which aim at:

¹ <http://www.zspa.ge/>

- overcoming the lack of staff in the area of public administration in the various regions of Georgia;
- enhancing the qualifications of locally employed public officials;
- creating relevant, modern democratic skills for public officials and provision of theoretical and practical materials;
- informing persons belonging to national minorities from various regions on executive and legal innovations in Georgia;
- supporting the process of institutionalization of the Georgian language country-wide.

In 2005 the School obtained 589 030 Lari public funding. The major part of this amount was allocated to the preparatory works: refurbishing of the building, purchasing of the required equipment, and developing and printing of the curricula and textbooks, as well as to training the future teachers of the School.

269,120 Lari were allocated in 2006 for the School. These funds were primarily spent on administrative expenses, including teachers' salaries, stipends to the students, repair of the communication systems, communal and other services, as well as on missions. 504.999 Lari were allocated for the School from the State Budget in 2007.

Access to Internet for representatives of the national minorities

158. In order to ensure access to internet for persons belonging to national minorities, the Ministry of Education and Science carries out special programs. One of the successful programs is "Irmis Nakhtomi", within which schools have been supplied with computers. This program provides for computer equipment and internet access to all secondary schools - both Georgian and non-Georgian – ensures introduction of the information technologies into the learning process. During 4 years (2005-2009) 100% of the students and 70% of the teachers will obtain basic computer skill, and new computer programs will be developed. Better infrastructure will be developed to allow permanent renewal of the IT database in Georgian and non-Georgian schools.

In addition, students of all communities are able to participate in different contests which aim at developing, designing and posting of school websites. A contest will also be organised for the secondary school students from Azeri and Armenian public schools which will identify the best translator of one Georgian poem into Azeri and Armenian languages. One winner has already been announced, and was given tickets for purchasing of books, computer and IT accessories. Within the scope of this program a common educational internet network will be established. Distance learning courses in Georgian language are also being developed.

On 21 February 2007, on the occasion of the international day of native language, the Ministry of Education and Science announced an internet forum to identify the best essay. All students across the country had the opportunity to express thoughts about their native language in their own native language. Azeri, Russian and Armenian students participated in this contest. Some of them received monetary prizes for the best essays.

Article 13

1. *Within the framework of their education systems, the Parties shall recognise that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.*
2. *The exercise of this right shall not entail any financial obligation for the Parties.*

See sections 131, 132 and 133 above.

Article 14

1. *The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.*
2. *In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.*
3. *Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.*

See sections 77, 78, 79, 80, 81, 130, 137 and 138 above. More information on the number of non-Georgian students at non-Georgian schools distributed by sectors and regions of Georgia is contained in Annex 2.

Article 15

The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.

159. The Constitution of Georgia guarantees participation of citizens of Georgia in public and political life as does the Electoral Code, the Law on Local Administration Elections, the Law on Referendum and the General Administrative Code of Georgia.

160. Following the “Rose Revolution” the new government pays particular attention to the participation of national minorities in the governing of the country. In 1990s, the participation of national minorities in the elections was bearing a rather formal character. Currently, the goal of the government is to provide all necessary information in native language to the regions populated by the minorities regarding election processes.

161. According to Article 5 of the Organic Law of Georgia on the Electoral Code of Georgia, all citizens have a universal right to election, i.e. active and passive electoral rights.

During the local self governance elections of 5 October 2006 amendments were introduced in the Electoral Code of Georgia (Article 129³, section 18 of the Electoral Code of Georgia) according to which the Electoral Commission is tasked to ensure translation of the electoral lists and ballots into the Armenian, Azeri and Russian languages in the regions populated by national minorities (Akhalkalaki, Ninotsminda, Marneuli and Gardabani).

162. The Central Election Commission has published guidebooks for the members of polling stations committees and their trainers in Russian, Armenian and Azeri languages. Specifically, for the 2006 elections guidebooks for the members of the polling stations were prepared and printed in Azeri (900), Armenian (700) and Russian (1400) languages.

