

ECRI REPORT ON GEORGIA

(fifth monitoring cycle)

Adopted on 8 December 2015

Published on 1 March 2016

COUNCIL OF EUROPE



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FOREWORD

The European Commission against Racism and Intolerance (ECRI), established by the Council of Europe, is an independent human rights monitoring body specialised in questions relating to racism and intolerance. It is composed of independent and impartial members appointed on the basis of their moral authority and recognised expertise in dealing with racism, xenophobia, antisemitism and intolerance.

In the framework of its statutory activities, ECRI conducts country monitoring work, which analyses the situation in each of the member States regarding racism and intolerance and draws up suggestions and proposals for dealing with the problems identified.

ECRI's country-by-country monitoring deals with all member States of the Council of Europe on an equal footing. The work takes place in 5-year cycles, covering 9-10 countries per year. The reports of the first round were completed at the end of 1998, those of the second round at the end of 2002, those of the third round at the end of 2007, and those of the fourth round in the beginning of 2014. Work on the fifth round reports started in November 2012.

The working methods for the preparation of the reports involve documentary analyses, a visit to the country concerned, and then a confidential dialogue with the national authorities.

ECRI's reports are not the result of inquiries or testimonial evidence. They are analyses based on a great deal of information gathered from a wide variety of sources. Documentary studies are based on a large number of national and international written sources. The in situ visit provides the opportunity to meet with the parties directly concerned (both governmental and non-governmental) with a view to gathering detailed information. The process of confidential dialogue with the national authorities allows the latter to provide, if they consider it necessary, comments on the draft report, with a view to correcting any possible factual errors which the report might contain. At the end of the dialogue, the national authorities may request, if they so wish, that their viewpoints be appended to the final ECRI report.

The fifth round country-by-country reports focus on four topics common to all member States: (1) Legislative issues, (2) Hate speech, (3) Violence, (4) Integration policies and a number of topics specific to each one of them. The fourth-cycle interim recommendations not implemented or partially implemented during the fourth monitoring cycle will be followed up in this connection.

In the framework of the fifth cycle, priority implementation is requested again for two specific recommendations chosen from those made in the report. A process of interim follow-up for these two recommendations will be conducted by ECRI no later than two years following the publication of this report.

The following report was drawn up by ECRI under its own responsibility. It covers the situation at 17 June 2015; developments since that date are neither covered in the following analysis nor taken into account in the conclusions and proposals therein.

SUMMARY

Since the adoption of ECRI's third report on Georgia on 28 April 2010, progress has been made in a number of fields.

In 2012, Article 53 (General Principles of Sentencing) of the Criminal Code of Georgia was amended to introduce racial, religious, national, ethnic, homophobic or transphobic intolerance as aggravating circumstances. This change implemented a recommendation made in ECRI's 2010 report.

In 2014, the Georgian Parliament enacted the Law on the Elimination of All Forms of Discrimination. The enumerated grounds of discrimination include race, colour, language, citizenship, origin, religion or belief, national, ethnic or social origin, sexual orientation and gender identity.

Also in 2014, the Parliament adopted the 2014-2020 National Human Rights Strategy. The strategic focus areas include freedom of religion and belief, as well as equal rights and protection of the rights of minorities. The accompanying Action Plan 2014-2015 contains, inter alia, provisions for the prevention and effective investigation of crimes motivated by religious hatred, including training of staff at the Ministry of Interior and the Main Prosecutor's Office to strengthen their ability to conduct hate crime investigations.

Furthermore, the Georgian authorities implemented the 2009-2014 National Concept for Tolerance and Civic Integration and its associated Action Plan. These inter-ministerial integration tools aimed at improving the situation of historical ethnic minorities in the country and focused on six strategic directions: rule of law, education and state language, media and access to information, political integration and civic participation, social and regional integration, and culture and preservation of identity.

ECRI welcomes these positive developments in Georgia. However, despite the progress achieved, some issues give rise to concern.

Hate speech against ethnic and religious minorities, as well as against LGBT persons, continues to be a widespread problem in Georgia. Physical attacks against these groups also occur with worrying frequency. The freedom of religion of Muslims and Jehovah's Witnesses was impeded as a result of violent local protests. There is also a general homo- and transphobic climate in Georgian society and LGBT groups were attacked repeatedly, in particular on the occasion of organising public events to mark the International Day against Homophobia and Transphobia.

The responses of the Georgian authorities to these incidents cannot be considered adequate. The authorities did not always sufficiently investigate and prosecute hate crime. The application of Article 53 of the Criminal Code of Georgia on aggravating circumstances is rare and there has not been a single case in which it was applied with regard to sexual orientation or gender identity.

In several cases of attacks motivated by religious intolerance, the authorities did not enforce the law to safeguard the rights of religious minorities. In some instances they promoted local mediation mechanisms instead, calling upon the dominant Georgian Orthodox Church to negotiate with the local Muslim community in the aftermath of islamophobic attacks. Similarly, the right of LGBT organisations to hold peaceful public events was not defended against violent protesters; instead the authorities focused merely on escorting LGBT persons and their supporters to safety.

In the area of integration, many of the activities carried out under the 2009-2014 National Concept for Tolerance and Civic Integration and its Action Plan were good first steps, but lacked sufficient scale to achieve the expected results. This was the case, for example, in the field of improving the quality of minority education, informing members of minorities about the availability of social services and reducing socio-economic exclusion.

Furthermore, the Inter-Agency Action Plan to implement the repatriation and integration strategy for Meshketians has still not been adopted.

There is also no integration strategy for refugees and persons who have been granted subsidiary protection.

The authorities have not taken adequate measures to deal with religious intolerance in the country. The newly created State Agency of Religious Issues has no clear mandate to safeguard the rights of religious minorities and its strategy for the development of a religious policy is ambiguous, at best, in this regard.

In this report, ECRI requests that the Georgian authorities take action in a number of areas; in this context, it makes a series of recommendations including the following.

Georgia should sign and ratify the Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems.

The Georgian authorities should closely monitor whether the police investigates potential racist and homo-/transphobic motivations. Such motivations should be considered from the outset of judicial proceedings.

The Georgian authorities should set up a specialised unit within the police to deal specifically with racist and homo-/transphobic hate crime. When establishing this unit, the authorities should seek expert advice from the Public Defender, relevant NGOs and international organisations.*

The integration of historical ethnic minorities should be strengthened, inter alia by raising the levels of minority education and scaling up the outreach activities to convey information about social services. A comprehensive action plan for the implementation of the repatriation and integration strategy for Meshketians should be adopted and programmes to promote social inclusion and education, including for Roma children, should be expanded.

An integration support programme for refugees and persons who have been granted subsidiary protection should also be adopted and implemented.

The Georgian authorities should scale up their support for the Council of Religions, which operates under the auspices of the Public Defender's Tolerance Centre. They should in particular task the newly created State Agency for Religious Issues to cooperate with the Council of Religions and utilise the Council's expertise and recommendations in order to tackle the problem of religious intolerance.*

* This recommendation will be subject to a process of interim follow-up by ECRI no later than two years after the publication of this report.

FINDINGS AND RECOMMENDATIONS

I. Common topics

1. Legislation against racism and racial discrimination¹

- Protocol No. 12 to the European Convention on Human Rights

1. Georgia ratified Protocol No. 12 to the European Convention on Human Rights (ECHR) on 15 June 2001 and it entered into force on 1 April 2005.

- Criminal law

2. The Criminal Code of Georgia (CCG) contains several provisions to protect human rights, including the right to equality. Article 142-1, which was added in 2003 to the already existing Article 142 which remained valid, criminalises Racial Discrimination "...Racial discrimination, i.e. an act committed with the purpose to stoke national or racial animosity or hatred or humiliation of national dignity, as well as direct or indirect restriction of human rights on the grounds of race, colour, national or ethnic belonging or giving advantage on the same grounds that substantially violates human rights, shall be punishable...".² However, no amendments were made since ECRI's last report which recommended introducing specific provisions prohibiting offences such as racist insults, the public dissemination or distribution with a racist aim of material containing racist statements, and the creation or the leadership of a group which promotes racism.
3. Language, religion and nationality are not listed as grounds in Article 142-1, but Article 142 prohibits "...violation of equality of human beings due to their language, sex, age, citizenship, origin, place of birth, place of residence, material or social status, religion or belief, social belonging, profession, marital status, health status, sexual orientation, gender identity expression, political or other opinion or any other ground that substantially violates human rights...". The prohibition in both articles, 142 and 142-1, is limited to acts that "substantially violate human rights". However, there is no case law to assess how this condition is interpreted.
4. Article 155 of the CCG criminalises obstructing the observation of religious rites. Article 407 criminalises acts of genocide, as recommended in ECRI's GPR No. 7, § 19. Article 408 criminalises crimes against humanity, including apartheid and persecution of an ethnic or religious group. The reference to apartheid can be interpreted as a general prohibition of racial segregation. However, the CCG does not contain a provision to criminalise the public denial, trivialisation, justification or condoning, with a racist aim, of crimes of genocide, crimes against humanity or war crimes; as recommended in ECRI's GPR No. 7, § 18(e).
5. Articles 142-1 and 142 can be viewed as addressing the recommendations contained in ECRI's GPR No. 7, § 18 (d), (f) and (g) regarding the public expression, with a racist aim, of an ideology which claims racial superiority, the public dissemination of racist material and the creation and leadership of a racist group respectively; but this is not clearly specified. Concerning the recommendation in ECRI's GPR No. 7, § 18(h), it should be noted that Article 142-1 criminalises one form of racial discrimination: restricting human rights (i.e.

