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

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### Second Opinion on Georgia adopted on 17 June 2015

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#### EXECUTIVE SUMMARY

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Important progress has been made since the first cycle of monitoring. In 2009, Georgia adopted a comprehensive strategy and action plan for the civic integration of national minorities, comprising concrete measures in a variety of spheres, including education and access to the labour market. A renewed strategy is being developed in 2015, in close consultation with national minorities and based on an evaluation of the achievements made thus far. A Human Rights Strategy and Action Plan, adopted in 2014, further entails measures to promote the effective equality of persons belonging to national minorities. Furthermore, comprehensive antidiscrimination legislation was adopted in 2014 and an Equality Body created within the Public Defender's Office. A draft Law on the State Language, containing guarantees for the use of minority languages, was developed in consultation with civil society and is expected to be adopted in 2015.

Some support continues to be available for the cultural activities of national minorities but a general sense of marginalisation of their identities and cultures in public life remains. Georgian language skills have improved but language barriers still exist and impede access to a number of important rights, in particular among older generations. Awareness in society of the applicable human rights and antidiscrimination standards remains low and there is no coherent government policy to promote their effective application throughout the public sector. Incidents of inter-faith tension have become more frequent in recent years and there is an increase in hate speech against religious and national minorities that is often not adequately addressed by law enforcement. The very low number of completed investigations and criminal prosecutions of hate crime undermines trust in the police and the reported bias demonstrated in favour of the dominant religion (Georgian Orthodox Christianity) is increasingly resented by persons belonging to national and religious minorities.

While education in minority languages continues to be offered at some 300 schools, quality of teaching at these schools overall remains below average. Adequate standards for minority language schools are yet to be developed and high-quality education materials, in particular with respect to bilingual learning, remain scarce. Despite concerted efforts at various levels, the participation of national minorities in public affairs remains disproportionately low, in particular at central level.

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

**SECOND OPINION ON GEORGIA**

1. The Advisory Committee adopted the present Opinion on 17 June 2015 in accordance with Article 26 (1) of the Framework Convention and Rule 23 of Resolution (97) 10 of the Committee of Ministers. The findings are based on information contained in the [State Report](#), received on 30 May 2012, and other written sources and on information obtained by the Advisory Committee from governmental and non-governmental contacts during its visit to Tbilisi, Akhaltsikhe, Gori and Marneuli from 22 to 27 March 2015.
2. Section I below contains the Advisory Committee's main findings on key issues pertaining to the implementation of the Framework Convention in Georgia. These findings reflect the more detailed article-by-article findings contained in Section II, which covers those provisions of the Framework Convention on which the Advisory Committee has substantive issues to raise.
3. Both sections make extensive reference to the follow-up given to the findings of the first cycle of monitoring of the Framework Convention, contained in the Advisory Committee's first Opinion on Georgia, adopted on 19 March 2009, and in the Committee of Ministers' corresponding Resolution, adopted on 11 June 2014.
4. The concluding remarks, contained in Section III, could serve as the basis for the Committee of Ministers' forthcoming conclusions and recommendations on Georgia.
5. The Advisory Committee looks forward to continuing its dialogue with the authorities of Georgia as well as with representatives of national minorities and others involved in the implementation of the Framework Convention. In order to promote an inclusive and transparent process, the Advisory Committee strongly encourages the authorities to make the present Opinion public upon its receipt.
6. The Advisory Committee would also like to bring to the attention of State parties that on 16 April 2009, the Committee of Ministers adopted new rules for the publication of the Advisory Committee's Opinion and other monitoring documents, aiming at increasing transparency and at sharing the information on the monitoring findings and conclusions with all the parties involved at an early stage (see Resolution CM/Res(2009)3 amending Resolution (97) 10 on the monitoring arrangements under Articles 24-26 of the Framework Convention for the Protection of National Minorities).

## **I. MAIN FINDINGS**

### **Monitoring process**

7. The Advisory Committee welcomes the constructive approach taken by the Georgian authorities throughout the second monitoring cycle. Despite the considerable delay in adoption of the first cycle resolution, the comprehensive second state report was submitted in a timely manner. The Advisory Committee is pleased to note the organisation of a training seminar with governmental and national minority representatives in September 2011 in Tbilisi to discuss procedural and content related questions related to the upcoming state report. The Advisory Committee further expresses its appreciation for the considerable assistance provided before, during and after the visit. A range of meetings with governmental and non-governmental representatives in Tbilisi, Akhaltsikhe, Gori and Marneuli facilitated frank discussions and allowed the Advisory Committee to gain additional information and insight.

8. Owing to the fact that Abkhazia and South Ossetia remain outside the effective control of the Georgian authorities, the Advisory Committee cannot direct any recommendations to them towards a more effective implementation of the Framework Convention in those regions. In its findings on the relevant articles, it points nevertheless to important issues of concern regarding the access to rights of persons falling under the protection of the Framework Convention in those regions. It reiterates its call on all parties concerned to take a constructive approach with a view to ensuring the rights of persons belonging to national minorities as an integral part of universally applicable human rights throughout the territory of Georgia.

### **Legislative and institutional framework for the promotion of effective equality**

9. Important legislative and policy developments have taken place during the reporting period. Following the adoption of a National Concept and Action Plan for Tolerance and Civic Integration in 2009, a range of measures has been taken to promote the effective equality and integration of national minorities. Implementation of the Action Plan has been overseen by an Inter-Agency Committee to ensure effective coordination among all relevant government bodies. The authorities have further engaged in a comprehensive assessment of achievements and are, based on the results and in close consultation with minority representatives and experts, in the process of adopting a renewed Civic Equality and Integration Strategy 2015 -2020. The State Ministry responsible for issues pertaining to national minority protection and for the coordination and monitoring of activities undertaken towards Abkhazia and South-Ossetia was renamed in the beginning of 2014 to State Ministry for Reconciliation and Civic Equality, indicating a more inclusive approach towards national minorities throughout the territory.

10. Comprehensive antidiscrimination legislation was adopted unanimously in May 2014, prohibiting both direct and indirect discrimination, and a new Equality Department has been created within the Public Defender's Office as responsible body to receive complaints. The Public Defender enjoys broad trust in society and awareness of his activities and mandate is rising, due also to its seven regional offices located throughout the country. The number of complaints received by the institution has significantly increased during recent years. However, awareness of the rights and standards contained in the antidiscrimination law remains low and only very few court cases invoke its provisions. This limits its effectiveness as the Equality Body cannot impose sanctions or accord compensation. Resistance against the implementation of some of the rights contained in the law continues among some establishments, including the Georgian Orthodox Church, which discourages affected individuals from seeking legal redress. Targeted measures must be taken to raise awareness of the new antidiscrimination standards amongst all segments of society and to promote a coherent policy in all public offices to encourage the law's effective application and implementation.

### **Combating discrimination and promoting tolerance**

11. Overall, the public debate surrounding national and religious minorities remains tense. While inter-ethnic relations are marked generally by good cooperation and dialogue, including in the many ethnically-mixed villages, incidents of inter-faith tension and conflict have become more frequent in a number of regions. The Georgian Orthodox Church has further gained in influence in recent years and is not always promoting respect for diversity. Minority representatives feel offended by the increasing notion of superiority of what constitutes a “proper Orthodox Georgian” that is reportedly taking hold of the public discourse and forms part of the rhetoric of a number of political players, including at highest level. The establishment of the State Agency for Religious Affairs was initially welcomed by civil society but criticism is growing. The working methods it has developed appear to foster the creation of a hierarchy among religious confessions, providing support and funding to only a few and cementing the dominance of the Georgian Orthodox Church, which is not conducive to the enjoyment by all citizens of the right to manifest their religious beliefs. Moreover, there are consistent reports of religious indoctrination of students within the public education system which must be effectively prevented to ensure respect for religious diversity from an early age on.

12. Despite the general softening in the government approach towards issues pertaining to minority protection, there is a lingering perception among some officials and parts of society that national minorities constitute a potential security threat. There is an increase in hate speech used in the political discourse as well as in the media and the available redress mechanisms remain scarcely known. Amendments to the Criminal Code in 2012 have introduced racial motivation as aggravating circumstance of any offence but remain scarcely applied. The very low number of completed investigations and criminal prosecutions of alleged perpetrators of hate crimes is creating a sense of vulnerability amongst minority communities and undermines their trust in the capacity of the police to protect their rights. Moreover, there have been reports of discriminatory attitudes amongst the police and of disproportionate use of force in a number of cases, which have not been independently or completely investigated. Against this background, the authorities should increase their efforts to persuasively demonstrate to the public that Georgia is promoting the integration of society while fully valuing and respecting its ethnic, cultural, religious, and language diversity.

### **Protection and promotion of minority cultures, media and languages**

13. The authorities continue to provide support for the cultural activities of national minorities as well as for the printing of a number of newspapers in minority languages. Overall, the assistance is considered insufficient, however, to allow for minority cultures and languages to be visible as integral elements of Georgian culture. In addition, a number of minority associations, in particular in the regions, are not adequately informed about the available funding mechanisms. While some programmes in minority languages are broadcast on public radio and TV, including at regional level, their quality is considered low and too little attention is reportedly paid to the daily concerns of persons belonging to national minorities as full members of Georgian society. The plan to revive a country-wide Russian language news channel to reach all minority communities, including persons belonging to numerically smaller minorities, has been widely welcomed. A draft Law on the State Language has been developed in close consultation with national and international experts as well as with representatives of national minorities. The draft aims at promoting Georgian as main tool of communication but contains protected status and guarantees for the use of minority languages in official contacts with administrative authorities as well as for topography. National minority representatives consider the expected adoption of the draft law a welcome development towards the establishment of some legal clarity on an issue that has thus far been marked by divergent practices, which have sometimes led to apprehension amongst minority communities.

### **Education rights**

14. Education in Armenian, Azerbaijani and Russian languages continues at some 300 schools in Georgia and efforts have been made to provide teachers with adequate training opportunities and

education materials. Progress has further been made in official language teaching in minority language schools and proficiency in Georgian among the younger generations has considerably improved. The overall quality of education in minority language schools, however, remains below average. This is due to a variety of reasons, including an aging teacher corps that is insufficiently trained in dealing with multilingual education environments, partially outdated textbooks, and the continued absence of standards for the teaching in minority languages. While concerted efforts are being made by the authorities to address these shortcomings, a comprehensive strategy is required to promote modern language learning methodologies in minority language schools in order to facilitate the gaining of high-level proficiency among students in both first languages and Georgian. Access to university education has substantially improved through the introduction of a programme which enables graduates of minority language schools to pass a general test in their minority language, upon which they are accepted into university with an additional first year intended to advance their Georgian language skills.

### **Effective participation**

15. Considerable attention is paid by the authorities to promote the effective participation of national minorities in decision-making processes that affect them as well as in public life generally. Disproportionately low levels of representation in public administration at central and local level remain problematic, though, and a sense of marginalisation among some minority communities prevails. The Council of National Minorities under the Public Defender remains the main consultation mechanism for national minorities. While it enjoys some access to senior level government, often with the assistance of the Public Defender, its competencies are not entirely clear and the lack of structure regarding membership and internal decision-making processes limit its ability to function effectively as representative organ for all its members. Voter turn-out among national minorities in recent elections has remained very low. Concerted efforts are being made by the Central Election Commission and a variety of civil society organisations to promote the participation of national minorities in elections, focusing in particular on women and youth, and to incentivise the outreach of larger political parties to minority communities by paying more attention to their specific issues of concern. Insufficient Georgian language skills continue to hinder the effective access by persons belonging to national minorities to employment, as well as social and health services, particularly in remote regions.

## II. ARTICLE-BY-ARTICLE FINDINGS

### Article 3 of the Framework Convention

#### Personal scope of application of the Framework Convention and the right to free self-identification

##### *Findings of the first cycle*

16. In its first Opinion, the Advisory Committee encouraged the authorities to pursue a flexible and open approach towards the scope of application of the Framework Convention in both legislative and administrative measures and called on them to ensure that the right to free self-identification was observed in the course of the next population census.

##### *Present situation*

##### a) Positive developments

17. The Georgian authorities maintain a flexible approach towards the personal scope of application of the Framework Convention and the Advisory Committee is not aware of groups that would wish to be considered as national minority or to be protected under the Framework Convention but are disregarded. A population and housing census was conducted in November 2014, gathering valuable data on population profiles, including as regards educational and employment situation. The Advisory Committee welcomes the fact that the preparation and organisation of the exercise is overall positively evaluated, including by persons belonging to national minorities. Enumerators were locally recruited and thus familiar with the cultural and linguistic background of respondents. In addition, guidelines were provided as to the right of respondents to freely self-identify when indicating ethnic or religious affiliations and steps were taken to ensure adherence to international personal data protection standards.

##### b) Outstanding issues

18. The Advisory Committee nevertheless gained the impression that neither enumerators nor respondents fully appreciated the relevance of free self-identification in any data collection exercise. While questions on ethnic and religious background were open and provided the possibility to indicate “other”, the Advisory Committee learned for instance that representatives of the numerically smaller groups such as the Dukhobor or the Meskhetians were not encouraged to indicate their specific background but chose instead to affiliate with the larger groups, Russians or Georgians respectively, of which they consider themselves as sub-groups. In addition, it is regrettable that no possibility existed to indicate multiple ethnic affiliations or to indicate “none”.<sup>1</sup> According to the interlocutors of the Advisory Committee, descendants of mixed marriages usually indicated the ethnicity of the father. It further learned with concern that religious affiliations were sometimes automatically filled in by enumerators in accordance with the ethnic background of respondents, i.e., a person self-identifying as Georgian would automatically be characterised as Orthodox, etc. The Advisory Committee reiterates its view that the right to self-identification must be firmly anchored in all relevant data collection exercises to ensure that the results adequately reflect the profile of the population, including for future measures to promote the effective equality of particularly disadvantaged groups (see further comments on Article 4).