In 2006, 300 trainers of the electoral administration were selected and trained, among which 18 were fluent in Azeri, Armenian, Greek, Russian or Ossetian languages.

For the 2006 elections, training was organised for the members of the electoral polling committees in Azeri, Armenian and Russian languages in the regions of Gardabani, Marneuli, Bolnisi, Dmanisi, Tsalka, Akhaltsikhe, Akhalkalaki and Ninotsminda.

163. During the 2006 pre-election campaign a hotline was functioning across the country which allowed all citizens of Georgia to obtain information related to elections in Georgian, Russian, Armenian and Azeri languages free of charge. The citizens could verify whether they were included in the electoral list, obtain free legal information on electoral matters, information on voting procedures, as well as on political parties, electoral blocks and other electoral matters.

164. Advertisements and campaigns were prepared to promote the ad-hoc hotline and explain preliminary electoral lists. The campaigns also publicized the type of elections and the election date, and the population was informed on procedural issues related to the elections through door to door visits in Georgian, Russian, Armenian and Azeri languages. TV spots were broadcasted eight times a day by the Public Broadcaster in Georgian, Russian, Armenian and Azeri languages in prime time. Similarly, advertisements were broadcasted by the regional TVs: Rustavi (Rustavi), Marneuli (Marneuli), 9th channel (Akhaltsikhe), ATV12 (Akhalkalaki) and Parvana TV (Ninotsminda).

For the 2006 local elections electoral bulletins were prepared in Russian, Azeri and Armenian languages. Some 5000 booklets and 15000 posters on electoral procedures were printed for distribution among the electorate and the polling stations.

165. The members of the Central Election Commission organised meetings in Marneuli and Akhalkalaki with the local population and the NGOs.

166. To promote cooperation in various issues, the government creates the councils and organizes periodic meetings with the participation of the civil sector representatives..

167. **Civil Integration and Tolerance Council.** Pursuant to the Presidential Decree No. 639 dated 8 August 2005, the Council for Tolerance and Civic Integration was created with the participation of public authorities and civil society. As of 2006, the members of the Council are the State Minister for Civic Integration (Chairman of the Council), Ministers, MPs, as well as representatives of the Public Broadcasting and civil society.

In 2007, the Council for Ethnic Minorities of the Public Defender plans to sign a Memorandum of Understanding with the Civil Integration and Tolerance Council for Tolerance and Civic Integration. The purpose of this memorandum will be to ensure implementation of the European Convention for the Protection of National Minorities through monitoring and regular reporting.

168. The Council for Ethnic Minorities of the Public Defender organised several meetings in 2006 in the process of preparation of this State Report:

- In 2006, meetings were organised within the Parliamentary Committee for Regional Policy where the law on Local Self-Governance was discussed. The members of the Council made observations and comments on the mentioned Law;
- In 2006, representatives of the Ministry of Education introduced some ongoing and planned programs of relevance to national minority representatives;
- In 2006, the Council met with the Mayor of Tbilisi regarding the ongoing and planned activities and projects of the Mayor;
- On 25 July 2006 the members of the Council met with the Chairman of the Central Electoral Commission and members of the local electoral commissions from Kvemo Kartli;
- On 27 July 2006, a meeting was organised in the prison No. 6 of the Ministry of Justice Penitentiary Department, attended by the Deputy Chairman of the Penitentiary Department Social Section, and representatives of national minorities. The members of the Council met some convicts during this meeting.
- On 2 August 2006 a meeting was organised with representatives of the General Prosecutor's Office and the Ministry of Interior to discuss criminal procedure standards on equality of all citizens and the right to free interpreter's services. The participants to the meeting also addressed the Code of Ethics of the Office of the Prosecutor, particularly with regard to the Prosecutors' obligations to facilitate the eradication of all forms of discrimination.

169. In October-December 2006, the Council of Ethnic Minorities of the Public Defender prepared recommendations on the implementation of the European Convention for the Protection of National Minorities, with the assistance of experts of the Office of the Public Defender and with European Centre for Minority Issues (ECMI). Recommendations were developed in thematic working groups on regional integration and conflict prevention, legal matters, media and information, education and culture. Those recommendations will be submitted to the responsible governmental agencies.