¹ According to ECRI's General Policy Recommendation (GPR) No.7, "racism" shall mean the belief that a ground such as race, colour, language, religion, nationality or national or ethnic origin justifies contempt for a person or a group of persons, or the notion of superiority of a person or a group of persons. According to GPR No. 7 "racial discrimination" shall mean any differential treatment based on a ground such as "race", colour, language, religion, nationality or national or ethnic origin, which has no objective and reasonable justification.

² There is no case law on how to interpret the term "humiliation of national dignity".

a number of fundamental rights) on grounds of race, colour and national or ethnic origin. Article 142 which criminalises the “violation of equality” concerns a broader category of rights. However, it does not create a racism-specific offence. Both provisions concern the private and the public sector.

6. According to the CCG, not only the perpetrator shall be responsible, but also his/her accomplices. Articles 23, 24 and 25 include provisions for criminal liability for instigating, aiding and abetting the commission of offences. These articles also apply to Articles 142, 142-1 and 407. In 2012, Article 53 (General Principles of Sentencing) was amended to introduce racial, religious, national, or ethnic intolerance or any other discriminatory motivation, as aggravating circumstances. This change implemented a recommendation made in ECRI’s 2010 report. Criminal sanctions for the commission of offences defined by Articles 142 and 142-1 may be imposed on natural and legal persons.
7. ECRI recommends that the authorities bring Georgian criminal law, in general, into line with its General Policy Recommendation No. 7 as indicated in the preceding paragraphs; in particular they should explicitly criminalise (i) racist insults, (ii) public expression, with a racist aim, of an ideology which claims racial superiority, (iii) public denial, trivialisation, justification or condoning, with a racist aim, of crimes of genocide, crimes against humanity or war crimes, (iv) public dissemination or distribution with a racist aim of material containing racist statements, (v) creation or the leadership of a group which promotes racism; and (vi) racial discrimination in the exercise of one’s public office or occupation.

- **Civil and administrative law provisions**

8. The Law on the Elimination of All Forms of Discrimination was adopted on 2 May 2014 and entered into force on 7 May 2014. The purpose of the Law is to eliminate discrimination on the grounds of race, colour, language, sex, age, citizenship, origin, place of birth or residence, property or social status, religion or belief, national, ethnic or social origin, profession, marital status, health, disability, sexual orientation, gender identity and expression, political or other opinions, or other characteristics (Article 1). The law prohibits direct and indirect discrimination (Articles 2.2 and 2.3 respectively). Article 2.7 allows for special measures intended to promote increased levels of de facto equality, which shall not be considered as discrimination. This is in line with ECRI’s GPR No. 7, § 5. Furthermore, Article 2.5 prohibits “any action carried out for the purpose of forcing, encouraging, or supporting a person to discriminate against a third person”. However, acts of segregation, discrimination by association, and announced intention to discriminate are not mentioned, as recommended in ECRI’s GPR No. 7, § 6.
9. Article 3 stipulates that the Law shall apply to public organisations and to natural and legal persons in all spheres. This corresponds to ECRI’s GPR No. 7, § 7. According to Article 4, any institution, including public authorities, shall be obliged to: “(a) bring its activity, legal acts and internal regulations into conformity with the Law; (b) respond promptly and efficiently to any alleged act of discrimination; (c) if an act of discrimination is confirmed, impose liability on offenders under its control according to the legislation and internal regulations, and ensure that the consequences of discrimination are eliminated”. This addresses the recommendation in ECRI’s GPR No. 7, § 8. However, public institutions are not obliged to ensure that parties to whom they award contracts, loans, grants or other benefits respect and promote a policy of non-discrimination, as recommended in ECRI’s GPR No. 7, § 9.
10. The Law fulfils ECRI’s recommendation contained in GPR No. 7, § 11. Article 8(2) reverses the burden of proof.

11. Articles 8(3) and 10 of the Law provide for access to the Public Defender, who has the power to hear cases and can monitor the implementation of mutual agreements s/he has brokered between parties. In the absence of an agreement, a victim can claim compensation for moral and material damages for discrimination through the courts. The Public Defender can hear a case and reach a conclusion as to whether someone was the victim of discrimination or not.
12. The Public Defender can make a recommendation as to how to restore the violated equality, but the conclusions and recommendations of the Public Defender are not legally binding and cannot be enforced. In such cases, victims of discrimination still have to bring their case to the courts. These provisions address the recommendation in ECRI's GPR No. 7, §§ 10 and 12, except for the lack of a fast-track option.
13. The law does not mention the provision of free legal aid or an interpreter, if necessary, to plaintiffs wishing to bring their case to a court, as recommended in ECRI's GPR No. 7, § 26.
14. Article 6 of the Law mandates the Public Defender to propose legislative changes to ensure laws comply with the anti-discrimination law. Article 4 obliges public and private institutions to bring their activities, legal acts and internal regulations into conformity with the Law. This addresses the recommendation contained in ECRI's GPR No. 7, §§ 13 and 14. However, the recommendation in § 15, concerning a specific prohibition of harassment related to one of the enumerated grounds, is not included in the Law.
15. There is no specific legal provision in Georgian legislation to suppress the public financing of, or to ban or dissolve, racist parties or organisations, as recommended in ECRI's GPR No. 7, §§ 16 and 17.
16. Article 56.3 of the Law on Broadcasting prohibits the transmission of programmes that contain material that incites hatred, discrimination, or are offensive to a person or a group on the basis of, inter alia, ethnic background, religion, or sexual orientation. Programmes that are intended to illustrate and document problems of existing hatred or discrimination are exempt.
17. The Regulations on Service Provision and Customers' Rights Protection in the Sphere of Electronic Communications oblige Internet service providers (ISPs) to disconnect a user who disseminates hatred or incites particularly grave forms of violence. ISPs shall regularly check registered websites and, if necessary, inform website administrators to remove content, or otherwise block it. The national regulator, the Georgian National Communications Commission, can fine ISPs who do not shut down such sites.
18. ECRI recommends that the authorities bring their civil and administrative law, in general, into line with its General Policy Recommendation No. 7 as indicated in the preceding paragraphs; in particular they should amend the Law on the Elimination of All Forms of Discrimination to include: (i) a prohibition of acts of segregation, discrimination by association, and announced intention to discriminate; (ii) a duty for public institutions to ensure that parties to whom they award contracts, loans, grants or other benefits respect and promote a policy of non-discrimination; (iii) the right to free legal aid or a court lawyer and an interpreter, if necessary, for plaintiffs wishing to bring their case to a court; (iv) a fast-track option for bringing discrimination cases to the courts; and (v) a prohibition of harassment related to one of the enumerated grounds. ECRI also recommends enacting legislation to suppress the public financing of, or to ban or dissolve, racist parties or organisations.

- **Independent authorities**

19. The Public Defender is an independent institution elected by Parliament and has all the powers recommended in ECRI's GPR No. 7, § 24.³ S/he is authorised to examine complaints from natural and legal persons, as well as to investigate cases on his/her own initiative. The mandate covers the public and private spheres. The Public Defender has the right to receive all necessary evidence from public bodies, including the judiciary, but not from private persons or entities.
20. The Public Defender cannot impose sanctions, but can only make recommendations, following the examination of a case, to try to settle it by mutual agreement. The recommendation is not legally binding. If it is not accepted by the discriminating party, the Public Defender can bring a case to the relevant court and act as an interested third party. Other organisations, such as NGOs, can also apply to be a third party in a court case, with the consent of the claimant. The Public Defender cannot, however, initiate court cases without referring to a specific victim, contrary to ECRI's recommendation in GPR No. 7, § 25.
21. Following the adoption of the Law on the Elimination of All Forms of Discrimination, the Public Defender received additional funds. Whether this increase will be sufficient remains to be seen. ECRI notes, however, that the regional offices are understaffed. The Adjara office, for example, had only one permanent staff member at the time of ECRI's visit. Such staffing levels are not adequate, especially given the wide mandate of the Public Defender.
22. ECRI recommends (i) ensuring that private persons and organisations are under an obligation to provide necessary evidence to the Public Defender; (ii) granting the Public Defender the right to initiate court cases based on general interest without referring to a specific victim; and (iii) strengthening the capacity of the Public Defender's regional offices.

2. Hate speech⁴

- **Data**

23. There is no official data concerning racist and homo-/transphobic hate speech. Several NGOs document examples of hate speech by journalists and politicians and while they are indicative, they are not exhaustive. In its last report, ECRI recommended that the authorities monitor manifestations of stereotypes, prejudices and misconceptions of minority groups. However, little has been done in this regard, except by the Public Defender.
24. ECRI recommends that the Georgian authorities establish an effective monitoring system for racist and homo-/transphobic hate speech. They should build on the expertise of the Public Defender and relevant NGOs.

- **Political and other forms of public racist discourse**

25. Hate speech against ethnic and religious minorities continues to be a widespread problem in Georgia and these groups are still often viewed mainly through a security lens.⁵ The results of a monitoring project of political discourse covering the period from February to May 2014 indicated that members from all main parties engaged in hate speech. There were nine incidents of hate speech

³ Law on the Public Defender of Georgia 1996, last modified by the 2014 Law on the Elimination of All Forms of Discrimination.