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<sup>1</sup> See for more background Conference of European Statisticians Recommendations for the 2010 Censuses of Population and Housing, prepared in co-operation with the Statistical Office of the European Communities (EUROSTAT) and the United Nations Economic Commission for Europe, United Nations, New York, and Geneva, 2006, paragraph 426: “respondents should be free to indicate more than one ethnic affiliation or a combination of ethnic affiliations if they wish so”. Question 6 of the personal questionnaire related to ethnicity contained a possibility to “refuse to answer” which, however, is not equivalent to “none”. Both options were included in question 11 on religion. See <http://census.ge/files/pdf/Form%20%232e.pdf>.

*Recommendation*

19. The Advisory Committee encourages the authorities to maintain their flexible approach towards the personal scope of application of the Framework Convention. It further calls on them to firmly establish this flexibility also in all relevant data collection exercises, and to ensure that persons belonging to national minorities are fully made aware of their right to freely self-identify, or to refrain from doing so, including with respect to multiple affiliations.

**Article 4 of the Framework Convention**

**Legal and institutional framework related to equality and against discrimination**

*Findings of the first cycle*

20. In its first Opinion, the Advisory Committee encouraged the authorities to intensify their efforts towards combating discrimination by ensuring that the implementation of various pieces of legislation did not result in direct or indirect discrimination against persons belonging to national minorities. It further called on the authorities to continue their support to the Public Defender and to raise awareness among minority communities on their rights and on the legal remedies available to them in case of discrimination.

*Present situation*

a) Positive developments

21. The Advisory Committee welcomes the unanimous adoption of comprehensive antidiscrimination legislation by Parliament in May 2014. The Law of Georgia on the Elimination of All Forms of Discrimination introduces mechanisms against discrimination on a variety of grounds, including language, citizenship, property or social status, religion or belief, national, ethnic or social origin. It explicitly prohibits both direct and indirect, as well as multiple discrimination.<sup>2</sup> The Law further contains provisions for access to the Public Defender who has been given the responsibility of hearing cases and concluding whether the allegation of discrimination is indeed founded. The Advisory Committee is further pleased to note that, following the appointment of the Public Defender as Equality Body, his budget was increased. The Equality Department, with five full-time staff in early 2015, is expected to be increased as the number of complaints received under the antidiscrimination legislation expands. In early 2015, some 50 admissible complaints had been received and are being reviewed.<sup>3</sup> With regards to further details, the Advisory Committee refers to the findings and recommendations of the European Commission against Racism and Intolerance (ECRI) who will be examining the contents and application mechanisms of this law in depth when drawing up its fifth monitoring report on Georgia.

22. The Advisory Committee further notes with interest the adoption of the Human Rights Strategy and two-year detailed Action Plan in April 2014, which is overall viewed as a serious commitment by the authorities to the promotion of effective and non-discriminatory access to rights in Georgia. The main institution engaged in the monitoring of its implementation is the Public Defender who, among others, also fulfills the functions of national human rights institution.<sup>4</sup> The Advisory Committee welcomes the fact that the Public Defender enjoys broad trust in society and that his activities and mandate are increasingly known among the public, owing among others to the seven regional offices located throughout the country. The number of complaints received by the Office has significantly increased in recent years.<sup>5</sup> The Advisory Committee further notes that the annual and thematic reports

<sup>2</sup> See Articles 2.2., 2.3. and 2.4. of the Law.

<sup>3</sup> Of the 90 submitted applications as reported in May 2015, five cases were suspended, 29 cases were declared inadmissible, in one case discrimination was established, on two cases general recommendations to the authorities were made, an *amicus* brief was submitted to general courts in one case and 53 cases remained pending.

<sup>4</sup> In May 2013, the Office of the Public Defender was reaccorded A status by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights. See [http://www.ohchr.org/Documents/Countries/NHRI/Chart\\_Status\\_NIs.pdf](http://www.ohchr.org/Documents/Countries/NHRI/Chart_Status_NIs.pdf)

<sup>5</sup> The Office received 5457 applications in 2013 and 7272 in 2014.

on the situation of human rights in Georgia are discussed in Parliament and that the Parliamentary Committee on Human Rights and Civic Integration has since 2014 been engaged in monitoring the implementation of the recommendations of the Public Defender by government bodies, which has broadened their political significance.

#### b) Outstanding issues

23. According to interlocutors of the Advisory Committee, awareness of the rights and standards contained in the new antidiscrimination law amongst society and the legal profession alike remains very low. In addition, civil society representatives contend that the law has been deliberately made ineffective in practice as the powers of the Equality Body are limited to hearing the case and deciding whether discrimination did indeed take place or not. No fines or sanctions can be imposed, however, and Courts need to be separately addressed to claim compensation for any damages. The Advisory Committee has been informed that three amendments to the law have already been proposed in order to render it more effective, among others by extending the deadline in which concerned individuals can appeal to a Court and by enabling the Equality Body to obtain additional information directly from the private sector to assist in the review of cases.

24. In addition, it is of some concern to the Advisory Committee that the application of the new antidiscrimination standards in particular to the benefit of persons belonging to some national and other minorities remains subject to considerable resistance and public debate among certain traditional establishments. In particular the role of the Georgian Orthodox Church, which reportedly was fiercely opposed to the adoption of the law, continues to be viewed as immensely influential in sustaining a societal environment that is hostile to the implementation of certain rights contained in the law. This discourages affected individuals from addressing the Equality Body or seeking legal redress in cases of alleged discrimination in both the public and private sector, and reportedly dissuades some lawyers from assisting minority representatives.

#### *Recommendations*

25. The Advisory Committee calls on the authorities to raise awareness amongst society of the antidiscrimination standards as well as the relevant redress mechanisms in place and to ensure that the new provisions and procedures are well understood and systematically applied by members of the legal profession to promote the effective implementation of the law.

26. The Advisory Committee further encourages the authorities to actively engage in efforts to encourage all victims of discrimination in the public as well as the private sector to seek redress and claim protection in accordance with the existing legislative framework without fear of possible reprisals, among others by developing and implementing a targeted anti-discrimination policy in public agencies and by encouraging the private sector to do the same.

### **Full and effective equality**

#### *Findings of the first cycle*

27. In its first Opinion, the Advisory Committee called on the authorities to identify appropriate means to better assess the situation and access to rights of persons belonging to national minorities with a view to developing more targeted measures to promote full and effective equality in society, including through the use of positive measures to overcome structural inequalities. It further encouraged the authorities to take all necessary steps to eliminate undue obstacles to the repatriation and access to rights of forcefully deported persons.

#### *Present situation*

##### a) Positive developments

28. The Advisory Committee welcomes the fact that the use of special measures intended to promote effective equality is explicitly allowed in the antidiscrimination law.<sup>6</sup> Moreover, the necessity

<sup>6</sup> See Article 2.7 of the Law of Georgia on the Elimination of all Forms of Discrimination.

of positive measures to promote the exercise of the right to equality by persons belonging to national minorities is acknowledged and forms part of the state responsibilities enumerated in the draft 2015 Civic Equality and Integration Strategy (see also comments on Article 6). The Advisory Committee welcomes this renewed commitment to the effective equality of persons belonging to national minorities as valued members of Georgia's diverse society. The significance of developing and implementing a special policy for particularly disadvantaged and marginalised national minorities, as well as those living dispersed is further acknowledged in the document, and provision is made for ensuring that the impact of all measures taken towards their protection is regularly monitored and evaluated.

29. A number of efforts have been made by a variety of state bodies to promote in particular the access to rights of disadvantaged groups, such as the Roma or the Meskhetians (see comments on Article 12). In addition, a State Strategy of Repatriation of Forcibly Removed Persons from the SSR of Georgia by the Former Soviet Union in the 1940s was adopted in September 2014 and the Advisory Committee understands that an Inter-Agency Action Plan is currently being developed to further promote in particular the return of the Meskhetians. According to official information, a total number of 5841 applications, comprising some 8900 persons, were made under the 2007 Law of Georgia on Repatriation of Persons Forcefully sent into Exile from the Soviet Socialist Republic of Georgia, of which 5389 persons live in Azerbaijan. Some 1540 adults had received repatriate status by early 2015 and 418 had been granted conditional Georgian citizenship on provision that they relinquish Azerbaijani citizenship. The Advisory Committee also welcomes the creation of the Ossetian Forum by the Public Defender in January 2014 as platform to promote the rights of the Ossetians and to eliminate the negative consequences of past conflicts and tension.

#### b) Outstanding issues

30. Nevertheless, a number of important challenges to the full and effective equality of persons belonging to national minorities persist. The Advisory Committee notes that the lack of documentation and related issues surrounding legal status continue to be of deep concern for a number of persons belonging to national minorities, such as an estimated group of 60 elderly Roma. According to interlocutors, this situation continues to prevent access to rights in a number of spheres, including at times access to education as enrolment in schools requires parents to present their children's birth certificates which cannot always be obtained. The Advisory Committee finds that the specificity and complexity of the particularly dire situation of marginalised and dispersed living groups is still not sufficiently understood among relevant authorities, as disaggregated and up-to-date information on make-up and living conditions of these populations is often missing and representatives are not systematically involved in the design and implementation of measures.

31. The situation of the Meshketians who returned to Georgia on their own, outside the repatriation law, also continues to be of concern to the Advisory Committee. Community representatives estimate the overall number of persons at around 1500 (or some 200 families), living mainly in the Samtskhe-Javakheti region. It is in particular of deep concern to the Advisory Committee that some of the families remain in precarious legal conditions, such as without residence permit which prevents them from accessing a number of important rights and obstructs their integration. In addition, persons with repatriate status do not have access to certain benefits such as the participation in language courses, despite the fact that many of them, given their upbringing and life outside Georgia, do no longer speak Georgian. Overall however, the acquisition of citizenship remains the main issue of concern. Georgian legislation accepts dual nationality in only rare cases and based on special merits.<sup>7</sup> As a result, foreign citizenship must be relinquished before Georgian citizenship can be acquired. This, however, is often problematic and involves a costly and complicated process.<sup>8</sup> None of the 418 deported Meshketians

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<sup>7</sup> According to Article 1(2) of the Law of the Republic of Georgia on Citizenship, the President "may grant citizenship of Georgia to a foreign citizen for having special merits to Georgia or if the granting of Georgian citizenship is in the State interests of Georgia."

<sup>8</sup> The process of relinquishing Azerbaijani citizenship, where a large community of Meshketians still live today, is reportedly particularly difficult. According to section 14.14 of the Law on Taxes, a fee of 110 Manat (some 95 EUR) must be paid per person,

who were granted conditional Georgian citizenship had returned to Georgia at the time of the visit of the delegation and minority representatives report that difficulties in relinquishing Azerbaijani citizenship prevent many of the persons with repatriate status from actually returning to Georgia.

32. Persons belonging to the Ossetian community are also faced with migration-related and citizenship issues, particularly those who reside or resided in conflict-affected areas. Many of them were forced to leave Georgia in the wake of ethnic tension and conflict and acquired foreign citizenship. As a result, many have had their applications for Georgian citizenship denied despite the fact that they have close ties to Georgia and consider it their home.<sup>9</sup> The Advisory Committee notes with interest the recommendations made by the Public Defender to adequately assess the situation of conflict-affected individuals and to consider the possibility to grant citizenship on the basis of exception in accordance with state interest to those who confirm their willingness to live in Georgia and acquire citizenship. It finds that a similar approach to protect both human rights and state interests may also be appropriate in respect of the Meskhetians who have returned to Georgia on their own account. The Advisory Committee further notes with deep concern the effects of the installations of barbed wire along the administrative boundary lines (ABLs) with Abkhazia and South Ossetia which constitute a grave obstruction to the access to rights and freedom of movement of all persons living adjacent to those fences.

33. The Law of Georgia on the Legal Status of Aliens and Stateless Persons came into effect in September 2014 in the context of the EU Visa Liberalisation Process. According to specific provisions of this Law, whose entry into force have been postponed to 1 July 2015, foreigners were to be granted a visa for only 90 out of 180 days in an attempt to legalise a situation that has been marked by relatively easy trans-border movements within the region for decades. According to governmental and non-governmental sources, these amendments have been of particular concern to persons belonging to national minorities residing compactly in the border regions, such as in Samtskhe-Javakheti region, where family-related travel and cross-border trade not only form part of the daily lives of many but also constitute an important source of income. Many families in the Javakheti area have members who are reported to hold Armenian or other citizenships and will thus be required to leave Georgian territory at regular intervals unless they apply for temporary or permanent residence permits. Following repeated discussions and four rounds of amendments to the Law, the period of visa-free stay was extended in May 2015 to 360 days for citizens of countries which were to be identified per government decree. On 11 June 2015, the Georgian Government issued a decree listing 94 countries, including Armenia, Azerbaijan and the Russian Federation, whose citizens are thus allowed to remain in Georgia visa-free for 360 days.<sup>10</sup> The Advisory Committee welcomes this development as it allows more time for affected individuals as well as relevant government structures to adjust to the new regulation.