National Integration and Tolerance in Georgia 2006-2009

170. National Integration and Tolerance in Georgia is a four-year project financed by the US Agency for International Development (USAID) and implemented by the United Nations Association of Georgia in cooperation with the government of Georgia and other local and international partner organisations.

The goal of this program is to promote civil unity among all citizens in Georgia. To achieve this goal, the program will support the government in the development and implementation of a national integration strategy and action plan.

The program also foresees public discussions and debates with the participation of citizens and various organisations across the country to discuss the ways towards a unified multiethnic country.

Program outputs:

Formation of a National Integration Strategy and Action Plan (NISAP) including implementable measures towards tolerance, integration and protection of national minorities: this document will be prepared by experts from public bodies and the civil society based on a wide consultative process in which representatives of national minorities will be engaged.

Small grant component to support the implementation of the NISAP: the grants will be provided to enhance the level of civil society engagement in the field of national integration, develop positive trends for promoting diversity, and create incentives for forging contacts beyond communities as well as strengthen ties among the country's regions.

Weekly TV Talk-show, Documentaries and Social Advertising will be developed and broadcasted to increase the visibility of the value of diversity and develop civil identity in the country.

171. Establishment of the "Community police" is a recent initiative of the Ministry of Internal Affairs developed in cooperation with the Organisation for Security and Cooperation in Europe (OSCE). This initiative focuses on crime prevention with active involvement of the public. To achieve this goal, Unit Inspectors were instituted in 2006, to allow more active communication between the Police and citizens at all levels of the society and gather information on the needs of the society at large.

The objectives of the "Community Police" have been incorporated into the Criminal Law reform plans of Georgia. Some of these goals are the delivery of information among the population on crime prevention measures, the improvement of partnership with non-governmental and educational organizations, and the establishment of partnership councils within the units. Religious, ethnic and other groups will be members of those councils and will actively engage in discussion and resolution of the persisting problems with participation of the police.

172. With the support of the Ministry of Culture, Monument Protection and Sport, the Petro Adamian Armenian Theater held four premieres, 36 plays and took part in two festivals. The Azeri Dramatic Theater held one premiere, and two plays. The David Baazov Museum of Jewish History published four volumes of the “Works” (in Georgian and English languages). The “House of Caucasus” organized nine evenings, three exhibitions, discussions on one film and one play, as well as a peaceful action called “Prayer for a Peaceful Caucasus”. The Azeri Cultural Centre organized 17 meetings, two exhibitions, and published one disk, organized four evenings and concerts. The Association of Ukrainians living in Georgia organized one exhibition, one presentation for the children and 11 meetings or concerts.

Joint Projects with the OSCE

173. Currently, four joint projects are underway under the aegis of the OSCE High Commissioner for National Minorities and the Ministry of Education and Science:

1. *Supporting of Georgian as Second Language in the Minority Schools of Kvemo Kartli.* This project was launched in 2006. It provides retraining to Georgian language and literature teachers on the new curriculum and pedagogical methods based on the new text books developed for the students of non-Georgian schools (the five-level textbook “Tavtavi”).

2. *Supporting of Georgian as Second Language in the Minority Schools of Samtskhe-Javakheti.* The Ministry of Education and Science of Georgia elaborated a new curriculum and methodical textbooks as well as casebooks for teachers in cooperation with the OSCE High Commissioner for National Minorities. These materials were prepared, printed and distributed to the teachers of Georgian language in the non-Georgian schools of Samtskhe Javakheti. Two five-day training sessions were organised to introduce these new text books and their new teaching methodology. The process of retraining the teachers is ongoing. This issue is all the more relevant that the Ministry has introduced new textbooks in the pilot schools.