⁴ This section covers racist and homo/transphobic speech. For a definition of "hate speech" see Recommendation No. R (97) 20 of the Committee of Ministers to the member States on "hate speech", adopted on 30.10.1997.

⁵ Council of Europe, Commissioner for Human Rights 2014: 26-27; as well as Hammarberg 2013: 23; and Hammarberg 2014: 7.

against Turks, mainly referring to them as reasons for economic difficulties and an “occupying force”⁶, and six more cases of hate speech against ethnic minorities.⁷

26. Several high ranking politicians have made intolerant comments.⁸ In a case of anti-Black racism and xenophobia, Tamaz Avdaliani (Georgian Dream), Deputy Chairman of the Parliament’s Legal Affairs Committee, stated in March 2014 that there should be different criteria for acquiring Georgian citizenship for Africans “given that we are developing, we don’t really need extra spongers.”⁹ In October 2012, a video became public showing Davit Darakhvelidze (Georgian Dream), then nominated as Minister of IDPs from the Occupied Territories, Accommodation and Refugees, making racist remarks, saying “every negro you meet in Tbilisi is a citizen, Indian and Chinese as well”, and “Georgia must be for Georgians.”¹⁰ He was subsequently appointed as minister, in spite of protests from civil society.
27. On 24 April 2012, during a discussion about commemorating the Armenian genocide, Azer Suleymanov, MP for the then-ruling United National Movement and whose constituency has a large Azeri population, made racist remarks about Armenians in a parliamentary debate.¹¹ In 2011, the former Minister for Conflict Resolution, Goga Khaindrava, in line with an article published in *Asaval-Dasavali*, a magazine well known for its inflammatory rhetoric, in which the government was portrayed as “Armenian lobbyists”, spoke with a negative attitude about the ethnic origin of leading MPs.¹²
28. In July 2010, the then President Mikheil Saakashvili, made a racist remark about Black people during a discussion with the Ministry of Finance: “Then are we Negroes or what? Explain to me why are we acting like savages?”¹³ During a speech one year earlier, he had asked the rhetorical question: “Are we Papuans, why do we behave like this?”¹⁴
29. Xenophobic attitudes are also present in the media, the TV channel *Obiektivi* being an example. One of its presenters remarked in July 2014: “If anyone has one or two hectares, he will not sell it to a foreigner. He may sell it to the neighbour or a relative, but never to an African.”¹⁵ The *Alia* newspaper, in an article on the same topic published one month earlier, wrote: “now tenfold of foreigners will swarm like locusts at Georgian lands and will start buying them...”¹⁶
30. Islamophobic hate speech is also growing. Fear of violent Islamists, related to real or perceived security threats emerging from the region (Syria, Iraq), is often voiced in the context of a local discourse on ethno-religious identity that sees

⁶ Media Development Foundation (MDF) 2014(a): 4.

⁷ *Ibid.*: 4 and 17.

⁸ There have been allegations that the Minister of Justice, Thea Tsulukiani, spoke with xenophobic connotations about citizens of China, Iran, Iraq, and Egypt. The Georgian authorities, however, state that her words have been incorrectly interpreted. The comments were made during an interview for the TV program *Qronika* (Imedi channel) on 18.02.2015. - For the allegations see: Member Organizations of the Civil Platform “No to Phobia!” 2015; and *Civil Georgia* 09.03.2015. – The view of the Georgian Ministry of Justice can be found at: <http://www.justice.gov.ge/News/Detail?newsId=4772>.

⁹ *Alia* newspaper 12.03.2014, quoted in: MDF 2014(a): 17.

¹⁰ *Civil Georgia* 19.10.2012.

¹¹ *Aravot* online 26.04.2012.

¹² *Internews Georgia* 2011: 15-16.

¹³ *Civil Georgia* 28.07.2010.

¹⁴ *Public Movement Multinational Georgia* 2009.

¹⁵ *Bondo Mdzinarishvili*, in: *Obiektivi*, Night Studio 02.07.2014.

¹⁶ *Zhana Asanidze*, in: *Alia* newspaper 26.06.2014, quoted in: MDF/GDI 2014(d): 3.

religious minorities as potentially disloyal to Georgia. Such mistrust is expressed, for example, when Adjara's Muslims are portrayed as Turkish agents. In January 2015, the weekly magazine *Kviris Chronika* wrote: "[the former President] gave Georgian passports to about 10,000 foreign Muslims, and turned Adjara, already facing the danger of Turkization, into a Turkish share. Today everyone knows that a certain part of these citizens fights under Islamic State in Syria ...".¹⁷ *Obiektivi TV* has long pursued an anti-Turkish editorial policy, visible in its talk shows through comments made by presenters and the choice of guests.¹⁸ It also led a campaign against a new mosque in Batumi. Irma Inashvili, founder of *Obiektivi* and leader of the Alliance of Patriots party, stated: "First and foremost, they realise that threat which the construction of a new mosque, or to be more precise, erecting a symbol of might of Turkey in the center of Batumi can cause."¹⁹

31. Hate speech also affects other religious minorities. After the government's decision to provide compensatory funding to Muslims, Armenian Apostolics, Catholics and Jews, an *Obiektivi* presenter commented: "Let us finance the Satanists too then".²⁰ On the occasion of an international festival organised by the Christian-Evangelical Church in Tbilisi in 2014, the *Alia* newspaper wrote: "This is a usual anti-Christian heretical gathering and no one should attend it!"²¹
32. During 2013-14, according to information obtained by MDF, *Obiektivi* received at least USD 25 000 and the newspapers *Alia* and *Kviris Chronika* together around USD 20 000, from government ministries and agencies as part of advertisement contracts and other agreements.²²
33. ECRI recommends that the authorities review their contracts with media outlets and cancel or not renew them in cases where media are known to engage in racist or homo-/transphobic hate speech. The authorities should also ensure that future contracts contain a clause stipulating that racist or homo-/transphobic hate speech will result in contract termination.
34. Hate speech is also widespread on the Internet and goes largely unchecked and unpunished. In recent years, it has shifted increasingly away from content directly provided by site operators to the comments sections in which readers, assuming anonymity, leave hate messages.

- **Homo- / transphobic hate speech**

35. Hate speech against LGBT persons ranges from insults in daily life to hateful comments made by politicians, journalists or members of the Georgian Orthodox clergy. The situation worsened during the discussion about the inclusion of sexual orientation and gender identity into the anti-discrimination law.
36. MDF's monitoring project in 2014 registered the highest number of cases in the area of anti-LGBT hate speech, with 41 incidents during the three months' period. The most senior political figure engaging in such hate speech was then-minister Davit Darakhvelidze, who stated that "homosexuals are diseased people".²³ Shalva Natelashvili, Labour Party, portrayed homosexuality and transsexuality as a contagious disease.²⁴ Because of the inclusion of sexual

¹⁷ Giorgi Jikiashvili, in: *Kviris Chronika* 19.-25.01.2015.

¹⁸ MDF 2013: 27.

¹⁹ Irma Inashvili, in: *Obiektivi, Night Studio* 15.04.2013, quoted in: MDF 2013: 30.

²⁰ Iliia Chachibaia, in: *Obiektivi, Night Studio* 24.02.2014.

²¹ Zhana Asanidze, in: *Alia* newspaper 28.05.2014, quoted in: MDF/GDI 2014(c): 6.

²² Information received from MDF.

²³ *Versia* newspaper 09.05.2014, quoted in: MDF 2014(a): 26.

²⁴ *Imedi Reaktsia* 30.05.2014, quoted in: MDF/GDI 2014(c): 11.

orientation, Asaval-Dasavali Magazine referred to the new anti-discrimination law as “the pederasts’ law”.²⁵

37. Hate speech also occurred during protests against public LGBT events to mark the International Day against Homophobia and Transphobia (IDAHO), for example in May 2013 (see section I.3). The Patriarch of the Georgian Orthodox Church called the LGBT events “an insult to the Georgian nation” and homosexuality “a disease”.²⁶
38. Online homo-/transphobic hate speech is increasing and does not only reproduce the above mentioned stereotypes, but often contains incitements to violence against LGBT persons (see section I.3).

- **Measures taken by the authorities**

39. Since ECRI’s last report no hate speech case has been prosecuted as no legal basis exists. Investigations, however, have been launched when a specific threat of violence was involved, thus not investigating hate speech per se. Recent discussions on new legislation focused on the fear voiced by civil society that limitations of the freedom of speech could be abused by governments to stifle legitimate criticism and democratic discourse.²⁷ On 12 June 2015, Article 239-1 was added to the Criminal Code of Georgia to establish criminal liability for incitement of violence against others with the aim of increasing tensions on religious, ethnic or other grounds. While ECRI welcomes the introduction of a law to criminalise certain aspects of hate speech, it notices that the new law only strengthens responses when hate speech clearly intends to cause an unlawful action, such as a specific threat of violence.

40. ECRI recommends enacting anti-hate speech legislation along the lines of its General Policy Recommendation No. 7 § 18 (a)-(f) and in conjunction with the recommendation contained in paragraph 7 above. At the same time, training should be provided to ensure the law is not used to stifle or suppress the expression of legitimate and non-violent views by vulnerable groups.