34. It is of concern to the Advisory Committee, however, that reportedly no consultations were held prior to the amendments and that information on the possibilities for individuals to regularise their stay in accordance with the new provisions has been forthcoming only belatedly. This has resulted in substantial fears rising within the population, leading even to the impression voiced in some media, including foreign media, that the amendments were deliberately designed to affect minority populations. It is welcome in this regard that the Public Defender organised a meeting of the Minister of Justice with affected individuals in Akhalkalaki to raise awareness about the reasons for the amendment and to inform of the legal implications and avenues to apply for residence permits. Efforts have also been made to provide information in Armenian and Azerbaijani languages to ensure that all persons are duly informed. According to information received by the Advisory Committee, some confusion persists as to the possibility to apply for a permanent residence permit rather than a

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which is unaffordable for many families. In addition, proof must be provided that no debts or other obligations (including military service) remain in Azerbaijan.

<sup>9</sup> See *Migration and Citizenship Issues Facing Georgia's Ossetian Community*, The Special Report of the Public Defender, 2015, <http://ombudsman.ge/en/reports/specialuri-angarishebi/migration-and-citizenship-issues-facing-georgias-ossetian-community.page>.

<sup>10</sup> See the list of the countries at [https://www.geoconsul.gov.ge/en/nonvisa\\_en.html](https://www.geoconsul.gov.ge/en/nonvisa_en.html).

temporary one, and word of mouth continues to circulate in Kvemo Kartli region, where some persons belonging to the Azerbaijani minority are also affected, that authorities will only issue temporary residence permits. The Advisory Committee further learned that some of the applications for residence permits were rejected due to unspecified security concerns. While the number of such rejections is very small, the lack of access for the individual concerned to the information that justifies the charge is problematic as it significantly frustrates the ability to challenge its accuracy in court.<sup>11</sup>

#### *Recommendations*

35. The Advisory Committee reiterates its recommendation to develop appropriate methods, in line with international and national data protection standards, of regularly collecting and assessing equality data on the access to rights of persons belonging to national minorities to ensure that targeted measures can be taken to promote their full and effective equality in line with Article 4 of the Framework Convention.

36. It further calls on the authorities to take all necessary measures to ensure that formerly deported persons who have returned to Georgia are effectively assisted in their integration in particular by promptly according an adequate legal status that guarantees equal access to rights. The Advisory Committee further encourages the authorities to consider all possible options, including further use of the Presidential special decree in line with a regionally coordinated approach, to grant citizenship to formerly deported or conflict-affected individuals in Georgia in an effort to protect human rights and state interests.

37. The Advisory Committee calls on the authorities to ensure that accurate information on the impact of legislative changes to the legal status of aliens is made available to all possibly affected parts of the population and in relevant languages so that speculations of possible disadvantages existing for persons belonging to national minorities are immediately discarded.

### **Article 5 of the Framework Convention**

#### **Support for the preservation and development of the culture and identity of persons belonging to national minorities**

##### *Findings of the first cycle*

38. In its first Opinion, the Advisory Committee encouraged the authorities to pursue a balance between the societal integration of persons belonging to national minorities and the preservation and development of their identities and cultural heritage, including the maintenance and protection of religious and historical buildings. It further considered that the available support for cultural activities of national minorities should be increased and that representatives of the communities should be closely involved in all related measures, including at senior level and in decision-making processes .

##### *Present situation*

###### a) Positive developments

39. The Advisory Committee notes the continued support provided by the Ministry of Culture and Monument Protection as well as by local authorities and by the Presidential Administration to a variety of cultural projects and events organised by persons belonging to national minorities and their associations.<sup>12</sup> Three theaters performing in languages of national minorities have been registered as public entities, receiving some state support, mainly in the form of salaries. In addition, national minority associations may apply at any time to a Tender Commission established within the Ministry

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<sup>11</sup> The Advisory Committee is aware, for instance, of one individual who was granted provisional citizenship on 8 July 2013 and whose application for a residence permit was then rejected in February 2015 on the grounds of Article 18 (a) (with regard to safeguarding state security and/or public safety interests) and (c) (engaged in an activity that poses a danger to state security and/or public safety of Georgia). The lawfulness of rejections can be appealed. Only the courts, not the affected individual, have access to classified material.

<sup>12</sup> See the State Report for an overview. The President and Prime Minister jointly visited Marneuli on 21 March 2015 to participate in the Nowruz celebration, for instance.

of Culture which on a weekly basis allocates one-off and small-scale support for projects based on their quality and content. Some 7000 monuments have further been registered as protected monuments of cultural heritage, including national minority monuments.<sup>13</sup> The Advisory Committee understands that the Friendship House in Batumi, which was opened in 2008 and has received consistent support from the local authorities as cultural venue for local national minority organisations is considered by national minorities as a particularly useful initiative to facilitate the organisation of cultural and other events and to promote awareness amongst society of their specific minority identities. In this context it welcomes reports of the opening of a Kurdish Centre in Tbilisi on 16 June 2015.

#### b) Outstanding issues

40. Representatives of national minorities at capital level and in regions where they settle compactly regard the support provided for their cultural activities overall as insufficient.<sup>14</sup> While the variety of assistance provided is welcome and understanding is also expressed for the financial constraints faced by the Ministry of Culture, it is nonetheless considered that assistance is granted too sporadically to allow for the longer-term engagement that is required to comprehensively raise awareness of and appreciation for the presence of national minority cultures as an integral part of Georgia's diverse culture. The Advisory Committee shares the concern expressed by national minority representatives regarding the lack of premises for the organisation of meetings and cultural events in most locations. It is regrettable, for instance, that a House of Cultures has still not been established in Tbilisi despite the fact that an estimated 35% of the population in the capital has a minority background. While the engagement of the non-governmental organisation "Caucasian House" which provides some support towards cultural activities of national minorities in Tbilisi and whose premises can sometimes be used is highly appreciated, civil society or private sector initiatives do not replace a comprehensive government funded policy for the preservation and development of minority identities. The delegation was further informed that the House of Cultures in Marneuli is only rarely available for the cultural activities of national minority associations and usually at some cost which makes it inaccessible to some of the groups.

41. It further appears that a number of minority organisations, in particular in the regions, do not have sufficient information on the available funding mechanisms and procedures involved to apply for cultural support. In addition, the Advisory Committee is concerned that the specific needs of national minority organisations, in particular when representing numerically smaller groups such as the Udins or Avars, may not be duly considered in a process that takes decisions primarily based on quality and content of submissions, without however ensuring that adequate expertise on the specific identities and concerns of national minorities is represented in the Tender Commission. Moreover, the majority of funds available from the Ministry of Culture are reportedly allocated to the promotion of minority language newspapers (see comments on Article 9), which leaves an insufficient amount for the promotion of the cultural activities of the numerically smaller minorities, despite the fact that their initiatives, given the small scale and higher per-item cost, require specific attention. The Advisory Committee considers that larger print editions should be supported under a separate budget line given that they serve public information purposes. It further finds that the specific budget for the cultural activities of national minority associations should be reserved for cultural activities of national minority associations, including the numerically smaller ones, to preserve their identities and to broaden awareness amongst the public of their presence in Georgia.

42. The Advisory Committee notes that very scarce reference is made to national minority cultures and identities on the website of the Ministry of Culture and Monument Protection.<sup>15</sup> It is further concerned by reports that the influence of minority cultures in Georgian cultural heritage is under-

<sup>13</sup> According to information received by the Ministry of Culture, an inventory made of Azerbaijani cultural monuments in 2014 revealed some 30 monuments of Azerbaijani cultural origin in Georgia.

<sup>14</sup> This is echoed also in the comprehensive Assessment Document on the Implementation of the National Concept for Tolerance and Civic Integration and Action Plan 2009 – 2014, published in June 2014 by the Office of the State Minister for Reconciliation and Civic Equality, <http://www.smr.gov.ge/docs/doc329.pdf>.

<sup>15</sup> Official information on Georgia's policy towards monument protection, for instance, does not refer to any national minority cultural or religious monuments. See <http://www.culture.gov.ge/text-19.html>.

appreciated and often overlooked, and that many of the religious and cultural monuments of national minorities are in urgent need of repair. Independent research conducted in 2014 reveals that 99.2% of funding provided by self-governed cities and municipalities to religious organisations, including for the maintenance of buildings, went to Orthodox dioceses and churches (see also comments on Article 8).<sup>16</sup> According to national minority representatives in Kvemo Kartli, the cultural activities in the region do not adequately represent the specific features of Azerbaijani cultural heritage as an integral part of Georgia's diverse culture. While appreciating the celebrations of Nowruz as official holiday, national minority representatives further regret the absence of other national holidays that would recall their national minority cultures and identities.

#### *Recommendations*

43. The Advisory Committee calls on the authorities to enhance their support for cultural activities and projects aimed at preserving specific national minority identities and cultures, through longer-term assistance and the provision of suitable premises or cultural centres. More efforts must further be made to ensure that minority associations throughout Georgia, including those representing smaller groups, are adequately informed about available opportunities and encouraged to apply for grants.

44. It further calls on the authorities to effectively ensure that national minority representatives are consulted in the development of cultural policies as well as in the decision-making process on the allocation of support so that their interests and concerns are adequately taken into account at all stages.

### **Article 6 of the Framework Convention**

#### **Tolerance and inter-cultural dialogue**

##### *Findings of the first cycle*

45. In its first Opinion, the Advisory Committee considered that the authorities should intensify their efforts to promote an open and balanced inter-ethnic dialogue, including through the promotion of Georgian language skills among minority communities and through the effective monitoring of media outlets that may be disseminating prejudice against or stereotypes of national and religious minorities.

##### *Present situation*

###### a) Positive developments

46. The Advisory Committee is pleased to note the concerted efforts made by the authorities since the first cycle of monitoring towards developing and implementing a legislative and policy framework aimed at the promotion of equality and integration of persons belonging to national minorities in all spheres of public life (see also comments on Article 4). In May 2009 a National Concept for Tolerance and Civic Integration was adopted for the years 2009 – 2014 (hereinafter NCAP), including an Action Plan with detailed measures to be taken in a number of relevant areas, including identity preservation, education, employment, and participation. An Inter-Agency Commission was established to oversee the implementation and a special budget provided. The Advisory Committee is further pleased to note that the implementation of the Strategy and the results achieved were comprehensively evaluated and assessed by the Office of the State Minister for Reconciliation and Civic Equality, aided by a group of independent experts.<sup>17</sup> Based on this assessment and the recommendations made by the experts, a new draft Civic Equality and Integration Strategy 2015 – 2020 has been prepared in early 2015, aimed at the protection of national minorities and the promotion of a society that is based on the values of diversity and pluralism as determinants of democracy and development.

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<sup>16</sup> See <http://emc.org.ge/2014/10/08/the-practice-of-the-funding-of-the-religious-organizations-by-the-central-and-local-government/>. According to the report, the largest amount of funding for the Patriarchy among municipalities was documented in municipalities of mixed religious composition, such as in Marneuli where a large proportion of the population is not Christian Orthodox.

<sup>17</sup> See also Assessment Document (Footnote 14).

47. The Advisory Committee further welcomes the fact that the State Ministry responsible for issues pertaining to national minority protection and for the coordination and monitoring of activities undertaken towards Abkhazia and South-Ossetia was renamed in the beginning of 2014. Created in 2008 as successor of the State Ministry for Conflict Resolution, it was known as State Ministry for Integration until 2014 when it became the State Ministry for Reconciliation and Civic Equality. This move seeks to signal a more inclusive attitude towards national minorities generally, but also constitutes an opportunity for a more cooperative and conciliatory approach towards those living in areas outside government control, that focuses on humanitarian issues and access to rights for the affected communities (see also comments on Article 14 and 15). The Advisory Committee is further pleased to note the absence of inter-ethnic tensions in the many mixed villages in Georgia, including in those where Armenian and Azerbaijani populations live together peacefully.

#### b) Outstanding issues

48. The Advisory Committee observes, nonetheless, that the public debate surrounding national and religious minorities remains tense. According to most observers, the predominant role and influence of the Georgian Orthodox Church has further increased since 2012,<sup>18</sup> not always promoting respect for diversity but installing a sense of superiority of what constitutes a “proper Orthodox Georgian” that is detrimental to the self-awareness and daily access to rights of persons belonging to national and religious minorities. The Advisory Committee is particularly concerned about the fact that the rhetoric of some political players is reportedly marked sometimes by hostile attitudes towards minorities, attitudes that are relayed and amplified by some media, which creates an atmosphere where intolerance becomes the accepted norm. Displays of Islamophobia on public TV and in print media against Georgian Muslims as “Turks” and some national minorities such as the Meshketians, the Azerbaijanis or the Kists are reportedly increasing, as are incidents of ethnically-based hostilities against other groups.<sup>19</sup> It is of deep concern to the Advisory Committee that incidents of inter-faith tension and conflict have become more frequent in a number of regions and have often not been appropriately addressed by the relevant authorities (see also below), which creates an atmosphere of impunity that is not conducive to tolerance and respect for diversity.

49. The Advisory Committee further notes that some government officials continue to express the view that national minorities, particularly those living in the border regions, remain oriented towards the neighbouring countries in terms of their professional career development and geopolitical outlook, rather than showing an interest in integrating in Georgia and learning Georgian. This viewpoint does not reflect impressions gained by the Advisory Committee during its travel in the regions. Also, the viewpoint attests rather to a lingering focus on security when it comes to national minority protection that is not helpful towards the promotion of effective integration of Georgia’s diverse society. While acknowledging concerns amongst both majority and minority populations which stem from developments in the region over the Ukraine crisis in 2014 and the resulting economic deterioration, it considers that particular attention should be paid to ensure that the demonstrated commitment of persons belonging to national minorities to effectively integrate is adequately responded to with targeted measures in a variety of areas, including language learning, education, employment, and participation (see further comments on Articles 10, 14, and 15).