3. *Support of Teaching of Azeri as mother tongue in the Minority Schools of Kvemo Kartli.* Since May 2006, the Ministry of Education and Science of Georgia with support of the OSCE High Commissioner for National Minorities has implemented this one-year project developing a new syllabus in Azeri language and literature. 26 Azeri language and literature teachers from Kvemo Kartli will be selected for three training sessions on new, result-oriented teaching methods. These teachers will then hold three training sessions on the same subject for their Azeri language and literature fellow teachers. In addition to developing the new syllabus, this project foresees the translation into Azeri language of the new edition of the Azeri language teaching methodology for teachers.

4. *Support of Teaching of Armenian as the mother tongue in the Minority Schools of Kvemo Kartli.* In January 2007, an Armenian language professor from Yerevan Armenian Language State University was selected upon recommendation from the Georgian

Embassy to Armenia. This Professor will train project experts on the recent changes in the Armenian educational system and on how Armenian schools are moving towards a twelve-year instruction program.

On 19-20 June 2006, Armenian language and literature specialists in Georgia were selected to be trained at the “Language House” of Akhalkalaki. Three training sessions were held for the future animators from July to mid-September 2006. The standards (oral expression, comprehension, reading and writing) in Armenian language grammatical structures and literature were analyzed based on the main teaching features characteristic of this language. These features are: concept of instruction of the Armenian language and literature, teaching objectives, main purposes of instruction, main directions of instructions. This standard includes analysis of the results to be achieved and success indicators in oral expression, comprehension, reading and writing.

In total, three training sessions were organized for 300 teachers in the Samtskhe-Javakheti region.

174. The government aims at improving and revitalizing the quality of living in the regions populated by ethnic minorities in order to support the process of their integration. To this end, the government has elaborated targeted programs for regional infrastructure development. These programs have been ongoing for three years in different regions, including those densely populated by ethnic minorities.

Road Rehabilitation in Samtskhe-Javakheti

175. The government of Georgia intends to finance roads and communications rehabilitation projects in next three years. This will support economic activities of the national minorities living in this region.

In September 2005, representatives of the governments of Georgia and of the United States signed an agreement concerning the financing of Georgia by the Millennium Challenge Corporation of the United States. A 295.3 million US dollars program was approved by the Board of Directors of the US Millennium Challenge Corporation, and is now being implemented in Georgia. Within this program, a 102.2 million US dollars project for rehabilitation and reconstruction of 245km highway is implemented to better connect Tbilisi and Samtskhe-Javakheti.

The Georgian government has established a fund - “Millennium Challenge - Georgia” (“MCG”) which implements the above mentioned projects. MCG has contracted the German company “Cox Consult” and its Georgian partner “Beat”, who are entrusted with the preliminary technical and economic studies of the highways in Samtskhe-Javakheti and their potential environmental impact. The rehabilitation of the highway will commence in spring 2007 and end in 2010¹. The ongoing works were financed by 4.1 millionn US Dollars from the initial grant allocated by the US Millennium Corporation².

¹ Samtskhe-Javakheti Highway Rehabilitation Project website: <http://gza.ge/ge/project.htm>

² MCG bulletin 05.08.05/N3: http://mcg.ge/Public_affairs/biuleteni/Bulletin_3_5_08_2005_geo.doc

Karsi-Akhalkalaki-Tbilisi-Baku Railway

176. The construction of the new railway will be an additional stimulus for the economic development of the Samtskhe-Javakheti region. The railway will connect Turkey, Georgia and Azerbaijan. The agreement for the project Karsi-Akhalkalaki-Tbilisi-Baku Railway was signed on 8 February 2007 by the presidents of Georgia and Azerbaijan and the Prime Minister of Turkey. The 220km portion of this railway (from the Georgian-Turkish border to Tbilisi) that crosses Georgia will include a new 30km portion to be constructed, and a 190 km-long portion to be rehabilitated. The first phase of the railway project is planned to start in 2008-2010.

Privatisation

177. The process of privatization of state-owned companies became active in the regions populated by the ethnic minorities. This process had been suspended in Kvemo Kartli and Samtskhe-Javakheti regions before.

178. The process of privatization of agricultural started on 29 July 2005 when the new Law on Privatisation of State-Owned Agricultural Land entered into force. It is worth mentioning that in 1992-1998, as a result of the land reform, the citizens of Georgia have been granted agricultural land free of charge (the established limit of the land in the valley was 1.25ha, and in the mountainous regions 5ha).