41. The media is regulated, in addition to the law on Broadcasting, by several self-regulatory mechanisms, which are foreseen by the Journalistic Code of Conduct. The 2006 Georgian Public Broadcasters’ Code of Conduct, for example, forbids hate speech. However, so far only three complaints were considered by the relevant board. Proactive monitoring was stopped in 2010 and replaced with a reactive approach. Private TV and radio operators also set up similar mechanisms, but these have largely been described by NGOs monitoring Georgian media as non-functional and/or ineffective. The Charter for Journalistic Ethics, part of the self-regulatory Media Council Ethics Commission, investigated 25 newspaper articles in 2014, six of them referring to racist or homo-/transphobic hate speech. While some newspapers reacted positively to their findings and recommendations, tabloid papers and magazines like Asaval-Dasavali were far less responsive or not responsive at all. The effectiveness of the self-regulatory mechanisms is also hampered by the fact that only affected persons can lodge a complaint, and not, for example, NGOs.

42. ECRI recommends that the Georgian authorities initiate an awareness-raising campaign jointly with media self-regulatory bodies, without encroaching on their independence, on preventing and combatting hate speech. The authorities should seek opportunities to support and strengthen positive approaches in the media industry to tackle this problem.

²⁵ Dito Chubinishvili, in: Asaval-Dasavali 26.05.–01.06.2014, quoted in: MDF/GDI 2014(c): 9.

²⁶ BBC News 17.05.2013; Der Spiegel 19.05.2013; and MDF/GDI 2014(b): 8.

²⁷ Joint statement of civil society and media organizations regarding bill on incitement of hatred 26.01.2015.

43. Online hate speech remains a serious challenge and internet service providers (ISPs) seem largely unwilling to fulfil their obligations under the relevant national regulation (see paragraph 17). Caucasus Online, the largest Georgian ISP with a near monopoly position, monitors websites periodically, but is not obliged under Georgian law to share its findings with the national regulator, the Georgian National Communications Commission. The regulator has so far shown little interest in combating online hate speech.²⁸ Georgia is not a signatory to the Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems.
44. ECRI recommends that Georgia sign and ratify the Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems.
45. The mechanisms described in the preceding paragraphs have not made the necessary impact. The Public Defender has in many cases criticised those who engaged in hate speech, but without being able to elicit an apology or to prevent further occurrences. He also condemned the above mentioned remarks against Armenians made in Parliament and pointed to the special responsibility that MPs have.²⁹ The Parliament's Code of Ethics bans offensive language, but does not include effective measures to be taken in such cases.³⁰ ECRI was informed that the Parliament is currently considering revising its Rules of Procedure to introduce sanctions for hate speech.
46. ECRI recommends that a provision prohibiting racist and homo-/transphobic insults and providing for measures and/or sanctions to be taken in case of its breach be introduced in the Parliament's Rules of Procedure. ECRI further recommends that all political parties take a firm stand against racist and homo-/transphobic discourse.

3. Racist and homo- / transphobic violence

- Data

47. Data on racist and homo-/transphobic violence is collected by the Ministry of the Interior and the Prosecutor's Office. The Supreme Court maintains a separate database for cases where Article 53 CCG on aggravating circumstances was applied. The Georgian authorities informed ECRI that they opened four hate crime investigations in 2011, nine in 2012, 16 in 2013 and 18 in 2014. The official data received by ODHIR indicated 19 cases of hate crime in 2011, with one prosecution, and 13 cases in 2012 with five prosecutions. There were no convictions during these years. However, this number is much lower than the number of actual incidents reported by NGOs.

48. ECRI recommends creating a joint database for all hate crime cases, including those in which aggravating circumstances were applied.

- Attacks against religious minorities

49. Since ECRI's last report, frequent attacks against religious minorities and violent interference with their freedom of religion continued to occur. Muslims and Jehovah's Witnesses were particularly affected. In October 2014, Muslims in Mokhe protested against the destruction of an old mosque, which the authorities wanted to turn into a library. In spite of assurances to resolve the dispute amicably, protesters were dispersed violently by the police, who

²⁸ According to the 2004 Law on the Freedom of Speech and Expression, content can only be regulated if it falls within specified categories, such as defamation, obscenity, incitement to commit an offence, or threat (Article 9.1).

²⁹ Aravot online 2012.

³⁰ Code of Ethics of the Members of the Georgian Parliament 2004, Article 4.

allegedly abused them physically and verbally during arrests.³¹ In September 2014, the opening of a new boarding school facility for Muslim children in Kobuleti was prevented by violent protests from residents. They blocked the entrance and threatened employees and children. A pig's head was nailed to the school's door.³² In April 2013, three military policemen threatened residents in a village near Kobuleti and stopped cars in the search for Muslims. They demanded to see if people wore a cross, as proof that they were Christians.³³

50. In August 2013, the removal of a minaret in Chela resulted in violence between the police and local Muslims. The authorities alleged that it had been imported from Turkey in violation of customs rules. The village was sealed off by the police and the minaret removed.³⁴ Several local Muslims, protesting against the disproportionate action, were arrested. Three months later, the minaret was re-erected.³⁵ In Samtatskaro (2013), and in Nigvziani and Tsintskaro (2012), Orthodox residents attacked Muslim worshippers and clerics, and blocked places of worship. Some Georgian Orthodox clergy and municipal officials supported them.³⁶
51. Jehovah's Witnesses recorded 25 cases of attacks against their members from January to August 2014. One person died of severe injuries. Fifty-three incidents of violence were reported in 2013.³⁷ The level ranged from slaps to beatings resulting in injuries. Incidents occurred in the streets or near the community's religious buildings. Sometimes crowds attacked Jehovah's Witnesses to stop their public outreach or hinder the construction of places of worship.³⁸ In June 2014, local residents and Georgian Orthodox clergy protested against the construction of a Kingdom Hall in Terjola. Jehovah's Witnesses were attacked, even after the building permit was withdrawn by the municipal council. Two persons attacked a house used by Jehovah's Witnesses for prayers and threw stones, assaulted the owner and threatened others.³⁹
52. In July 2014, a group attacked an Armenian Apostolic priest in Tbilisi, beating him and tearing off his cross. The incident followed an argument over parking space near a church. Witnesses allegedly heard the attackers use anti-Armenian hate speech.⁴⁰ In December 2013, a public celebration of the Jewish Hanukkah holiday was violently disrupted by protesters, including Georgian Orthodox priests, who opposed the celebration of a non-Christian holiday in public.⁴¹

- **Homo-/transphobic violence**

53. The number of homo-/transphobic attacks in Georgia has grown in recent years. Incidents range from attacks against individuals in public places, or even in their

³¹ Human Rights Watch 2015; Amnesty International 2015: 160; Tolerance and Diversity Institute (TDI) 2014(c); and TDI 2014(b).

³² The Public Defender of Georgia 19.10.2014; Civil Georgia 10.09.2014; and Popovaite 2014.

³³ Human Rights Watch 2014.

³⁴ Georgia and Turkey have a free-trade agreement and no import duty was due. The Revenue Service issued order 39828 of 20.08.2013 to dismantle and examine the minaret to establish the VAT value. However, the order did not explain, as required by law, why less intrusive methods were unavailable.

³⁵ Council of Europe, Commissioner for Human Rights 2014: 29-30; and Georgian Democracy Initiative (GDI) 2013: 20-23.

³⁶ Commissioner for Human Rights 2014: 29-30; Corley 2013; and Georgian Journal 02.11.2012.

³⁷ Jehovah's Witnesses 14.10.2014.

³⁸ Commissioner for Human Rights 2014: 29; and TDI 2014(a): 41.

³⁹ Human Rights Education and Monitoring Center (EMC) 26.06.2014.

⁴⁰ Radio Free Europe / Radio Liberty 21.07.2014.

⁴¹ Commissioner for Human Rights 2014: 30. – The Georgian Orthodox Patriarchate distanced itself from such actions and emphasised its traditionally good relationship with the Jewish community.

homes, to violence in the context of LGBT events, and threats against NGOs. Victims often refrain from reporting cases due to a very homo-/transphobic climate in Georgian society, fear of one's sexual orientation or gender identity being revealed and resulting in reprisals, and lack of support, or even discriminatory attitudes, from the police.⁴²

54. Threats have been made repeatedly against LGBT activists. In January 2015, Identoba and its staff were threatened via social media.⁴³ They had already received death threats in 2012 and 2013.⁴⁴ In February 2013, Women's Fund, the first NGO in Georgia openly to support LBT groups, was forced to move offices, due to neighbours threatening the employees.⁴⁵
55. On 17 May 2013, a demonstration against IDAHO events turned violent and LGBT persons were attacked by a mob of protesters, including Georgian Orthodox priests, leaving several people wounded.⁴⁶ Already in 2012, IDAHO events were attacked by radical religious protesters, causing severe injuries to at least two people.⁴⁷
56. In 2013, NGOs documented another seven attacks in 2013, as well as a murder with a possible homophobic motivation; and the Public Defender received more than 30 complaints about attacks against LGBT persons.⁴⁸ In 2012, NGOs reported another five cases of assault against LGBT persons, in addition to the IDAHO-related violence.⁴⁹
57. There is a growing number of online blogs and fora inciting violence against LGBT persons. In June 2012, for example, members of an organisation dedicated to attacking LGBT persons posted a photo of a T-shirt with the slogan, "Kill Gays."⁵⁰

- **Measures taken by the authorities**

58. In many cases of religiously motivated violence, the police and the prosecution service did not investigate the incidents fully or did not charge perpetrators. Most cases were not followed up, even if the assailants were known; or were treated as petty hooliganism and minor administrative offences.⁵¹ If cases were investigated, the perpetrators were often merely obliged to sign a statement of non-repetition or pay a small fine. Victims were often not informed about the steps taken by the authorities or the results, if any.⁵²
59. In so far as the Chela case (mentioned in § 50) is concerned, the focus of the investigation was on the behaviour of the protesters as opposed to allegations of police misconduct.⁵³ The violent events in Tsintskaro and Nigvziani included interference with religious rites, but the authorities did not intervene to guarantee the rights of the Muslim community and no investigations were launched. The authorities supported dialogue between religious groups, instead

⁴² Commissioner for Human Rights 2014: 21-22; Women's Initiatives Supporting Group (WISG) 2014: 2; and WISG / ILGA-Europe 2015(a): 2.