#### *Recommendations*

50. The Advisory Committee encourages the authorities to pursue their efforts of adopting a renewed strategy for civic equality and integration in close consultation with national minorities and to ensure that the recommendations made in the context of the assessment of previous measures are effectively taken into account.

<sup>18</sup> The influence of the Georgian Orthodox Church in society has been substantial for years. According to a poll released by the International Republican Institute in March 2015, the Georgian Orthodox Church is the most trusted institution in Georgia, with 91% of respondents among all demographic sectors giving it the first rank. In a similar poll in May 2013, this number was even 95%. In a 2007 poll, 93% of respondents expressed a favourable Opinion of the Church’s work.

<sup>19</sup> According to a report published by Internews, hostilities based on ethnicity are mainly directed against Armenians. Internews Georgia, *Monitoring of Media Coverage, Ethnic, Religious and Sexual Minorities in Georgian Printed Media* - Quarterly Report I May 2011 - 31 July 2011, 2011.

51. The Advisory Committee further invites the authorities at highest level to promulgate in the public discourse assurances to minority populations that their presence as integral members of society is welcome and valued and that the goal of Georgia's integration efforts is broad social cohesion with respect for linguistic, cultural and religious diversity.

### **Protection from hate crime**

#### *Findings of the first cycle*

52. In its first Opinion, the Advisory Committee considered that the authorities should take all necessary measures to prevent, investigate and punish acts of vandalism perpetrated against buildings belonging to national minorities, and should ensure that legal proceedings were initiated in all cases of incitement of ethnically-motivated violence or religious intolerance.

#### *Present situation*

##### a) Positive developments

53. Amendments to the Criminal Code in 2012 introduced racial, religious, national or ethnic intolerance or any other discriminatory motivation as aggravating circumstance of any offence.<sup>20</sup> Following a number of incidents of hate crime committed mainly against persons belonging to religious and LGBT minorities, and repeated claims of inadequate handling by the police (see below), the Ministry of Internal Affairs issued an instruction in December 2014 for taking more effective measures against offences motivated by hatred and intolerance, including the obligation for police officers to record the motive of the alleged offence and to gather data on all criminal offences motivated by hatred or intolerance, as well as the obligation of all law enforcement officials to comply with the 2014 anti-discrimination legislation. The Advisory Committee is pleased to note the role played by the Public Defender as well as a variety of civil society organisations to promote prompt and effective investigation of all alleged incidents of hate crime and to ensure that awareness of human rights and antidiscrimination standards and the legal remedies available in case of hate crime is increased amongst society, in particular amongst those groups that are known to be most exposed to such offences.

54. The Advisory Committee further welcomes the initiative of civil society organisations and the Georgian Public Broadcaster Board of Trustees in promoting ethical journalism among media providers and reducing incidents of hate speech in the public and private media. A Charter of Journalistic Ethics was adopted as self-regulatory code of conduct in 2009 by some 150 journalists, a number which has increased to 260 by early 2015, acknowledging the special role of media in encouraging or discouraging discriminatory attitudes among audiences and commanding objectivity and accuracy in all journalism. A similar Code of Conduct for Broadcasters was adopted by the National Communications Commission in March 2009, binding public and private broadcasters. Complaints may be directed towards the Legal Department of the Georgian Public Broadcaster, or in second instance towards its Board of Trustees, as well as to the National Communications Commission, and may lead to the imposition of fines or to the blockage of certain contents from the internet. The Advisory Committee welcomes in particular the awareness-raising and training activities of these various bodies to promote media literacy in society, to increase understanding amongst media professionals of what ethical journalism constitutes in a diverse society, and to contribute to developing a pluralist and open media environment.

##### b) Outstanding issues

55. The Advisory Committee notes with concern reports pointing to a considerable increase in incidents of hate speech and hate crime in recent years. It is concerned in particular by the apparent lack of a clear governmental strategy to respond to these developments, as well as by the scarcity of

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<sup>20</sup> See Article 53(3) of the Criminal Code of Georgia. For a more comprehensive analysis of the legislative framework and mechanisms in place to respond to hate crime, the Advisory Committee refers to the findings and recommendations of ECRI's forthcoming fifth monitoring report on Georgia

cases in courts invoking hate crimes or applying Article 53(3) of the Criminal Code when sentencing. According to a variety of interlocutors, hate crime is often still referred to as hooliganism and investigations appear rarely to be conducted effectively.<sup>21</sup> While appreciating the above-mentioned Instruction of the Ministry of Internal Affairs, the Advisory Committee considers that clear guidelines must be developed to clarify what is to constitute an aggravating circumstance and what evidence therefore has to be gathered by police officers in order to ensure that a common practice may develop in the application of this article. While a Memorandum on cooperation between the Ministry of Internal Affairs and the Public Defender of 2010 resulted in a number of training events and lectures in 2010 as well as in meetings of Ministry representatives with the Council of National Minorities and the Council of Religions under the Public Defender, no further initiatives were reportedly made in this regard to ensure that law enforcement officers are suitably trained in relevant human rights and antidiscrimination standards and instructed how to respond to incidents of hate crime.<sup>22</sup>

56. Moreover, reports of discriminatory attitudes among the police and of demonstrated bias in favour of representatives of the dominant religion in the handling of criminal cases are of deep concern to the Advisory Committee.<sup>23</sup> Disproportionate use of force against peaceful demonstrators has been reported in a number of cases, which have, however, not been independently or completely investigated.<sup>24</sup> The very low number of completed investigations and criminal prosecutions of alleged perpetrators of hate crimes is creating a sense of vulnerability amongst minority communities which significantly undermines their trust in the willingness or capacity of the police to protect their rights, particularly if the alleged offenders are themselves amongst the police.<sup>25</sup> The Advisory Committee is deeply concerned by the impression shared by many interlocutors that prosecution services and judges often take the role of mediators rather than focusing on swift and effective investigations of alleged crimes. The specific role of the Commission established by the State Agency for Religions to review the circumstances that resulted in the demonstrations and the arrest and detention of 14 persons in Mokhe district is, for instance, unclear to the Advisory Committee. It considers that a complete and fully independent investigation into the events should be prioritised as indispensable precondition for the promotion of trust amongst the population in the prosecution and law enforcement authorities. While attempts at mediation are always welcome, they cannot replace the rule of law and must be neutral and based on equal representation of the parties. The Advisory Committee regrets in this context that the Council of Religions under the Public Defender was not invited as member of this Commission.

57. The Advisory Committee further notes with deep concern the increase of hate speech in the political discourse as well as in the media. The available complaints mechanisms remain scarcely known and very rarely used, owing to the fact that complaints can only be made by individuals who are directly affected, not by civil society organisations who monitor media outlets and are familiar

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<sup>21</sup> The investigation of the ritual slaughter of a pig in front of a Muslim boarding school in Kobuleti and the nailing of its head to the door of the school on 10 September 2014, for instance, has reportedly resulted thus far in only three persons having been sentenced to fines of some 50 EUR each under Article 166 of the Code of Administrative Violations, which corresponds to minor hooliganism.

<sup>22</sup> The Advisory Committee was informed, however, that the organisation of ten training events by representatives of the Equality Department of the Public Defender's Office on discrimination related standards for the police in Tbilisi and the regions were planned for May, June and July of 2015.

<sup>23</sup> See, among others, the Joint NGO Submission to the Universal Periodic Review on Georgia, to take place in November 2015, focussing on the protection of rights of discriminated and vulnerable groups, and referring to six grave cases of violence against Muslims since 2012 (Nigvziani in October 2012, Tsintsarko in December 2012, Samtatskaro in May and June 2013, Chela in August 2013, Kobuleti in September 2014 and Mokhe in October 2014). See also reference in Human Rights Watch World Report 2015, Chapter on Georgia, <http://www.hrw.org/world-report/2015/country-chapters/georgia?page=2>.

<sup>24</sup> Ibid. Accordingly, eleven persons were arrested in the context of demonstrations against the removal of a minaret in Chela, and 14, including elderly, demonstrators were arrested in Mokhe village where the local authority had decided to transfer a mosque into a cultural centre. The Prosecutor's Office did not investigate the alleged abuse of police power in the Chela incident, while an investigation of the case in Mokhe has not been completed.

<sup>25</sup> One of the police officers who allegedly applied disproportionate force during the incidents in both Mokhe and Chela was reportedly appointed Head of a new police station in the village of Mokhe in February 2015. If true, this move is very unlikely to install trust in the police amongst the villagers.

with the professional standards.<sup>26</sup> According to interlocutors of the Advisory Committee, hate speech is mainly found in the print media, including in papers that are openly pro-Government. This has reportedly contributed to an atmosphere where hostile rhetoric and hate speech is considered increasingly acceptable, even also on public TV by respondents or interviewees who are not always then challenged by the presenter. The Advisory Committee notes the initiative of the Ministry of Internal Affairs to amend the Criminal Code to criminalise the incitement to hatred. It shares, however, the significant concerns expressed by civil society organisations that the proposal may lead to violations of the freedom of expression rather than serving to protect marginalised or discriminated groups, particularly given that no common understanding exists of what constitutes “incitement to hatred”. It further points out that the criminal code already contains a number of tools to combat hate crime, which - if only applied - would send the required clear message to the public that hate speech is considered a serious offence which is promptly investigated and effectively sanctioned.

### *Recommendations*

58. The Advisory Committee urges the authorities to strengthen their response capacity within law enforcement to adequately, promptly and effectively investigate and sanction the numerous incidents of hate speech and hate crime against minorities, including within political establishment. In addition, an independent and specialised body should be established to facilitate effective investigations of cases of alleged police abuse and misconduct and the public should be informed about the available legal remedies in such cases.

59. The Advisory Committee further calls on the authorities to publically and promptly condemn all expressions of intolerance and disrespect towards minorities. Political leaders and senior figures should in particular be aware of their influence on society and refrain themselves from making such statements.

## **Article 8 of the Framework Convention**

### **Right to manifest one’s religion**

#### *Findings of the first cycle*

60. In its first Opinion, the Advisory Committee encouraged the authorities to promote the right to manifest one’s religion in appropriate places of worship and to respect the various religions and religious denominations in Georgia, including by ensuring that fair and balanced decisions are taken in the process of restitution of religious properties, and by promoting tolerance for religious diversity in schools.

#### *Present situation*

##### a) Positive developments

61. The Advisory Committee is pleased to note that, following amendments to the Civil Code in July 2011, religious organisations that are recognised in other Council of Europe member states or who have close historic ties with Georgia can register as public entities. Reportedly, eleven organisations have done so, thereby gaining in legal status and obtaining access to regular state support, which has had a positive impact on the rights of persons belonging to national minorities who are followers of those religions. The development is overall welcomed as having improved the conditions for the exercise and worship of religions other than Georgian Orthodoxy. It was further principally welcomed by civil society representatives that a State Agency for Religious Affairs was established in February 2014 as the first state institution responsible for the protection and promotion of the religious diversity present in Georgia. The Agency’s creation has been greeted as constructive initiative towards a more proactive role of the state in handling delicate inter-faith issues. In January 2014 the Government further declared its will to provide compensation for material and moral

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<sup>26</sup> See, for instance, the Media Development Foundation, a non-governmental organisation set up to promote the freedom of speech and expression, promote adherence to professional and ethical standards of journalism, and support self-regulation.

damages endured during the Soviet regime to Muslim, Jewish, Roman Catholic and Armenian Apostolic religious confessions, which are registered as public entities.<sup>27</sup>

#### b) Outstanding issues

62. The Advisory Committee notes with concern reports by civil society and national minority representatives that the dominance of the Georgian Orthodox Church in all spheres of public life, including in schools, has further increased since 2012 and is jeopardising the established principle of secularism. According to some reports, collective prayer in schools and the display of religious symbols for non-academic purposes are becoming more frequent, as is the practice of inviting Orthodox Christian clerics to conduct religious rituals on school grounds.<sup>28</sup> Such practices, accompanied often by intolerant attitudes of teachers and school administrators, are of deep concern to the Advisory Committee as they can result in the alienation and humiliation of students belonging to national minorities with different beliefs. While the situation appears to be particularly problematic in Adjara region where Muslim students have increasingly become subjected to pressure in schools, leading to self-victimisation and conversion to Christianity in some instances, incidents of intolerant attitudes of teachers in Tbilisi or regions populated by national minorities and efforts to indoctrinate students towards the dominant religion are reportedly also increasing, which has a bearing on the right to manifest one's religion from a very young age on. In addition, it is contrary to the legislative framework which defines the school as a neutral space where religious indoctrination, proselytism and forced assimilation are forbidden,<sup>29</sup> as well as the principle of separation of state and religion which is laid down in Article 9 of the Constitution. The Advisory Committee is concerned about reports that the Ministry of Education and Science has not taken so far adequate measures to ensure that the principle of secularism is duly brought to effect in all public schools.<sup>30</sup>

63. The Advisory Committee further notes substantial criticism among civil society and national minority representatives regarding the working methods developed by the State Agency for Religious Affairs.<sup>31</sup> The Agency has, for instance, swiftly made recommendations regarding the provision of compensation for past damages, without clarifying on what basis these decisions were taken or which criteria were used to assess the endured damages. The decision of the Agency to divide the allocated budget among four religious organisations, the Association of Muslims,<sup>32</sup> the Armenian Apostolic Church, the Roman Catholic Church and the Jewish community<sup>33</sup> therefore has raised questions why only those four entities receive funds and not the others who also endured damages. It is further regrettable that no consultations with the Council of Religions under the Public Defender, a consultative body of 22 religious organisations created to protect the freedom of religion based on the principles of equality, dialogue and cooperation, were conducted prior to the decision. Consultation appears to have been equally lacking prior to other decisions, such as regarding the construction of religious buildings, or the transformation of buildings into centres of worship, despite the fact that these issues have caused significant tension amongst society (see also comments on Article 6) and that the Council has played an important role in promoting inter-faith dialogue in the past.