179. The privatization of agricultural land is possible through special and open auction as well as through direct sale to the lessees. Only the citizens of Georgia and registered legal persons may purchase agricultural land in Georgia.

180. It should be mentioned that during the land reform the distribution of land in border areas was limited; however, this limit was lifted in 1994. In that period, the border zone would spread across 21 km. In 1998 it was decreased to 5km, and was later eliminated. As a result, there are currently no limitations in border areas. The privatisation of agricultural land is possible both within the border area and the 500-meter border line. However, with respect to the privatization of the 500-meter border line, a special governmental decision and consent is required.

181. So far, privatization in the 500-meter border line took place in Lagodekhi and Gardabani municipalities only.

182. In the Kvemo Kartli region, agricultural land was privatized within the 500-meter border line through open auction. This land was mainly purchased by citizens of Georgia of Azeri origin in the Vakhtangisi and Jandara administrative entities of the Gardabani municipality (former Sakrebulo).

183. In addition, special auctions were held in the Chiauri, Shroma and Tsodniskari Administrative Entities of the Lagodekhi Municipality (former Sakrebulo).

184. According to the latest data, 895 land plots have been privatized to the benefit of lessees through direct sale/purchase, which in total represents 13.793ha. 1 888 land plots representing 6.826ha of territory have been privatized through auctions. In Samtskhe-Javakheti, 308 land plots representing 1.855ha were privatized through direct sale/purchase to lessees.

185. According to the privatization statistical data in Kvemo Kartli, land privatization predominantly concerns Georgian citizens belonging to national minorities. Privatization mainly occurs through direct purchase or special auction. (This information was obtained from the relevant public registry services of the respective regions).

See Annex 3 on privatization of land in Kvemo Kartli and Samtskhe-Javakheti.

Professional Training Program

186. In 2006, 957 persons benefited from the government's professional training program in Samtskhe-Javakheti, and 1141 persons benefited from the same program in Kvemo Kartli.

Article 16

The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.

187. In the beginning of 1990s, as a result of the conflicts in South Ossetia and Abkhazia, more than 350.000 persons were displaced from their homes, among them 250.000 ethnic Georgians. The government undertook efforts to accommodate the displaced persons in different regions of Georgia, including in the regions densely populated by national minorities.

188. Since the end of 1980s displacements of population from the mountainous regions occurred as a result of natural disasters. These displaced persons have similarly been accommodated across the territory of Georgia. The government built or bought houses for displaced persons in different parts of the country, including in the regions populated by national minorities. In 2006, 210 houses were purchased for the victims of natural disasters by the Ministry of Refugees and Accommodation, including 193 houses in the Kvemo Kartli region (Tsalka region 156 houses, Tetrtskaro 36 houses, Gardabani one house).

Article 17

1 The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.

2 The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organisations, both at the national and international levels.

See paragraphs 90 and 189.