⁴³ Identoba 08.01.2015. See also: Public Defender 09.01.2015.

⁴⁴ Identoba 2013: 8.

⁴⁵ Mama Cash International Women's Fund 10.04.2013.

⁴⁶ ILGA 2014: 9.

⁴⁷ Interights (no date). See also: EMC et al. 2015: 4.

⁴⁸ Commissioner for Human Rights 2014: 22. See also: Identoba 2013: 7-11.

⁴⁹ OSCE, ODIHR 2012.

⁵⁰ Identoba, 2013: 12.

⁵¹ See for example the attacks against Jehovah's Witnesses in Terjola (EMC 2014: 1 and 4).

⁵² TDI 2014(a): 43-44.

⁵³ Based on information received by ECRI's Secretariat from the Georgian authorities. – Cf. GDI 2013: 20-23.

of applying the law.⁵⁴ Following the events in Mokhe, the Chief Prosecutor's office investigated accusations of abuse of force and unlawful arrests, but whether this amounted to an effective investigation of police conduct remains questionable.⁵⁵

60. In Kobuleti, the police was present during the protests but remained passive. The authorities informed ECRI that the police was subsequently ordered to prevent any future conflict, but was not instructed to ensure that the boarding school could open. The prosecution service merely launched an investigation into threatening behaviour, not taking religious hatred into account.⁵⁶ The attack against an Armenian priest in Tbilisi was also investigated without considering the religious hate motivation.⁵⁷
61. A very limited number of cases resulted in judicial proceedings. The case of the three military policemen, who had stopped cars near Kobuleti to search for Muslims, was an example of perpetrators being tried.⁵⁸ In December 2014, the Ministry of Internal Affairs issued a circular concerning more effective measures against hate crime. Police officers were tasked to record information on possible hate motivations when investigating alleged offences. ECRI welcomes this initiative, although it remains to be seen how it will be implemented.
62. ECRI recommends close monitoring of whether the police investigates potential racist and homo-/transphobic motivations. Furthermore, ECRI recommends that racist and homo-/transphobic motivations are considered from the outset of judicial proceedings.
63. Although lately some attacks and threats against LGBT persons were investigated by the police, for example the threats made against Identoba in January 2015, they had previously refused or shown reluctance to investigate in a number of cases. In a 2013 case of repeated assaults and death threats against a homosexual man, Identoba requested the Prosecution Office to investigate, but was told that "...the authorities cannot investigate all of the 'foolishness and buffoonery' that occurs on social networks."⁵⁹ Women's Fund immediately notified the police about the threats against it, but investigations only started in January 2014, after the Public Defender had repeatedly requested information from the police. The 2013 murder case with a potential homophobic background was investigated as a robbery, with no mention of any bias motivation.⁶⁰ There has not been a single case so far, in which Article 53 of the CCG on aggravating circumstances was applied with regard to homo-/transphobic motivations.
64. In April 2014, Parliament adopted the 2014-2020 National Human Rights Strategy. Among the strategic focus areas are freedom of expression, association and peaceful assembly (No. 10); freedom of religion and belief (No. 11); and equal rights and protection of the rights of minorities (No. 12).⁶¹ The accompanying Action Plan 2014-2015 contains, for example, provisions for "prevention and effective investigation of crimes motivated by religious hatred / intolerance" (No. 12.2), including training of staff at the Ministry of Interior and

⁵⁴ GDI 2013: 22–25.

⁵⁵ Human Rights Watch 2015: 255.

⁵⁶ Three persons were fined minor amounts for having nailed a pig's head onto the door of the Muslim school, which was considered an administrative offence.

⁵⁷ Radio Free Europe / Radio Liberty 21.07.2014.

⁵⁸ Two of the three perpetrators were apprehended, prosecuted for hooliganism and abuse of powers, and convicted. The third person escaped.

⁵⁹ Identoba 2013: 9.

⁶⁰ Identoba 2013: 8.

⁶¹ Government of Georgia 2014(a): 16-17.

the Main Prosecutor's Office to strengthen their abilities to conduct hate crime investigations (No. 12.2.3), and the "defense of public religious worship, if necessary" (No. 12.2.4).⁶² While no measures have been taken with regard to the last item⁶³, a module on hate crime investigation was included in different Police Academy training courses, which were attended by 583 participants during the first eight months of 2014.⁶⁴ However, homo-/transphobic motivation is not listed among the course components and only features in a separate training on crowd control ("role of police during rallies conducted by sexual minorities"), which was attended by only 30 participants. It also remains unclear if this training focuses on the protection of the rights of LGBT groups to hold public rallies.

65. The authorities informed ECRI that 84 legal professionals, including judges and prosecutors, received training on non-discrimination legislation in 2014 and that every region of the country should have at least one prosecutor who has been trained on the application of Article 53 CCG on aggravating circumstances. However, the authorities acknowledged that this is not yet sufficient and are planning to organise a training-of-trainers programme for judiciary and law enforcement officials, in cooperation with the Council of Europe.
66. ECRI was also informed that plans to create special units within the police to deal with racist and homo-/transphobic violence were discussed in the past, but that no further steps were taken.
67. ECRI recommends that the training activities for the judiciary and law enforcement officials on investigating incidents of hate crime are scaled up. Furthermore, the trainings should cover homo-/transphobic hate crime. ECRI also recommends that the authorities conduct an impact assessment to evaluate the trainings and, if necessary, adjust them.
68. Moreover, ECRI recommends that the Georgian authorities set up a specialised unit within the police to deal specifically with racist and homo-/transphobic hate crime. When establishing this unit, the authorities should seek expert advice from the Public Defender, relevant NGOs and international organisations.
69. There was neither a campaign to raise awareness among the general public of the existence of criminal law provisions enabling hate crime to be punished, nor were any steps taken to encourage victims to lodge complaints concerning such acts, as recommended in ECRI's last report on Georgia. The Ministry of Education and Science informed ECRI that it had launched several anti-violence projects in schools. However, these were not specifically geared towards addressing hate crime and underlying prejudices, but focused on general crime prevention aspects.
70. ECRI recommends informing the general public of the existence of criminal law provisions enabling racially motivated acts or acts of religious intolerance or homo-/transphobic acts to be punished; and to encourage victims to lodge complaints concerning such acts. ECRI also recommends initiating awareness raising programmes in schools and universities to combat racist and homo-/transphobic hatred.
71. The failure of the authorities to react appropriately to violence against religious minorities and LGBT persons often led to the repetition of such acts. In spite of the state's positive obligation, repeatedly confirmed by the European Court of

⁶² Government of Georgia 2014(b): 38.

⁶³ This is also evident from the numerous statements made by the Public Defender on the various incidents. The Public Defender's assessments are listed as indicators to measure the implementation of this action point.

⁶⁴ Government of Georgia 2015: 51.

Human Rights⁶⁵, the situation remains problematic in the absence of an effective deterrent. This leads to an atmosphere of intimidation and a growing number of attacks. Local authorities often played a negative role and in several cases sided with violent protesters.⁶⁶ Although the Prime Minister met with Muslim leaders after the Chela incident in order to calm tensions, the government informally delegated the issue to the Patriarchate⁶⁷ of the Georgian Orthodox Church. Negotiations to settle the dispute took place between the Patriarchate and the Muslim leadership.⁶⁸ The authorities neither attempted to establish whether Muslims' freedom of religion had been violated, nor did they investigate the officials who allegedly abused their powers and discriminated against Muslims in Chela.

72. Similarly, observers reported that during the events of 17 May 2013, the police strategy was focused on bringing the LGBT activists to safety, rather than defending their rally against attacks from counter-demonstrators.⁶⁹ Following the anti-LGBT violence in May 2013, the government announced its condemnation of such violent acts. However, the statements did not call for more tolerance and respect for LGBT persons. The Chairman of the Georgian Dream Parliamentary majority, Davit Saganelidze, even blamed the LGBT organisations themselves for the violence, portraying them as provocateurs.⁷⁰
73. The response of the authorities to incidents of hate crime is inadequate. Hate motivations are too often not taken into consideration and mob attacks on religious minorities or LGBT persons are not triggering the necessary actions by law enforcement bodies to punish perpetrators and prevent future incidents. The state does not fulfil its obligation to protect the rights of religious minorities, but instead advocates for mediation procedures which on their own are insufficient to safeguard religious freedoms and prevent further occurrences of violence.
74. ECRI recommends that the islamophobic incidents, especially those in Chela, Kobuleti and Mokhe, as well as other hate crime cases are fully and independently investigated and that perpetrators are prosecuted. ECRI also recommends that in the future, the authorities protect the rights of religious and other minorities against violent protesters.