<sup>27</sup> Following the adoption of Government Resolution # 117 of 27 January 2014, a Recommendatory commission on property and funding issues of religious entities was created, six of its nine members are representatives of the State Agency.

<sup>28</sup> See for further background *Religion in Public Schools*, EMC, 2014, <http://emc.org.ge/2014-03-31/religion-in-public-schools/>, a research which analyses textbooks and school practices against the legislative framework in Georgia, based among others on observations in public schools and the results of eight focus groups held in different schools.

<sup>29</sup> See Article 13 of the Law on General Education of Georgia.

<sup>30</sup> See, among others, Joint NGO Submission to the UPR, above Footnote 23.

<sup>31</sup> See, among others, the Tolerance and Diversity Institute on the reports and strategy of religions policy prepared by the State Agency for Religions Issues, <https://tdigeorgia.wordpress.com/2015/03/19/tidi-on-the-report-and-the-strategy-of-religious-policy-prepared-by-the-state-agency-for-religious-issues/>.

<sup>32</sup> The Agency for all Muslims was created in 2011 as Mufti Administration of Georgia. Its lack of legitimacy and possible dependency on the state has since been widely criticised by representatives of the diverse Muslim population in Georgia.

<sup>33</sup> 1,750 000 GEL were allocated from the reserve funds of the government of which 1,100,000 were granted to the Muslim community, 300,000 to the Armenian Apostolic Church, 200,000 to the Roman Catholic Church and 150,000 GEL to the Jewish community.

64. The Advisory Committee further notes with concern certain elements contained in the ‘Religious Policy Development Strategy’, published by the State Agency in February 2015.<sup>34</sup> While secularism is established as first guiding principle of the Strategy, it nevertheless points to the need to accord a variety of legal statuses to confessions according to their differences (such as whether they are ‘traditional’ or ‘non-traditional’), to the need for regulatory guidelines to be developed for the construction of religious buildings and places of worship, to a requirement for teaching a subject of religion in school, as well as to the necessity of adopting a special legislative framework on religion. The Advisory Committee shares the deep concerns expressed by national minority and civil society representatives that the Agency, rather than working towards the protection of the religious rights of all citizens of Georgia by promoting equality between the various religions represented, is engaged in selecting four religious entities in addition to the Georgian Orthodox Church, who receive state funding and who, in the future, may be prioritised when seeking permission to construct new places of worship or to teach in public schools.<sup>35</sup> It is further concerned about the justification provided in the Strategy, which argues that more attention must be paid to the internal and external security interests of the state rather than limiting the focus on the protection of religious minorities,<sup>36</sup> and considers that the establishment of a hierarchy among the confessions may further cement the dominance of the Georgian Orthodox Church and create inequalities that are not conducive to the enjoyment by persons belonging to national minorities of the right to manifest their religion, in line with Article 8 of the Framework Convention.

#### *Recommendations*

65. The Advisory Committee urges the authorities to prevent religious indoctrination of students within the public education system and to ensure that respect for religious diversity and the individual right to manifest one’s religion is practiced and promoted in schools from a very early age on.

66. It further calls on them to clarify the profiles and competencies of the State Agency for Religious Affairs and to ensure that the Council of Religions under the Public Defender’s Office, which is the acknowledged consultative body on all inter-faith issues, is duly consulted and its views effectively taken into account on all issues related to the protection of religious rights, including those related to funding, construction of places of worship or the possible development of legislative drafts in this regard.

### **Article 9 of the Framework Convention**

#### **Access to print and broadcast media in minority languages and representation of national minorities in the media**

##### *Findings of the first cycle*

67. In its first Opinion, the Advisory Committee encouraged the authorities to increase their support for public broadcast and print media in minority languages and to ensure that persons belonging to national minorities had adequate access to news in their own languages throughout Georgia.

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<sup>34</sup> See for a Georgian language version <http://religion.geo.gov.ge/geo/document/saqartvelos-saxelmtsifos-religiuri-politikis>. The Strategy is published as a final document, yet the Advisory Committee was informed that it remains a draft and has not been adopted.

<sup>35</sup> According to the strategy, the principle of autonomy of religious associations does not permit the state to interfere in the teaching process. Religious education in schools may thus be taught by representatives of the religious confessions themselves, unless the state must interfere in the interest of security. See page 14 and 15 of the Strategy, sub-heading c) of the part on Religion and Education.

<sup>36</sup> See page 4 of the Strategy Document, sub-heading d).

*Present situation*

## a) Positive developments

68. The Advisory Committee welcomes the concerted efforts made within the implementation of the 2009 NCAP with regard to the availability and quality of news and cultural programmes in minority languages in the broadcasting media. It is in addition pleased to note the determination of the Public Broadcaster to increase coverage and scale of programmes in the regions. In early 2015, public broadcasting of TV and radio programmes is available in Abkhaz, Ossetian, Armenian, Azerbaijani, Russian, and in Kurmanji. 15 minutes of daily news are aired every week night in the five main minority languages and there is a weekly radio programme in Kurmanji. Coverage throughout Georgia has reportedly improved somewhat with the advent of digital TV. Apart from these news programmes, a number of cultural programmes and documentaries on TV and radio were prepared during the reporting period, featuring information on the cultures and traditions of minority populations and raising awareness of the existing diversity in Georgia. According to interlocutors of the Advisory Committee, these programmes are appreciated in particular when they contain interactive elements and live recordings as persons belonging to national minorities are then perceived as active members of society with often very similar concerns to those shared by members of the majority population, rather than being portrayed as static communities with certain folkloristic traditions or customs.<sup>37</sup> A special department within the Public Broadcaster, consisting of 25 staff representing the various national minorities, is tasked with the design and preparation of national minority programming.

69. The Advisory Committee further notes a number of private radio and TV channels that often operate on a regional basis and constitute welcome sources of information for national minority communities. With regard to the print media, support from the Ministry of Culture for the publication of two weekly newspapers in minority languages, in Armenian and Azerbaijani, remains available, and a number of other periodicals in minority languages, including those of numerically smaller groups, are produced on small scale with private donor or international funding.

## b) Outstanding issues

70. Access to the media, both print and broadcast, in minority languages for persons belonging to national minorities remains insufficient according to most observers.<sup>38</sup> The situation is particularly problematic in regions where national minorities live in compact communities, owing to the fact that proficiency of the Georgian language is still low in these areas and signal coverage remains scarce in some mountainous regions. In addition, national minority representatives consider that the 12-15 minute news programmes, based on a summary of the regular one hour national news programme, are far too short and superficial to constitute an attractive source of information on national and regional news. As a result, persons belonging to national minorities continue to turn towards the media options available from neighbouring countries, thereby not only missing out on local information but also sometimes gaining different contents and polarised accounts of geopolitical affairs, which is not conducive to the promotion of societal cohesion. The Advisory Committee welcomes in this context the current plans of reviving the Russian language channel (PIK), which used to air news as well as cultural programmes and was highly appreciated by national minority representatives, including those of numerically smaller groups. This initiative could offer an alternative to the existing reliance on media broadcasts from neighbouring countries and should thus be promptly implemented. In addition to the language concerns, however, the Advisory Committee notes continued reports concerning mediocre quality of cultural programmes in minority languages and a considerable need for more professionalism and training amongst journalists working in minority languages to reach out to minority communities, in particular to young people.

71. The Advisory Committee further finds that the specific role of the media in promoting awareness about minority identities and languages within the majority population may not be

<sup>37</sup> The interactive radio programme “Our Georgia”, for instance, was popular among minority communities. Regrettably, it was discontinued in 2012 due to funding limitations.

<sup>38</sup> For a comprehensive assessment, see the Assessment Document (Footnote 14).

sufficiently appreciated. It is concerned by indications that minority populations are mainly noticed in the mainstream media during high-level bilateral events, or in the context of broader regional security debates.<sup>39</sup> The Advisory Committee considers that such representation of national minorities may contribute to existing stereotypes of minority communities as separate and possibly adverse entities in society and does not add to the recognition and prestige of national minorities as integral members of Georgia's diverse society. According to interlocutors, the programmes in minority languages prioritise information on foreign news which further suggests that minority populations are deemed uninterested in Georgian national news. The Advisory Committee considers that a pluralist and open media environment must not only contain options of programming in minority languages but must also ensure that the concerns and views of persons belonging to national minorities on daily issues such as education, the labour market or national reform endeavours are adequately mainstreamed into the public media generally, so that a common media space between majority and minority populations is created which is used by all members of society. It points out in this context that the promotion of bilingualism in the media, such as through subtitling of programmes in Georgian, may indeed promote the creation of such a common media space while also providing a learning tool to promote proficiency in the official language amongst minority communities.

#### *Recommendations*

72. The Advisory Committee calls on the authorities to increase their efforts to promote an attractive and diverse media environment with effective opportunities for persons belonging to national minorities, including the numerically smaller ones, to access quality media in their minority languages.

73. It further encourages them to ensure that national minorities are adequately represented and portrayed as members of society also in mainstream public media and to promote the creation of a common media space for all members of society, including through the availability of bilingual media options.

### **Article 10 of the Framework Convention**

#### **Legal framework and practice regarding the use of languages**

##### *Findings of the first cycle*

74. In its first Opinion, the Advisory Committee encouraged the authorities to develop a nuanced and coherent strategy to ensure that persons belonging to national minorities were enabled to effectively benefit from the linguistic rights contained in the Framework Convention while gradually eliminating existing language barriers.

##### *Present situation*

###### a) Positive developments

75. The Advisory Committee notes with interest that a draft Law on the State Language has been prepared and is expected to be adopted by Parliament before summer 2015. It welcomes reports that previous versions of the draft were shared with international experts as well as with the Council on National Minorities and civil society organisations for their comments and suggestions, the majority of which were reportedly taken into account. National minority representatives appreciated the possibility to directly relay their concerns regarding the draft in a common session with the Parliamentary Education and Science Committee prior to its adoption by the Committee. The draft reportedly aims at strengthening the constitutional status of the state language as element of statehood and main tool of communication among all residents, while according a protected status to minority languages as languages traditionally spoken in regions of Georgia and establishing guarantees for their use in the municipalities that are inhabited in substantial numbers by persons belonging to national minorities. The development is widely welcomed by observers as adding legal clarity to the use of

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<sup>39</sup> Ibid, page 87.

languages in Georgia that has thus far been marked by varying practices, resulting sometimes in impressions that efforts to promote the state language had been designed to place national minorities at a disadvantage.<sup>40</sup>

76. Efforts have been made during the reporting period to promote knowledge of the state language among minority populations and thereby promote their integration and participation in public life. National minority representatives appreciate in particular the creation of Language Houses in regions inhabited by national minorities which provide opportunities also to the adult population to improve their skills (see also comments on Article 14).

b) Outstanding issues

77. The Advisory Committee notes that the situation in practice has not changed significantly since the last cycle of monitoring. Efforts continue to be made at local level to facilitate communication with persons belonging to national minorities. Yet, there is no established system to ensure that such communication can effectively take place. While in areas compactly settled by minority communities, such as in Akhalkalaki, Armenian is mainly spoken including for official purposes, problems continue to be reported for persons belonging to national minorities in Akhaltsikhe, the centre of Samtskhe-Javakheti region, where the possibility of communicating with officials depends on the discretion of the individual official. Significant problems are also reported with respect to the necessity to conduct all official paperwork throughout Georgia in Georgian (or also in Abkhaz in Abkhazia), including in local councils and state offices but also in state hospitals and educational institutions. According to interlocutors of the Advisory Committee, this continues to create considerable delays as well as additional costs for persons belonging to national minorities. The Advisory Committee welcomes efforts to promote the use of Georgian throughout the territory in order to overcome regional isolation and promote the integration of society but considers that a gradual approach must be taken to ensure that daily services remain effectively available to all citizens.

78. While noting that the provision of translators is reportedly foreseen in the draft law, the Advisory Committee considers that the continued promotion of a policy of functional bilingualism in areas where national minorities reside compactly better suits the needs of the population. The targeted recruitment of individuals with adequate language skills as well as continued state language teaching offered on the job may contribute to the prestige and presence of national minority languages while at the same time promoting the active use of the state language as tool of direct communication. It further circumvents the necessity for national minorities to go through special and lengthy proceedings, aided by interpreters, but rather contributes to an environment where state and minority languages are equally present in the public space and incentives are created to strive for proficiency in both (see further comments on Article 14).

79. While welcoming the legislative initiative commented on above, the Advisory Committee further considers that adequate steps must also be taken to promote the use of other minority languages which are spoken by numerically smaller groups or by those not living in compact settlement. It finds that the ratification of the European Charter for Regional or Minority Languages could improve the situation of languages spoken by only very few persons, such as Avar or Udi language, which is on the brink of disappearance and requires specific and comprehensive support to survive as active language.

*Recommendations*

80. The Advisory Committee calls on the authorities to create an environment that, while promoting Georgian as the main official language, is conducive to the active use of minority languages in all spheres.

81. It further encourages them to pursue their efforts in adopting a legislative framework for the use of languages in Georgia that clarifies and promotes the language rights of persons belonging to

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<sup>40</sup> See, for instance, ACFC first Opinion on the implementation of the Framework Convention in Georgia, March 2009.

national minorities, paying particular attention to protect and ensure the continued use of minority languages spoken by numerically small groups.