Article 18

1 The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons belonging to the national minorities concerned.

2 Where relevant, the Parties shall take measures to encourage transfrontier co-operation.

189. Below is the list of agreements with neighboring countries:

- Agreement between the Government of Georgia and the Government of the Republic of Azerbaijan on coordination in the field of information. (4 March 2004);
- Agreement between the Ministry of Education and Science of Georgia and the Ministry of Education of the Republic of Azerbaijan on cooperation in the field of education. (4 March 2004);
- Agreement on Exchange of Legal Information between the Government of Georgia and the Government of the Republic of Azerbaijan (3 February 2000);
- Cooperation on Social Security Matters between the Ministry of Healthcare and Social Security of Georgia and the Ministry for Labour and Social Security of Population of the Republic of Azerbaijan (22 March 2000);
- Agreement between the Government of Georgia and Government of the Republic of Azerbaijan on Cooperation in the Field of Communications (22 March 2000);
- Agreement between the Government of Georgia and Government of the Republic of Azerbaijan on Cooperation in the Field of Tourism (9 November 1998);
- Agreement between the Government of Georgia and Government of the Republic of Azerbaijan on Cooperation in the Field of Culture (18 February 1997);
- Agreement between the Government of Georgia and Government of the Republic of Azerbaijan on Cooperation in the Field of Youth Issues (18 February 1997);
- Agreement between Georgia and Republic of Azerbaijan on Cooperation frontier issues (18 February 1997);
- Agreement between the Government of Georgia and Government of the Republic of Azerbaijan on Cooperation in the field of education. (18 February 1997);
- Agreement Between the Republic of Georgia and Republic of Azerbaijan on Visa Free Cross-Border Movement (3 February 1993);
- Agreement Between the Republic of Georgia and Republic of Azerbaijan on Recognition of Visas (3 February 1993)
- Agreement between the Republic of Georgia and Republic of Azerbaijan on Cooperation in Cultural, Scientific and Humanitarian Matters (3 February 1993);

- Agreement between the Republic of Georgia and Republic of Azerbaijan on Cooperation in Healthcare Matters (3 February 1993);
- Agreement between the Government of Georgia and Government of the Republic of Armenia on Exchange of Legal Information (11 February 2002);
- Agreement between the Government of Georgia and Government of the Republic of Armenia on Cooperation in the Field attestation of scholars and scholar-pedagogical personnel of higher qualification.(20 November 1998);
- Agreement between the Government of Georgia and Government of the Republic of Armenia on Cooperation in the field of Education (2-3 May 1997);
- Agreement between the Government of Georgia and Government of the Republic of Armenia on scientific -technical Cooperation (2-3 May 1997);
- Agreement Between the Government of the Republic of Georgia and Government of the Republic of Armenia on Cooperation in Cultural, Scientific and Humanitarian Matters (19 May 1993);
- Agreement between the Republic of Georgia and the Republic of Armenia on Visa Free Movement (19 May 1993);
- Agreement between the Government of the Republic of Georgia and Government of the Republic of Armenia on Cooperation in the Field of Communications (19 May 1993);
- Agreement between the Government of the Republic of Georgia and Government of the Republic of Armenia on Cooperation in the field of Tourism (19 May 1993);
- Agreement between the Government of the Republic of Georgia and Government of the Republic of Armenia on Recognition of Visas (19 May 1993);
- Agreement Between the Government of the Republic of Georgia and Government of the Republic of Armenia on Cooperation in Sport-Related Matters (19 May 1993);
- Agreement between the government of the Republic of Georgia and Government of the Republic of Armenia on Developing Trade and Economic Cooperation (17 July 1992);
- Agreement between the Ministry of Education of Georgia and the Ministry of Education of the Russian Federation on Cooperation in the Field of Education (11 February 2004);
- Agreement Between the Government of Georgia and Government of the Russian Federation on Cooperation in the Field of Protection of Intellectual Property (11 February 2004);
- Agreement Between the Government of Georgia and the Government of the Russian Federation on Cooperation in the Field of Information (11 February 2004);
- Agreement of the Government of Georgia and the Government of the Russian Federation on Cooperation in the Field of Tourism (5 July 2002).

The following agencies participated in the preparation of the State Report:

- Ministry of Foreign Affairs of Georgia
- Ministry of Justice of Georgia
- Ministry of Education and Science of Georgia
- Ministry of Health, Labour and Social Welfare
- Ministry of Defence of Georgia
- Ministry of Internal Affairs of Georgia
- Ministry of Refugees and Accommodation of Georgia
- Ministry of Culture, Monument Protection and Sport of Georgia
- Parliament of Georgia
- Supreme Court of Georgia
- State Chancellery of Georgia
- The Office of the Prosecutor General of Georgia
- Office of the Public Defender
- Georgian Public Broadcasting
- The Central Election Commission of Georgia
- National Communications Commission of Georgia
- Public Service Bureau of Georgia
- United Nations Association of Georgia
- Association for Protection of Landowners Rights

Each of the above mentioned agencies is responsible for the accuracy of the information contained in this State Report.