4. Integration policies

75. The authorities had adopted the 2009-2014 National Concept for Tolerance and Civic Integration and an associated Action Plan. The inter-ministerial concept and plan were based on six strategic directions: rule of law, education and state language, media and access to information, political integration and civic participation, social and regional integration, and culture and preservation of identity. The Action Plan was largely implemented, in conjunction with positive legislative changes (see section I.1), as recommended by ECRI in 2010.⁷¹

⁶⁵ See for example: *Begheluri and Others v. Georgia* (ECtHR no. 28490/02, judgment of 07.10.2014); and: *Gldani Congregation of Jehovah's Witnesses v. Georgia* (ECtHR no.71156/01, judgment of 03.05.2007).

⁶⁶ See for example EMC 2014: 2-4 on the Terjola case.

⁶⁷ The Catholicos-Patriarch of All Georgia ("the Patriarch") is the head of the Georgian Apostolic Autocephalous Orthodox Church ("Georgian Orthodox Church").

⁶⁸ TDI 2014(a): 47-49.

⁶⁹ Transparency International Georgia et al. 17.05.2013; also: Roth 17.05.2013. See also: European Court of Human Rights, judgment in the case of *Identoba and Others v. Georgia*, (application no. 73235/12), 12.05.2015.

⁷⁰ *Tabula Georgia* 17.05. 2013. - The Patriarch of the Georgian Orthodox Church also failed to condemn the violence by priests against LGBT persons, dismissing their actions as merely "impolite". (Antelava 23.05.2013.)

⁷¹ § 102 of ECRI's 4th Report on Georgia.

76. Particular emphasis was placed on the teaching of Georgian as a second language, an area that ECRI had also identified as being in need of improvements in its last report.⁷² The “Georgian Language for Future Success” programme started in 2011 with the aim of improving knowledge of the Georgian language among historical ethnic minorities. The authorities supported 300 teachers for one year to teach Georgian in minority regions.⁷³ ECRI was also informed that, as a follow up to one of its 2010 priority recommendations⁷⁴, the Zurab Zhvania Public Administration School revised its policies in 2014 and reviewed the quality of training resources for teaching Georgian to minorities. As a result, a basic course of Georgian as a Second Language was delivered by the school in 2014 in eight regional training centres. However, neither activity was rolled out further, and while the programmes were positive steps, the scale remains insufficient.
77. Under the 2009-2014 Action Plan, several large scale infrastructural projects, such as road and railway construction, were implemented. They had the aim of reducing the geographical isolation of some of the regions densely populated by historical ethnic minorities, and creating jobs in order to stimulate the integration of these minorities into the labour market and thereby reduce their socio-economic marginalisation.
78. With regard to specific smaller minority groups, the authorities informed ECRI that 125 Meshketian returnee households benefitted from a social inclusion and educational support programme. A number of Roma children were also included in this activity, which involved parents and local communities in order to create a more tolerant environment.

- **Gap areas**

79. Two groups that have not been included in the National Concept for Tolerance and Civic Integration and its Action Plan are refugees and persons who have been granted subsidiary protection. ECRI was informed that the authorities are planning a Local Integration Programme for them. At the moment the social and economic support for these groups remains marginal. They receive a monthly allowance of approximately € 18 and have access to basic health care and education. They are also allowed to work, but exercising this right is difficult due to language barriers, except for persons with sufficient knowledge of Russian. Language courses are not offered, except for in some cases by the UNHCR. Refugee support programmes are mainly funded by international organisations, for example in the Pankisi valley. Such support is vital, but it is not a reliable solution for long term integration.
80. Similarly, the support for Meshketians was not part of a comprehensive repatriation and integration strategy for Meshketians, as recommended by ECRI in 2010.⁷⁵ The strategy was only finalised in 2014 and the adoption of the corresponding action plan for its implementation is still pending. Many Meshketians who returned to Georgia face integration problems. Awareness about the historical reasons for their repatriation rights remains low among local communities, sometimes leading to resentments and social exclusion. Large scale information campaigns about the Meshketian repatriation, as recommended in ECRI’s 2010 priority recommendations,⁷⁶ were not conducted

⁷² § 35 of ECRI’s 4th Report on Georgia.

⁷³ Website of the Ministry for Education and Science in Georgia.

⁷⁴ § 78 of ECRI’s 4th Report on Georgia. With regard to the second part of this recommendation (assisting graduates to find adequate employment), it should be noted that the school is now only teaching persons already employed in the civil service.

⁷⁵ § 67 of ECRI’s 4th Report on Georgia.

⁷⁶ Ibid.

by the authorities. Integration activities, including Georgian language training where necessary, remain scarce.

81. Having adequate information about the social and economic inclusion of different minority groups is important in order to identify problems, design solutions and monitor trends. This is especially vital when it comes to understanding the situation of smaller minority groups. In 2010, ECRI recommended establishing a system for collecting equality data in order to assess the level of integration of minority groups in various fields, including education and employment in the public sector.⁷⁷ The new anti-discrimination law (Article 2.7) explicitly allows for special measures to promote de facto equality. However, no such system has been established so far.

- Results

82. Historical ethnic minorities in Georgia⁷⁸ continue to experience problems in the fields of education. The quality of textbooks translated from Georgian into minority languages is often poor. Around 70% of texts have been translated, while 30% are only available in Georgian and are mostly ignored by teachers in minority schools. The quality of teaching Georgian as a second language to minority children also remains problematic. These factors lead to a lower educational standard for minority children.⁷⁹ All this causes obstacles for them in higher education and employment. The importance of addressing these issues has already been pointed out by ECRI in its 2010 report.⁸⁰
83. The infrastructure projects referred to in paragraph 77, which aimed at reducing socio-economic marginalisation of historical ethnic minorities and were implemented under the 2009-2014 Action Plan, did not include sufficient skill-building activities, such as vocational training programmes. The projects did not therefore manage substantially to reduce the levels of socio-economic exclusion.⁸¹
84. In spite of the existing integration policies contained in the 2009-2014 National Concept for Tolerance and Civic Integration and the Action Plan, marginalisation also persists with regard to social services in minority regions. While some improvements have been made, for example in the field of social security and in particular the health care sector, the availability of information in minority languages remains low and people are not always aware of services even when they exist.⁸² The Ministry of Health, Labour and Social Affairs held a series of information meetings specifically targeting historical ethnic minorities, but the scale of this outreach work remained limited.⁸³
85. In many geographically isolated minority areas, Georgian radio and television are unavailable and people rely on Azeri, Armenian or Russian language media. This results in insufficient awareness of current events in Georgia in such areas, which in turn contributes to low levels of political participation of minority

⁷⁷ Such data collection should be i) carried out in accordance with the principles of confidentiality, informed consent and individuals' voluntary self-identification as members of a particular group; and ii) organised in close co-operation with all those concerned, including civil society organisations. See § 105 of ECRI's 4th Report on Georgia.

⁷⁸ With regard to the integration of historical ethnic minorities, ECRI would also like to draw the authorities' attention to the opinion of the Advisory Committee of the Framework Convention for the Protection of National Minorities, which conducted its last monitoring visit to Georgia at the same time as ECRI.

⁷⁹ State Ministry for Reconciliation and Civic Equality 2014: 181.

⁸⁰ §§ 35 and 37 of ECRI's 4th Report on Georgia.

⁸¹ State Ministry for Reconciliation and Civic Equality 2014: 188.

⁸² Ibid.