## **Article 11 of the Framework Convention**

### **Personal names and topography in minority languages**

#### *Findings of the first cycle*

82. In its first Opinion, the Advisory Committee considered that guarantees should be introduced to allow the obligations under Article 11(3) of the Framework Convention to be met. It further encouraged the authorities to identify ways of restoring the traditional names of villages in Kvemo Kartli in consultation with affected populations.

#### *Present situation*

##### a) Positive developments

83. The Advisory Committee notes legislative amendments in December 2011, allowing for changes to be made to personal names, including when wishing to restore a historical name.<sup>41</sup> It further welcomes reports from persons belonging to national minorities that no overt restrictions are applied in the context of the registration of names in birth certificates. A variety of bi- and sometimes trilingual topographical signposts exists in regions where substantial numbers of national minorities reside as well as in Tbilisi. The Advisory Committee further welcomes the fact that the official recognition of names in minority languages and the possibility to display topographical indications in minority languages are reportedly also included in the draft Law on State Language which is expected to promote the establishment of common practices.

##### b) Outstanding issues

84. Awareness of the legislative framework applicable to the restoration of historical names appears still very low. The Advisory Committee understands that a number of persons belonging to the Yezidi minority have not been able to restore their original names, either because they are not aware of the possibility to do so under the new provisions or because they have not been able to present the required evidence. In addition, the Advisory Committee learned that a lack of clear guidelines on how to deal with personal names in minority languages and scripts and sometimes the insufficient command of the Georgian language amongst state officials in regions of compact minority settlements sometimes results in misspellings of names in birth certificates and other official documents that have significant repercussions, such as when parenthood or property title must be proven or in the context of inheritance proceedings. Subsequent adjustments to the spelling of names are reportedly only possible through costly and complicated procedures that must be borne by the individuals themselves.

85. While bilingual and even trilingual signposts exist, national minorities contend that these are most often displaying English language indications for touristic purposes rather than designating traditional areas of national minority residence. In addition, only very few requests for bilingual topographical signs appear to have been made. According to interlocutors this is due both to low rights awareness and to existing fears that such initiatives may be viewed as a sign of disloyalty. Similarly, no further discussion has reportedly taken place regarding the restoration of historical names of some 30 villages in Kvemo-Kartli which were renamed in 1990 and 1991. The Advisory Committee regrets the apparent lack of appreciation for the significant symbolic value for integration that bilingual or trilingual signposts, or the re-introduction of historical place names, carry for the population as an affirmation of the long-standing presence of national minorities as appreciated and welcome part of society.

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<sup>41</sup> See State report, page 93.

*Recommendation*

86. The Advisory Committee encourages the authorities to raise awareness about the rights contained in Article 11 of the Framework Convention and to take targeted measures, in close consultation with all affected communities, to promote their enjoyment in practice. It specifically encourages them to ensure correct transcription of names when issuing birth certificates, possibly by considering the issuance of bilingual documents, and to address the restoration of historical names.

**Article 12 of the Framework Convention****Education material and teacher training***Findings of the first cycle*

87. In its first Opinion, the Advisory Committee considered that the authorities should intensify their efforts to supply good quality textbooks and to develop an effective professional training system for teaching in and of minority languages.

*Present situation*

## a) Positive developments

88. The Advisory Committee welcomes the efforts made since the first cycle of monitoring in developing education materials. In particular were textbooks for all grades prepared in the context of the initiative “Georgian Language for Future Success” to facilitate the learning of Georgian as second language as from the school year 2013/2014. It also notes additional teaching aids and audio-visual materials as well as computer games that have been prepared to promote in particular the learning of Georgian as second language in schools with instruction mainly in minority languages. Measures have also been taken to promote the professional development and career advancement of teachers of public schools in regions and an additional initiative in this regard is planned to commence in September 2015 to benefit in particular school teachers in regions where persons belonging to national minorities reside in substantial numbers. The Advisory Committee further notes the special efforts to provide Georgian language textbooks to schools in Abkhazia, where Georgians live as minority among the majority Abkhaz population, via the Zugdidi training centre.

## b) Outstanding issues

89. Textbooks and education materials overall at minority language schools in Georgia are still considered to be of insufficient quality and quantity. According to the assessment conducted by the State Ministry of Reconciliation and Civic Equality, 70% of textbooks have been translated into minority languages, although often inadequately. The textbooks for the learning of Georgian as second language were introduced only late in the school year 2013/2014 and many teachers are reportedly not able to use them because they do not command the language.<sup>42</sup> Most training and professional development for teachers is provided in Georgian language which encumbers the participation of teachers of minority language schools and affects the quality of their teaching. Teacher certification is furthermore not conducted in minority languages which impacts on the motivation and prestige of teachers at minority language schools. Accordingly, the average age of teachers at minority language schools is rising and there are only few young students who are interested in pursuing pedagogical training for teaching in minority language schools.

*Recommendation*

90. The Advisory Committee calls on the authorities to prioritise the provision of adequate education materials, including multilingual teaching aids, in minority language schools and to identify effective means to ensure that minority language teachers are given access to the certification process and to enhanced opportunities for their professional development.

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<sup>42</sup> The majority of Georgian language teachers participating in the Georgian as a Second Language Teaching Programme themselves do not have adequate command of Georgian. See Assessment (Footnote 14), page 182.

## **Equal access to education and intercultural content**

### *Findings of the first cycle*

91. In its first Opinion, the Advisory Committee considered that the authorities should effectively guarantee equal opportunities for persons belonging to national minorities in accessing higher education and should ensure that the education system provided ample opportunity for intercultural exchange and the promotion of tolerance, including through the pursuance of an objective and pluralistic approach to history teaching.

### *Present situation*

#### a) Positive developments

92. The Advisory Committee welcomes the inclusion in the context of the education reform of some intercultural and civic education contents in the general curricula of all schools, as well as in the obligatory part of professional development courses for teachers. It further is pleased to note efforts made to promote the inclusion of particularly disadvantaged groups, such as some Roma and Meskhetians in public schools through activities with students and parents, as well as some extracurricular programmes. Special state funds have also been made available to provide grants, among others, to secondary school students from Azerbaijani or Armenian language schools, to Kists from Akhmeta municipality as well as to students from Abkhazia and South Ossetia. Moreover, special quota provisions exist for students of these groups to enrol in university and the Advisory Committee welcomes plans to extend such preferential enrolment policies also for students who attend Russian language schools, among them many representatives of numerically smaller national minorities. In addition as regards access to university education, the “1+4 programme” enables graduates of minority language schools to pass a general aptitude test in their minority language, upon which they are accepted into Georgian university with an additional first year that serves mainly to advance their Georgian language skills. The programme is widely considered a success, increasing numbers of students, including many women, have benefitted since its introduction in 2010.<sup>43</sup> The Advisory Committee welcomes assurances received by the authorities that the programme will continue.

#### b) Outstanding issues

93. National minority representatives unanimously assert that their specific cultures and identities are insufficiently represented in school textbooks. Even the part in the curriculum that covers the regions of Georgia does reportedly not make comprehensive reference to the history and traditions of national minorities that compactly live in those regions. In addition, some history textbooks reportedly still contain stereotyped images of some minorities rather than portraying Georgia’s history as ethnically and religiously diverse country. The Advisory Committee finds that comprehensive and accurate awareness of the many and diverse cultures, traditions and languages present in Georgia as integral elements of society must be included in the public curriculum of all schools. Teachers are further reported to be often ill-equipped to handle multicultural and multilingual environments in school or to ensure that intercultural content is adequately introduced and respect for diversity taught from an early age on. As regards the promotion of equal access to education and the funding provided to students on a needs basis, the acute economic disadvantages of many national minority communities (see also comments on Article 15) reportedly result in many more needy students than can be supported within the allocated budget. As regards merits-based support, national minority representatives point to the continuously lower quality of education in minority language schools (see comments on Article 14), arguing that graduates of their schools have unequal chances to gain scholarships given that they generally fair worse in aptitude tests.

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<sup>43</sup> 124 Armenian language school graduates and 175 Azerbaijani language schools graduates benefitted in 2010. These numbers had increased to 217 and 456 respectively in 2014.

*Recommendations*

94. The Advisory Committee encourages the authorities to pursue their efforts to promote equal access to education for all students at the various levels, including at university. Close consultations on all programmes and measures with the directly affected communities must be conducted to ensure that the specific challenges are adequately addressed.

95. It further calls on the authorities to ensure that the specific identities and history of national minorities in Georgia are adequately portrayed in all textbooks and the promotion of respect and openness towards all groups included in the obligatory curriculum of all schools.

**Article 14 of the Framework Convention****Learning in and of minority languages***Findings of the first cycle*

96. In its first Opinion, the Advisory Committee considered it important to ensure that the implementation of the education reform did not have discriminatory effects for persons belonging to national minorities, including those belonging to numerically smaller groups.

*Present situation*

## a) Positive developments

97. The Advisory Committee welcomes that education in minority languages continues to be provided in some 300 schools in Georgia, of which some 290 are public schools.<sup>44</sup> In addition, it is pleased to note plans to introduce the possibility to attend classes of the languages of numerically small minorities as of September 2015. The importance of education, both in minority and state languages, as tool for integration and effective participation in public life is further expressly acknowledged in the draft Civic Equality and Integration Strategy 2015-2020, which also points to the particular values of bilingual education, including at pre-school level. The Advisory Committee welcomes in this regard the opening of an increasing number of such bilingual schools, such as an Armenian-Georgian bilingual pilot programme in Tbilisi, as well as ten bilingual schools in Kvemo Kartli region.

98. The Advisory Committee is further pleased to note the creation of an advisory council on national minorities under the Ministry of Education and Science in 2014 and the formation of a working group in 2015 with the specific task to design a language education policy that enhances opportunities for persons belonging to national minorities to preserve their identity while also supporting their effective integration and access to the labour market. The Secretary of the Council on National Minorities under the Public Defender and its Coordinator have been appointed as members of the advisory council, as have representatives from the respective philological departments of Tbilisi State University. Based on the discussions in the advisory council and working group, a number of recommendations have been developed and incorporated into the draft Strategy for Integration and Civic Equality, including the elaboration of adequate standards for the teaching of minority languages and literatures, and the further increase of learning opportunities of languages spoken by numerically small groups, such as Chechen, Assyrian, Kurmanji, Avar, Udi and Ossetian.

## b) Outstanding issues

99. According to governmental and national minority representatives, the overall quality of education in minority language schools remains lower than average. While the curriculum in Georgian language schools was adjusted in the context of the education reform leading towards the unified university entrance examinations, this has not yet occurred for minority language schools. Graduates pass a general aptitude test in their language which entitles them to enter university (such as through

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<sup>44</sup> Information provided by the authorities indicates that there were 130 public schools teaching in Armenian, 120 schools teaching in Azerbaijani in 55 teaching in Russian in the school year 2014/2015.

the “1+4 programme mentioned above). However, the curriculum at minority language schools has not been reviewed to meet the modified academic requirements and no standards have been elaborated to monitor the quality of instruction they receive, placing them at a disadvantage at university level that goes beyond the mere language barrier. While steps are indeed taken by the authorities to address this situation, the Advisory Committee is concerned by reports from national minority representatives that minority language schools are becoming less attractive an option for parents. In Kvemo Kartli region, for instance, parents reportedly fear that their children, despite attending minority language schools, remain without proper knowledge of their first language which can have repercussions for their further development and achievement in education. The situation is compounded by the equally existing challenges regarding availability of education materials and suitably trained teachers in minority language schools (see comments on Article 12). Regarding plans to introduce classes of minority languages that are spoken by numerically small groups, it is equally important to develop the required standards while keeping in mind practical considerations, such as the necessity to identify suitable teachers.

100. The Advisory Committee further notes concerns among national minority representatives regarding the very low number of pre-schools in minority languages, which further puts at risk the attainment of high proficiency levels in the first language. Given the continued challenges existing also regarding the learning of Georgian in minority language schools (see further below) and the widely acknowledged benefits of early language learning for education generally, the Advisory Committee considers that bilingual pre-schools, using Georgian and relevant minority languages in their daily routine may offer an opportunity for children to develop proficiency in both their first language and Georgian. While welcoming the existing initiatives in this regard, it underlines however that the introduction of bi- or multilingual methodologies must be carefully prepared and comprehensively address also opportunities for the continuation of bilingual schooling to ensure that the desired results are indeed achieved. Despite the general openness towards bilingualism and the desire among many parents to identify options for their children to be fully fluent in the state language, the Advisory Committee notes fears that bilingualism in schools may be intended to progressively replace minority language schooling with exclusive Georgian language instruction. It further learned that results in the few existing bilingual schools are thus far not convincing as teachers were not sufficiently trained, nor did they obtain appropriate materials to adjust to modern language teaching methodologies.

101. The Advisory Committee is further deeply concerned by indications from the Head of the Gali de facto administration that the study of Georgian at schools in the Gali district of Abkhazia, where Georgians live as a minority within the mainly Abkhaz population, may be discontinued as of September 2015.

#### *Recommendations*

102. The Advisory Committee calls on the Georgian authorities to pursue their efforts to elaborate adequate standards of minority language learning that are adjusted to the revised public curriculum and to enhance their monitoring of the quality of instruction in minority language schools in close consultation with national minority representatives, parents, teachers and school administrators.

103. It further calls on them to develop a comprehensive strategy to promote modern language learning methodologies, including through bi- and multilingual instruction, in minority language schools to facilitate high-level proficiency in first languages and in Georgian among students.

### **Learning of Georgian language**

#### *Findings of the first cycle*

104. In its first Opinion, the Advisory Committee considered that lack of Georgian language proficiency constituted a significant obstacle to the full integration of persons belonging to national minorities in society, and called on the authorities to develop a long-term action plan in close consultation with persons belonging to national minorities towards promoting the learning of Georgian while also protecting and promoting the languages of national minorities.

*Present situation*

## a) Positive developments

105. The Advisory Committee is pleased to note that Georgian language skills are generally improving among persons belonging to national minorities, in particular among younger generations. A variety of programmes have been implemented under the 2009 NCAP in schools through advanced teacher training (see above comments on Article 12) and opportunities have also been created for adults to benefit from Georgian language classes (see also comments on Article 10).

## b) Outstanding issues

106. Inadequate knowledge of the Georgian language among teachers supposed to instruct in Georgian remains an important impediment to the quality of state language teaching in minority language schools. National minority representatives further contend that classes focus too much on communication skills, thereby neglecting the appropriation of higher literacy skills and the ability to pass exams, such as the language tests required for the civil service (see comments on Article 15). According to parents, the fact that many graduates of minority language schools are insufficiently prepared to write correctly in Georgian despite the fact that they attended five hours per week of Georgian language and literature throughout school attests to an urgent need to adjust the language learning methodology. Until the introduction of textbooks for the teaching of Georgian as second language, students reportedly were learning with the general public school textbooks for Georgian language, which led to significant difficulties and has prompted some parents to rather send their children to Georgian language schools or to enrol them in private tutorials, an option that is not available to all families.

107. The Advisory Committee further notes that many requests for free-of-charge language courses in the region have reportedly not been met as the number of Language Houses is not sufficient to meet demand, in particular among adult national minority populations. In addition, many of the courses are reportedly organised in day-time which make them inconvenient for most adults. It is further of concern that some individuals wishing to learn Georgian, such as repatriates are not entitled to participate in these language courses. The Advisory Committee notes the prevalence of Georgian language courses being offered privately, proving the existing determination among national minority communities to learn the state language, but reiterates that opportunities to learn the official language must not depend on income but must be offered to all persons belonging to national minorities. It further points out that the comprehensive training of adults, which may be combined with vocational training opportunities, also plays an important role in the promotion of Georgian language skills of their children.

*Recommendation*

108. The Advisory Committee calls on the authorities to enhance their efforts to introduce high quality Georgian language teaching in all minority language schools. In addition, more opportunities should be provided for Georgian language learning for all adults, including for parents.

**Article 15 of the Framework Convention****Institutional framework for the participation of national minorities in decision-making***Findings of the first cycle*

109. In its first Opinion, the Advisory Committee considered it necessary to clarify the various responsibilities related to minority protection and to identify a structure responsible for coordinating Government policy pertaining to the protection of minorities. It further invited the authorities to increase their communication with the Council of National Minorities and to ensure that it was fully involved in the preparation, implementation and monitoring of all legislation, policy and programmes concerning national minorities.

*Present situation*

a) Positive developments

110. The Advisory Committee welcomes the attention paid by the authorities to enhancing the effective participation of national minorities in decision-making processes, particularly in those affecting them. Past and current integration strategies acknowledge as problematic the still disproportionately low levels of participation and a range of efforts have been made by government and civil society organisations to address shortcomings, while national minority representatives concede that more efforts and engagement are also required from the communities themselves. Institutionally, the State Ministry for Reconciliation and Civic Equality is the main actor regarding the protection of national minorities. Its role as chair of an Inter-Agency Committee with representatives of all relevant ministries facilitates close government coordination on all related issues

111. The main consultation mechanism remains the Council of National Minorities under the Tolerance Centre which operates in the Office of the Public Defender. The Council provides a venue for minority groups and organisations to voice their interests and discuss issues of concern to their communities. Its membership is open and there are no limitations as to the points for debate that may be placed on the agenda. The Council has been involved in a number of decision-making processes surrounding legislative and policy developments, such as regarding the development of the draft Civic Equality and Integration Strategy 2015-2020 as well as the elaboration of the draft Law on State Language (see comments on Article 10).

b) Outstanding issues

112. According to most observers as well as the Assessment prepared by the State Ministry, measures taken thus far to promote the integration and effective participation of national minorities have not yielded large results. The Advisory Committee observed a sense of isolation among minority communities, in particular in the regions where they reside. Frustration with the lingering perception that the numerically larger groups are viewed as a potential threat while the numerically smaller groups are considered irrelevant sometimes prevents constructive participation on issues of concern. As regards the Council of National Minorities, its effectiveness is reported to have significantly decreased since NGO funding for the travel of representatives from the regions to Tbilisi ceased. It is further considered problematic that virtually anybody may become a member of the Council, including individuals, and that there are no established procedures to select speakers or representatives of the Council for other fora. The Advisory Committee agrees that the lack of formality with respect to the membership of the Council may indeed lead to irregular attendance and that the development of some structure within it to ensure more democratic decision-making may enhance the effectiveness of participation of national minorities through this body. It further finds problematic that the Council reportedly does not have premises to organise regular meetings nor a budget to ensure that members from outside Tbilisi may attend events to relay their concerns and views.

*Recommendation*

113. The Advisory Committee calls on the authorities to enhance the effective functioning of the Council of National Minorities by according a dedicated budget to ensure the regular organisation of meetings with participation of representatives from communities in the regions. In addition, its competencies and mandate should be clarified and means identified for the creation of a representative structure that promotes the effective participation of all its members in the various decision-making and representational purposes.

**Representation of national minorities in elected bodies and public administration**

*Findings of the first cycle*

114. In its first Opinion, the Advisory Committee called on the authorities to take resolute steps to increase the representation of minorities in elected bodies as well as in the executive, and to enhance the recruitment of persons belonging to national minorities into the public service, particularly in the regions where they live in substantial numbers.

*Present situation*

## a) Positive developments

115. National minorities continue to be well-represented in the local councils (Sakrebulo) in some areas where they constitute the majority of the population, such as the Javakheti region. A variety of measures are further taken to enhance the representation of national minorities in elected bodies as well as in public administration. The Advisory Committee notes in particular the efforts made by the Central Election Commission (CEC) towards promoting the informed participation in elections among national minority communities, paying specific attention to women and youth. A working group has been established within the CEC consisting of representatives of the Public Defender as well as representatives from international and civil society organisations to promote the participation of national minority representatives in local election commissions and a variety of steps have been taken to distribute information on elections and the relevant procedures in national minority languages, including via the Public Broadcaster. Among others, 16 information meetings were organised in public schools in Samtskhe-Javakheti, Kakheti and Kvemo Kartli regions targeting young people belonging to national minorities. The CEC, with international support, is further engaged in activities to promote outreach of the larger political parties to national minority communities to ensure that their interest and concerns are adequately mainstreamed into the broader political debate. The Advisory Committee is pleased to note that the CEC is increasingly gaining trust among voters and is widely regarded as a legitimate and competent body to ensure the professional, impartial and equitable administration of elections.

116. A number of steps are also taken at local level to promote the participation of national minorities. In the context of the decentralisation process, amendments to the Election Code in March and April 2014 led to direct mayoral elections in 11 cities in addition to Tbilisi, and direct elections of 59 chief executives (Gამგებლის) of local self-government municipalities during the municipal elections on 15 June 2014.<sup>45</sup> In addition, the threshold for political parties to gain a seat in the local council was lowered from 5 to 4%. The manual on local government was translated into minority languages to allow candidates to better prepare for civil service examinations. Since December 2014 tests are conducted in Kvemo Kartli in Azerbaijani language which reportedly has improved the results of applicants with minority background. The Advisory Committee also notes indications by the Ministry of Internal Affairs that it continues to give preference to candidates with national minority background when considering recruitments and promotions for positions in areas where national minorities reside.

## b) Outstanding issues

117. Georgia continues to apply a mixed election system in which both proportionate and majoritarian elements co-exist. The majoritarian or single mandate component of the election system leads to a significant inequality of votes as the number of registered voters in individual election districts differs greatly.<sup>46</sup> Overall, the voter turn-out among national minorities in recent elections (Parliamentary Elections in October 2012, Presidential Elections in October 2013 and local elections in June 2014) has been very low. The lack of possibility for independent candidates to stand for the position of Gამგებლის in the June 2014 elections has further thwarted political ambitions of representatives of national minorities. In addition, Article 6 of the 1997 Law on Political Associations still prevents the formation of political parties based on a territorial or regional principle. Given the fact that the interest shown by established political parties in national minorities and their specific concerns or opinions continues to be very low, the possibility to form regionally based political associations could allow persons belonging to national minorities to be better represented in elected

<sup>45</sup> The number of cities with self-governed status was increased from 5 to 12 and the number of self-governing municipalities was increased from 64 to 71. See [http://www.ifes.org/Content/Publications/FAQ/2014/~media/Files/Publications/White%20PaperReport/2014/2014\\_IFES\\_Local%20Elections%20Georgia%20FAQs.pdf](http://www.ifes.org/Content/Publications/FAQ/2014/~media/Files/Publications/White%20PaperReport/2014/2014_IFES_Local%20Elections%20Georgia%20FAQs.pdf)

<sup>46</sup> According to the International Society for Fair Elections and Democracy in Georgia, the majoritarian election system additionally favours powerful political parties as they receive more seats than their share of votes. See <http://www.isfed.ge/main/783/eng/>.

bodies at regional and central level. While acknowledging the legitimate interest to preserve the unity of the state, the Advisory Committee considers that the proportionality of restrictions on political freedoms should be assessed on a case-by-case basis through established procedures rather than precluded on principle.<sup>47</sup> The Advisory Committee further considers that representation at central level remains of particular concern despite modest progress in decentralisation, as many of the decisions affecting national minority populations in the regions are taken in the capital.

118. The Advisory Committee further notes with concern that the number of representatives of national minorities in public administration also continues to be disproportionately low. In addition, it heard reports that the few Gamgebelis who are of minority background are sometimes not provided with the same services as their Georgian counterparts. In addition, the sense persists that senior level vacancies in public administration at local level continue to be filled always with representatives of the majority, even if they are not actually from the region. The Advisory Committee further regrets that the Zurab Zhvania School of Public Administration in Kutaisi, which conducted training for public service students and professionals from national minority communities, has since 2012 only provided Georgian language training for civil servants but has reportedly dropped its public administration related training.

119. The Advisory Committee is further deeply concerned by reports about 30,000 persons belonging to the Georgian minority living in Gali district of Abkhazia who were deleted from the voters list and thereby prevented from participating in the de facto presidential elections of August 2014. Despite the fact that the de facto elections were not internationally recognised, the Advisory Committee considers that this de facto disenfranchisement from elections constitutes a violation of the rights contained in Article 15 of the Framework Convention, which also apply to persons belonging to the majority if living in a minority situation.

#### *Recommendations*

120. The Advisory Committee calls on the Georgian authorities to further enhance their efforts to increase the representation of national minorities in elected bodies and public administration at all levels by taking necessary legislative and policy level steps, including within the context of broader decentralisation measures.

121. It further encourages them to support the outreach of political parties to national minority communities and their concerns throughout the country, including in the capital.

### **Participation in social and economic life**

#### *Findings of the first cycle*

122. In its first Opinion, the Advisory Committee considered that the authorities should remove all unjustified obstacles to the development of economic activities by persons belonging to national minorities, including undue language requirements, and that they should secure fair and equal access to the land privatisation process.

#### *Present situation*

##### a) Positive developments

123. Particular attention has reportedly been paid since 2012 to the improvement of the economic situation throughout Georgia and regional development strategies have been elaborated also for the regions where national minorities reside in substantial numbers. New infrastructure developments such as the highway between Tbilisi and Batumi are benefiting the regions as they facilitate trade and transport. In the regions where persons belonging to national minorities live in substantial numbers, income is generated mainly through self-employment such as trade and farming. As a result, poverty levels are comparative low in those regions. The Advisory Committee further welcomes the continued

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<sup>47</sup> See also Venice Commission Guidelines and explanatory report on legislation on political parties [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2004\)007rev-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2004)007rev-e), adopted on 15 April 2004.

humanitarian assistance provided by the authorities to the conflict-affected communities on both sides of the ABLs with Abkhazia and South Ossetia.

b) Outstanding issues

124. Unemployment outside the urban centres remains particularly high and persons belonging to national minorities report that they have few opportunities in the official labour market. The amendments to the Law on the Legal Status of Aliens (see comments on Article 4) as well as the depreciation of the Russian Rouble during 2014 have had a particular impact on the socio-economic situation of national minority communities in Javakheti region. As a result, there is a continued sense of marginalisation among parts of the population that is accentuated by language requirements for certain employment which do not always appear sensible. The Advisory Committee learned, for instance, that possible opportunities for construction workers in the context of the building of the Baku-Tbilisi-Kars railway had been curtailed to persons with Georgian language proficiency, even in the most remote part between Akhalkalaki and Karsakhi where the population is almost entirely of Armenian minority background. Senior local officials indeed voiced doubts towards the Advisory Committee delegation whether national minorities would be able to contribute to such a technically advanced project. The Advisory Committee considers such attitude unhelpful in the pursuit of integration of society, which is a two-way-process that also requires openness on side of the majority population. National minority representatives argue that the real proof of the “1+4” programme will be whether graduates with national minority background from the remote regions have incentives to return to those regions and search for employment there. Their specific background and language skills should be viewed in this context as added advantage in recruitment processes rather than as handicap, while Georgian language training may also be offered in employment or as part of vocational training.