⁸³ State Ministry for Reconciliation and Civic Equality, 2014: 124.

members.⁸⁴ Although the authorities took some technical measures to increase the coverage of the Public Broadcaster, the problem was not fully resolved. This is likely to change only with the switch to digital broadcasting which is foreseen for the near future.⁸⁵ Making Georgian public broadcasting more widely available, however, would not be sufficient to address the problem, as minority language programmes are limited and not always of the expected quality.⁸⁶ The 2009-2014 Action Plan included an increase of minority language programmes, but their ratings and attractiveness remained low. The programme “Our Yard”, designed to cover minority issues, has been criticised by minority members for portraying historical ethnic minorities as isolated groups, rather than emphasising their integration, and at times even reproducing stereotypes.⁸⁷

86. The Roma community is also still socially marginalised, especially in the areas of education and employment. Participation of Roma in social programmes and public affairs is minimal and only a minority of Roma children attends school regularly.⁸⁸ These problems persist in spite of ECRI’s previous recommendation to pay special attention to them.⁸⁹ The authorities informed ECRI that a number of Roma children were included in the social inclusion and educational support programme mentioned in paragraph 78 above. Out of 158 children who benefitted from the services of social centres involved, 18 were Roma children. This situation is symptomatic of a wider problem, namely that the implementation of the 2009-2014 Tolerance and Civic Integration Action Plan focused mainly on larger minorities, at the expense of smaller ones like Roma.⁹⁰

- **New Policies**

87. Following the expiry of the National Concept on Tolerance and Civic Integration 2009-2014 and its Action Plan, the authorities are in the process of drafting and adopting a new Civic Equality and Integration Strategy 2015-2020. In April 2015, the First Deputy State Minister of Georgia for Reconciliation and Civic Equality, Ketevan Tsikhelashvili, stated that the strategy should aim at achieving integration based on civic equality, involve the representatives of ethnic minorities in all spheres of life, including political activities; and also ensure the appropriate development of state language awareness and information accessibility.⁹¹ ECRI trusts that the authorities will take into consideration the evaluation of the last strategy, address the existing gaps, fully consult with all relevant stakeholders and monitor the implementation of the new strategy on a permanent basis.
88. ECRI would also like to encourage the Georgian authorities swiftly to adopt the outstanding action plan for the repatriation and integration of Meshketians and the integration strategy for refugees and persons who have been granted subsidiary protection.
89. ECRI recommends strengthening the integration of historical ethnic minorities by 1.) Raising the levels of minority education, in particular through i) improving textbooks; ii) scaling up the teaching of Georgian as a second language; and iii) expanding vocational training programmes; 2.) Scaling up outreach activities to convey information about social services to minorities; 3.) Increasing the quantity and improving the quality of Public Broadcasting

⁸⁴ Ibid.: 186.

⁸⁵ Ibid.: 95.

⁸⁶ Ibid.: 183-184.

⁸⁷ Ibid.: 96.

⁸⁸ Ibid.: 115.

⁸⁹ §§ 60 and 61 of ECRI’s 4th Report on Georgia.

⁹⁰ State Ministry for Reconciliation and Civic Equality 2014: 180.

⁹¹ Website of the Office of the State Ministry of Georgia for Reconciliation and Civic Equality 24.04.2015.

minority language programmes; 4.) Adopting a comprehensive action plan for the repatriation and integration strategy for Meshketians without delay and conducting large scale awareness-raising activities to create a supportive environment for Meshketian returnees; and 5.) Expanding the programmes for social inclusion and educational support, with a special emphasis on increasing the school attendance of Roma children.

90. ECRI also recommends setting up a comprehensive integration support programme for refugees and persons who have been granted subsidiary protection, and in particular introducing regular Georgian language classes for these groups.
91. Furthermore, ECRI recommends establishing an equality data collection system to monitor the integration of minorities, in line with the recommendation made in paragraph 105 of its 2010 report on Georgia.

II. Topics specific to Georgia

1. Interim follow-up recommendations of the fourth round

92. The follow-up to ECRI's fourth round priority recommendations is discussed in section I.4 above, in paragraphs 76, 80, and 82.

2. Other

2.1 Religious intolerance and discrimination

93. Religious intolerance and rising tensions are a serious problem, as shown by the above examples of hate speech and violence. Although the Constitution provides for freedom of religion, the general situation is characterised by a close relationship between national and Georgian Orthodox identity. Such an ethno-religious identity nexus portrays adherence to the Georgian Orthodox faith, to which more than 80% of the population is affiliated, as essential for being Georgian. Minority religions are often viewed as alien and potentially dangerous to the cohesion and survival of Georgian society, especially when they are associated with ethnic groups that have ties to neighbouring countries. Sunni Muslims in the Adjara region are seen as affiliated with Turkey, Shiite Muslims with Azerbaijan, and Armenian Apostolic Christians with Armenia.⁹² These assumed ties fuel the radical nationalistic idea that minorities are likely to be disloyal to the Georgian state. New Christian groups, such as Jehovah's Witnesses, are often seen as an outside influence capable of undermining the dominance of the Georgian Orthodox Church and its close ties with the nation.
94. The near monopoly of one Christian church has not facilitated the creation of a constructive pluralistic religious tradition in the past. This is also visible in the ongoing problem concerning the return of religious buildings, many of which are currently used by the Georgia Orthodox Church, to previous owners. The Armenian Apostolic Church demands the return of six churches. The Armenian Apostolic Church has the status of a legal entity under public law (LEPL) and it appears that this is deemed insufficient by the authorities to consider the Church as a legal successor in ownership of these buildings.⁹³ The Catholic Church informed ECRI that five of its churches have still not been returned and continue to be used by the Georgian Orthodox Church. In Batumi, a plaque

⁹² There does not seem to be a strong resentment against Russian Orthodox Christians, which is probably due to the religious proximity of the Russian and the Georgian Orthodox Churches.

⁹³ Since 2011, religious organisations (other than the Georgian Orthodox Church) have the option to register as a legal entity under public law (LEPL). LEPLs, however, are not allowed to purchase state property, while the Georgian Orthodox Church, by virtue of its concordat with the state, was granted ownership of its churches and monasteries. - See also: State Ministry for Reconciliation and Civic Equality 2014: 16.

explaining the history of a previously Catholic church, which is now used by the Georgian Orthodox Church, was recently removed.

95. Religious minorities also experience problems when it comes to building new places of worship. The construction permit for a new Catholic church in Rustavi has been pending for over two years, in spite of a court judgment instructing the municipal administration to issue the permit. For many years, the Muslim community in Batumi remained unable to secure permission for a second mosque. Several hundred Muslims are regularly unable to fit into the existing mosque for Friday prayers and have to pray in the open in adjacent streets. Eventually the municipality agreed to the construction of a new mosque, but under the condition that it will be built at a considerable distance from the city centre. Jehovah's Witnesses also often face problems when attempting to construct Kingdom Halls, as seen in the case of Terjola (see paragraph 51 above).
96. ECRI recommends solving the remaining disputes about religious property in a speedy, transparent and fair manner. ECRI also recommends that permits for the construction of places of worship are not withheld due to religious prejudices or local protests, but that applications are processed in accordance with applicable laws.
97. In 2014, the Georgian authorities set up a new State Agency for Religious Issues.⁹⁴ However, religious minorities or the Public Defender were not consulted during this process. The mandate of the Agency is not entirely clear yet and neither is its procedure for developing recommendations, which is one of its functions. It is also unknown how the agency will cooperate with the Council of Religions, which has been operating under the Public Defender since 2005, or how it will involve religious minorities in its work. Representatives of different religious communities expressed their disappointment that the agency has not attempted to meet with them. So far the agency worked mainly on three issues: financial allocations to religious groups; setting up of local conciliation mechanisms following islamophobic attacks; and developing a new strategy for a state policy on religion.
98. The agency decided on funding for four religious groups as partial compensation for injustices and damages suffered during the Soviet era.⁹⁵ The Muslim community received GEL 1 100 000, the Armenian Apostolic Church GEL 300 000, the Catholic Church GEL 200 000 and the Jewish community GEL 100 000.⁹⁶ However, these groups complained that there was insufficient dialogue with them prior to the decision and a lack of transparency about the criteria.
99. Doubts about the agency's work increased further with the publication of its Religious Policy Development Strategy in early 2015. It states that the Georgian State needs to "avoid interference of the neighbour states in the internal politics of Georgia by using Georgian population's ethnic-religious diversity. In Georgia ... [t]he scope of the problem was only limited on protection of religious minorities rights, while, at the same time, it should cover internal and foreign security discourses of the state."⁹⁷ Many observers note that viewing religious freedom and the rights of religious minorities through a security perspective is detrimental to the protection of rights and the prevention of discrimination and intolerance. It also carries a risk of becoming a self-fulfilling prophecy, as it can

⁹⁴ Government of Georgia 2014(c), Resolution N 177, 19.02.2014.

⁹⁵ Georgia does not accept liability for damages caused by the Soviet Union. Payments are not intended to be reparations in a legal sense, but a political and symbolic gesture to compensate for historical injustices.

⁹⁶ The Georgian Orthodox Church is currently funded by the state budget annually with some GEL 25 000 000.

⁹⁷ The State Agency of Religious Issues 2015: 4.

result in the marginalisation of minorities, eroding their trust in, and identification with, the state.

100. The fourth guiding principle of the strategy states that “Protection of the rights of religious minorities is implemented by recognition of identity of the groups and ensuring their proper integration in the common public policy of the state.”⁹⁸ Integration into a state policy, however, is a rather vague notion and making this a prerequisite for ensuring the rights of religious minorities begs the question why this should be a condition and how it is to be implemented in practice. It also remains unclear whether the application of this principle would single out religious minorities for integration into a state policy, while granting the majority Georgian Orthodox religion a much larger autonomy.
101. ECRI recommends amending the strategy for the development of a religious policy to focus on the rights of religious minorities, the principle of non-discrimination and the promotion of religious tolerance from a perspective of inclusion and integration. Furthermore, the concept of integrating religious minorities into a state policy should be clarified in line with full protection of the rights of religious minorities.
102. ECRI was informed that the mediation mechanisms set up by the State Agency for Religious Issues in the aftermath of islamophobic incidents, such as the one in Chela (see section I.3), excluded experts from the Public Defender’s Tolerance Centre, which has gained vast experience on the subject of religious tensions through its Council of Religions. It seems incomprehensible that this valuable expertise is not utilised when dealing with inter-religious strife.
103. ECRI recommends that the Georgian authorities scale up their support for the Council of Religions, which operates under the auspices of the Public Defender’s Tolerance Centre. The authorities should in particular task the newly created State Agency for Religious Issues to cooperate with the Council of Religions and utilise the Council’s expertise and recommendations in order to tackle the problem of religious intolerance.