125. Access to social benefits and health services for persons belonging to national minorities is facilitated in Javakheti region by the fact that many of the employed health staff speak Armenian. The requirement to maintain all medical records in Georgian however, (see comments on Article 10) continues to pose a challenge to many of the establishments, creating delays and sometimes additional costs. In other regions, including Kvemo Kartli or Kakheti, access to medical and other facilities is sometimes hindered by language barriers, in particular regarding the older generations. In addition, persons belonging to numerically smaller minorities often live in remote border regions and small villages where provision is generally inadequate, which however in their case is compounded by additional disadvantages owing to the lack of Georgian language skills and a lack of information where to turn to for support.<sup>48</sup>

*Recommendations*

126. The Advisory Committee calls on the authorities to develop comprehensive approaches to ensure that national minorities benefit equally from regional and infrastructure development processes and the related employment opportunities. Minority language capacity must in this context be viewed as added value rather than disadvantage.

127. It further encourages them to pursue their efforts to promote equal access of persons belonging to national minorities, including the numerically smaller ones and those living dispersed in remote regions, to medical facilities and social services.

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<sup>48</sup> See as regards the provision of psychologists for children, <http://ombudsman.ge/en/recommendations-Proposal/rekomendaciebi/recommendation-regarding-provision-of-psychologists-for-children-representatives-of-ethnic-minorities.page>.

## **Articles 17 and 18 of the Framework Convention**

### **Bilateral cooperation**

#### *Findings of the first cycle*

128. In its first Opinion, the Advisory Committee considered that the authorities should maintain a constructive approach towards international cooperation on the protection of national minorities, including through the conclusion of cooperation agreements with neighbouring countries.

#### *Present situation*

##### a) Positive developments

129. The Advisory Committee is pleased to note the continuation of discussions with a number of countries as well as the high number of bilateral agreements to promote bilateral and regional cooperation on a variety of issues, and in a spirit of good neighbourly relations.

##### b) Outstanding issues

130. The Advisory Committee considers that the development of bilateral commissions with active involvement of national minority representatives on issues of their concern, such as education, cross-border trade or questions surrounding the acquisition of or withdrawal from citizenship, may be an opportunity to identify practical solutions to some of the remaining challenges through the enhanced development of people-to-people contacts across borders and the active facilitation of linkages between neighbouring societies.

#### *Recommendation*

131. The Advisory Committee encourages the authorities to pursue their efforts to promote good relations within the region and to enhance in particular the effective participation of persons belonging to national minorities in the development and implementation of relevant cooperation.

### III. CONCLUDING REMARKS

133. The Advisory Committee considers that the present concluding remarks could serve as a basis for the conclusions and recommendations to be adopted by the Committee of Ministers with respect to Georgia.

#### Positive developments

134. Since the adoption of the Advisory Committee's first Opinion in March 2009, Georgia has paid consistent attention to the protection of persons belonging to national minorities and important progress has been made. A National Concept and Action Plan for Tolerance and Civic Integration was adopted in 2009 and a range of measures have been taken to promote effective equality and equal access to rights among persons belonging to national minorities. The authorities have further engaged in a comprehensive assessment of the results achieved thus far and are, based on this evaluation and in close consultation with minority representatives and experts, in the process of adopting a renewed Civic Equality and Integration Strategy for 2015-2020.

135. In May 2014, comprehensive antidiscrimination legislation was adopted, prohibiting both direct and indirect discrimination and explicitly acknowledging the importance of special measures to promote effective equality among disadvantaged segments of the population. An Equality Department has been created within the Public Defender's Office as the responsible body to receive complaints and an increasing number of cases have been received. The Public Defender enjoys broad trust in society and is increasingly consulted by the population. Seven regional offices have been opened and awareness of his activities and mandate is mounting throughout the country. His annual and thematic reports on the situation of human rights in Georgia are discussed in Parliament and a Parliamentary Committee has engaged in monitoring the implementation of his recommendations.

136. Amendments to the Criminal Code in 2012 have introduced racial motivation as aggravating circumstance of any offence. Efforts are being made by the Public Defender's Office and a number of civil society organisations to promote the prompt and effective investigation of all alleged incidents of hate crime, and to ensure that awareness of applicable standards and available legal remedies is increased amongst society, in particular amongst groups that are most exposed to such offences. A number of awareness-raising and training activities are further organised by the Georgian Public Broadcaster and civil society organisations to promote adherence to the Charter of Journalistic Ethics and to contribute to the increasingly open and pluralist media environment.

137. The authorities continue to provide some support for the cultural activities of national minorities and for the printing of a number of newspapers in minority languages. Since July 2011 religious organisations can register as public entities. Their enhanced legal status provides them with better access to state support, including with respect to the restitution of property, and has improved the conditions for the exercise and worship of religions and beliefs other than the dominant religion.

138. Programmes in minority languages continue to be broadcast on public radio and TV, including at regional level. In addition, the authorities plan to revive a country-wide Russian language news channel to reach all minority communities, including persons belonging to numerically smaller minorities, which is widely welcomed. A draft Law on the State Language has been developed in close consultation with national and international experts as well as with representatives of national minorities. The draft aims at promoting Georgian as main tool of communication but contains protected status and guarantees for the use of minority languages in official contacts with administrative authorities as well as for topography. National minority representatives consider the expected adoption of the draft law a welcome development towards the establishment of some legal clarity on an issue that has thus far been marked by divergent practices.

139. Education in Armenian, Azerbaijani and Russian languages continues at some 300 schools in Georgia and there are plans to introduce opportunities for the learning of some languages of numerically smaller minorities as of September 2015. Efforts are further being made to provide

teachers of minority language schools with adequate training opportunities and education materials and to promote in particular the access to education for children belonging to disadvantaged groups. An advisory council on national minorities under the Ministry of Education has been created and a working group formed, with participation of the Council of National Minorities, to design a language education policy that facilitates both availability of high-quality minority language education and adequate opportunities for gaining full proficiency in the state language for all students of minority language schools. Access to university education has substantially improved through the introduction of a programme which enables graduates of minority language schools to pass a general test in their minority language, upon which they are accepted into university with an additional first year intended to advance their Georgian language skills.

140. Considerable attention is paid by the authorities to promote the effective participation of national minorities in decision-making processes that affect them as well as in public life generally. The Council of National Minorities under the Public Defender remains the main consultation mechanism for national minorities and has been actively involved in monitoring and evaluating government policy on national minority protection, as well as the development and drafting of important legislative and policy documents. In addition, concerted efforts are being made by the Central Election Commission and a variety of civil society organisations to promote the participation of national minorities in central, regional and local elections, focusing in particular on women and youth. Initiatives are further being developed to encourage larger political parties to pay attention to the specific views and concerns of minority communities and to actively incentivise their outreach to them. Important infrastructure development has benefited some regions inhabited by persons belonging to national minorities and a number of steps have been taken at local level to recruit representatives in public administration.

### **Issues of concern**

141. The effective equality of persons belonging to national minorities in accessing rights continues to be hampered by inadequate Georgian language skills and by a remaining sense of marginalisation, particularly among communities who reside in substantial numbers. Despite a noticeable softening in the government approach towards issues pertaining to minority protection in recent years, there is a lingering perception among some officials and parts of society that national minorities constitute a potential security challenge and orient themselves towards neighbouring countries. Public discourse surrounding national and religious minorities generally remains tense. The Georgian Orthodox Church has further gained in influence in recent years and is not always promoting respect for diversity. Minority representatives resent the increasing notion of superiority of the majority population and dominant religion that is reportedly taking hold of the public debate and forms part of the rhetoric of a number of political players, including at highest level.

142. The effectiveness of the new antidiscrimination law is limited by the fact that awareness of its rights and standards amongst society and parts of the legal profession remains low. Only very few court cases thus far invoke its provisions. The Equality Body can only hear the cases brought to its attention but cannot impose sanctions or accord compensation. In addition, there is resistance among some establishments against the implementation of some of the rights contained in the law and no coherent governmental policy has been developed to actively promote the effective application and implementation of contemporary antidiscrimination standards in public offices. This is reported to discourage some affected individuals from seeking legal recourse in cases of alleged discrimination.

143. While inter-ethnic relations are marked generally by good cooperation and dialogue, including in the many ethnically-mixed villages, incidents of inter-faith tension and conflict have become more frequent in a number of regions. There is an increase in hate speech used in the political discourse as well as in the media and the available redress mechanisms remain scarcely known. The very low number of completed investigations and criminal prosecutions of alleged perpetrators of hate crimes is creating a sense of vulnerability amongst minority communities and undermines their trust in the capacity of the police to protect their rights. Moreover, there have been reports of discriminatory

attitudes among the police and of disproportionate use of force in a number of cases, which have not been independently or completely investigated.

144. The assistance provided for the preservation of national minority identities is overall considered insufficient to allow for minority cultures and languages to be visible as integral elements of Georgian culture. In addition, a number of minority associations, in particular in the regions, are not adequately informed about the available funding mechanisms. The State Agency for Religious Affairs, whose establishment was initially welcomed by civil society, is criticised for developing working methods that appear to foster the creation of a hierarchy among religious confessions, providing support and funding to only a few and cementing the dominance of the Georgian Orthodox Church, including with respect to financial means and property restitution.

145. Public radio and TV programmes in minority languages are reportedly of low quality and too little attention is paid to the daily concerns of persons belonging to national minorities as full members of Georgian society. There is a considerable need for more professionalism and training amongst journalists working in the minority languages to ensure that the programmes appeal to minority populations, in particular to young people. In addition, more efforts must be made to ensure that the concerns and views of persons belonging to national minorities are adequately reflected in the media and that existing stereotypes of minority populations as uninterested in Georgian national news are not reinforced. More opportunities for adults to learn Georgian must be provided and adequate steps should be taken to promote and protect also the use of languages of numerically smaller minorities or those not living in compact settlement areas.

146. Overall, the quality of education in minority language schools remains below average. 70% of textbooks have been translated into minority languages, although often inadequately. Teacher training is mostly provided in Georgian language which limits its accessibility for many of the teachers who still do not have proficiency in the state language. The curriculum at minority language schools has not been reviewed to meet the modified academic requirements applicable at public schools and there are still no clear standards for the teaching in minority languages. There are further concerns among minority representatives about the low numbers of pre-schools that use minority languages as medium of instruction. Existing initiatives of providing bilingual education opportunities are welcome but must be carefully prepared and accompanied with expert advice to ensure that the desired results of full proficiency in first languages and the state language amongst national minority communities are indeed achieved. Moreover, there are continuous reports of religious indoctrination of students within the public education system and education materials often do still not adequately reflect the specific identities and cultures of national minorities.

147. The Council of National Minorities under the Public Defender requires adequate funding to allow representatives of national minority communities in the regions to regularly be represented in its meetings and decision-making. Representation of national minorities in public administration continues to be disproportionately low and national minority representatives assert that their candidates are often not adequately considered for available positions, in particular not at higher level. Voter turn-out among national minorities in recent elections has remained very low. The mixed election system contains majoritarian elements that lead to a significant inequality of votes as the number of registered voters in the various election districts differs greatly. Representation of national minorities at central level remains of particular concern, especially given that many of the decisions affecting them continue to be taken at capital level. Access to employment of persons belonging to national minorities continues to be frustrated by language requirements that are not always proportional to the requested tasks and difficulties continue to be reported also for accessing social and health services in minority languages, in particular in remote regions.

## **Recommendations**

148. In addition to the measures to be taken to implement the detailed recommendations contained in Sections I and II of the Advisory Committee's Opinion, the authorities are invited to take the following measures to improve further the implementation of the Framework Convention:

- Pursue the adoption and implementation of a comprehensive strategy to promote the equal access to rights of persons belonging to national minorities, while maintaining close consultation with representatives and taking full account of the evaluation of previous measures; government commitment to the full and effective equality of national minorities should further be more consistently portrayed in the political discourse;
- Promote the effective implementation of the 2014 Antidiscrimination Law by raising awareness of the applicable standards and relevant redress mechanisms amongst society and ensure that the provisions are consistently applied by government and throughout the public sector;
- Enhance the available support for activities at central and local level aimed at the preservation and promotion of all national minority identities and cultures, including through longer-term assistance and the provision of suitable premises where possible; closely involve representatives in relevant allocation procedures;
- Strengthen the response capacity within law enforcement to investigate and sanction adequately and promptly hate crime and hate speech against minorities; publicly and promptly condemn all expressions of intolerance and disrespect towards minorities and facilitate the effective investigation of all cases of alleged police abuse through the establishment of an independent and specialised body;
- Increase efforts to promote an attractive and diverse media environment with ample opportunities for persons belonging to national minorities, including the numerically smaller ones, to access quality media in their languages and ensure that national minorities are adequately represented and portrayed in mainstream media;
- Pursue the adoption of a legislative framework for the use of languages and promote the effective implementation of established guarantees for the use of minority languages throughout the country, while creating an environment that is conducive also for the use of languages spoken by numerically smaller minorities;
- Elaborate adequate standards of minority language learning in close consultation with national minority representatives and relevant schools; develop a comprehensive strategy for the promotion of modern language learning methodologies in minority language schools, including with respect to adequate education materials and teacher training opportunities, aiming at proficiency in first languages and in Georgian; pursue efforts to promote equal access to education for persons belonging to national minorities and actively prevent religious indoctrination in schools;
- Enhance the operative functioning of the Council of National Minorities to ensure the effective participation of representatives from communities in the regions, including by allocating an appropriate budget; increase efforts to boost the representation of national minorities in elected bodies and public administration at all levels, including within the context of broader decentralisation processes; ensure that persons belonging to national minorities benefit equally from regional infrastructure and development projects and promote their equal access to the social and health facilities as well as to employment opportunities throughout the country.