2.2 Policies to combat discrimination and intolerance against LGBT persons⁹⁹

104. Intolerance and discrimination against LGBT persons is widespread in Georgia. In 2013, a survey was conducted in Tbilisi on the violence that had occurred during the International Day against Homophobia in May (see paragraph 55 above). 50% of the respondents said that violence was acceptable towards people who endanger national values, such as LGBT persons. Nearly 60% of respondents felt that members of the Georgian Orthodox clergy who participated in acts of violence against LGBT should not face trial. About 50% said that the rights of sexual minorities should never be respected.¹⁰⁰
105. The Georgian authorities have no specific strategy to combat discrimination and intolerance against LGBT persons. Although the National Human Rights Strategy and its Action Plan include sexual orientation and gender identity, no effective measures have been implemented so far.
106. The authorities informed ECRI that there are no specific programmes to promote LGBT tolerance in the education sector, neither in schools nor in universities. A discussion about the existence of homosexuality is not included in the school curricula. The absence of balanced and objective teaching about

⁹⁸ Ibid.

⁹⁹ Concerning the definition of LGBT cf. Council of Europe, Discrimination based on sexual orientation and gender identity in Europe 2011: 21 and 139 et seq.

¹⁰⁰ CRRC Georgia 28.04.2015.

LGBT issues leaves pupils vulnerable to the homo-/transphobic discourse prevalent in Georgian society.

107. In spite of some legislative improvements for the protection of LGBT persons against discrimination (see section I.1), their enforcement mechanisms remain inadequate (see sections I.2 and I.3).¹⁰¹
108. ECRI recommends taking steps to combat intolerance and discrimination against LGBT persons. This should be done in close cooperation with the LGBT community and the Public Defender, who should receive support to establish a dedicated LGBT unit. Suitable elements for awareness-raising in schools should also be developed.
109. There is currently no recognised form of same sex partnerships in Georgia. This absence of recognition leads to various forms of discrimination in the field of social rights. In this regard, ECRI draws the attention of the authorities to the Recommendation CM/Rec(2010)5 of the Council of Europe's Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity.¹⁰²
110. The criteria for gender reassignment surgery are unclear and not standardised. The requirements for official recognition of a new gender identity and associated changes of documents are also vague.¹⁰³ ECRI would in particular like to draw the authorities' attention to Resolution 2048 (2015) of the Council of Europe's Parliamentary Assembly.¹⁰⁴
111. ECRI recommends that the authorities develop clear guidelines for gender reassignment procedures and their official recognition.

¹⁰¹ WISG / ILGA-Europe 2015(a): 4-5; and Identoba 2013: 11.

¹⁰² Council of Europe, Committee of Ministers, Recommendation CM/Rec(2010)5, 31.03.2010: in particular §§ 24 and 25.

¹⁰³ WISG 2015(b): 47.

¹⁰⁴ Parliamentary Assembly of the Council of Europe, Resolution 2048(2015): in particular §§ 6.2.1 and 6.3.1.

INTERIM FOLLOW-UP RECOMMENDATIONS

The two specific recommendations for which ECRI requests priority implementation from the authorities of Georgia are the following:

- ECRI recommends that the Georgian authorities set up a specialised unit within the police to deal specifically with racist and homo-/transphobic hate crime. When establishing this unit, the authorities should seek expert advice from the Public Defender, relevant NGOs and international organisations.
- ECRI recommends that the Georgian authorities scale up their support for the Council of Religions, which operates under the auspices of the Public Defender's Tolerance Centre. The authorities should in particular task the newly created State Agency for Religious Issues to cooperate with the Council of Religions and utilise the Council's expertise and recommendations in order to tackle the problem of religious intolerance.

A process of interim follow-up for these two recommendations will be conducted by ECRI no later than two years following the publication of this report.

LIST OF RECOMMENDATIONS

The position of the recommendations in the text of the report is shown in parentheses.

1. (§ 7) ECRI recommends that the authorities bring Georgian criminal law, in general, into line with its General Policy Recommendation No. 7 as indicated in the preceding paragraphs; in particular they should explicitly criminalise (i) racist insults, (ii) public expression, with a racist aim, of an ideology which claims racial superiority, (iii) public denial, trivialisation, justification or condoning, with a racist aim, of crimes of genocide, crimes against humanity or war crimes, (iv) public dissemination or distribution with a racist aim of material containing racist statements, (v) creation or the leadership of a group which promotes racism; and (vi) racial discrimination in the exercise of one's public office or occupation.
2. (§ 18) ECRI recommends that the authorities bring their civil and administrative law, in general, into line with its General Policy Recommendation No. 7 as indicated in the preceding paragraphs; in particular they should amend the Law on the Elimination of All Forms of Discrimination to include: (i) a prohibition of acts of segregation, discrimination by association, and announced intention to discriminate; (ii) a duty for public institutions to ensure that parties to whom they award contracts, loans, grants or other benefits respect and promote a policy of non-discrimination; (iii) the right to free legal aid or a court lawyer and an interpreter, if necessary, for plaintiffs wishing to bring their case to a court; (iv) a fast-track option for bringing discrimination cases to the courts; and (v) a prohibition of harassment related to one of the enumerated grounds. ECRI also recommends enacting legislation to suppress the public financing of, or to ban or dissolve, racist parties or organisations.
3. (§ 22) ECRI recommends (i) ensuring that private persons and organisations are under an obligation to provide necessary evidence to the Public Defender; (ii) granting the Public Defender the right to initiate court cases based on general interest without referring to a specific victim; and (iii) strengthening the capacity of the Public Defender's regional offices.
4. (§ 24) ECRI recommends that the Georgian authorities establish an effective monitoring system for racist and homo-/transphobic hate speech. They should build on the expertise of the Public Defender and relevant NGOs.
5. (§ 33) ECRI recommends that the authorities review their contracts with media outlets and cancel or not renew them in cases where media are known to engage in racist or homo-/transphobic hate speech. The authorities should also ensure that future contracts contain a clause stipulating that racist or homo-/transphobic hate speech will result in contract termination.
6. (§ 40) ECRI recommends enacting anti-hate speech legislation along the lines of its General Policy Recommendation No. 7 § 18 (a)-(f) and in conjunction with the recommendation contained in paragraph 7 above. At the same time, training should be provided to ensure the law is not used to stifle or suppress the expression of legitimate and non-violent views by vulnerable groups.
7. (§ 42) ECRI recommends that the Georgian authorities initiate an awareness-raising campaign jointly with media self-regulatory bodies, without encroaching on their independence, on preventing and combatting hate speech. The authorities should seek opportunities to support and strengthen positive approaches in the media industry to tackle this problem.
8. (§ 44) ECRI recommends that Georgia sign and ratify the Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems.

9. (§ 46) ECRI recommends that a provision prohibiting racist and homo-/transphobic insults and providing for measures and/or sanctions to be taken in case of its breach be introduced in the Parliament's Rules of Procedure. ECRI further recommends that all political parties take a firm stand against racist and homo-/transphobic discourse.
10. (§ 48) ECRI recommends creating a joint database for all hate crime cases, including those in which aggravating circumstances were applied.
11. (§ 62) ECRI recommends close monitoring of whether the police investigates potential racist and homo-/transphobic motivations. Furthermore, ECRI recommends that racist and homo-/transphobic motivations are considered from the outset of judicial proceedings.
12. (§ 67) ECRI recommends that the training activities for the judiciary and law enforcement officials on investigating incidents of hate crime are scaled up. Furthermore, the trainings should cover homo-/transphobic hate crime. ECRI also recommends that the authorities conduct an impact assessment to evaluate the trainings and, if necessary, adjust them.
13. (§ 68) Moreover, ECRI recommends that the Georgian authorities set up a specialised unit within the police to deal specifically with racist and homo-/transphobic hate crime. When establishing this unit, the authorities should seek expert advice from the Public Defender, relevant NGOs and international organisations.
14. (§ 70) ECRI recommends informing the general public of the existence of criminal law provisions enabling racially motivated acts or acts of religious intolerance or homo-/transphobic acts to be punished; and to encourage victims to lodge complaints concerning such acts. ECRI also recommends initiating awareness raising programmes in schools and universities to combat racist and homo-/transphobic hatred.
15. (§ 74) ECRI recommends that the islamophobic incidents, especially those in Chela, Kobuleti and Mokhe, as well as other hate crime cases are fully and independently investigated and that perpetrators are prosecuted. ECRI also recommends that in the future, the authorities protect the rights of religious and other minorities against violent protesters.
16. (§ 89) ECRI recommends strengthening the integration of historical ethnic minorities by 1.) Raising the levels of minority education, in particular through i) improving textbooks; ii) scaling up the teaching of Georgian as a second language; and iii) expanding vocational training programmes; 2.) Scaling up outreach activities to convey information about social services to minorities; 3.) Increasing the quantity and improving the quality of Public Broadcasting minority language programmes; 4.) Adopting a comprehensive action plan for the repatriation and integration strategy for Meshketians without delay and conducting large scale awareness-raising activities to create a supportive environment for Meshketian returnees; and 5.) Expanding the programmes for social inclusion and educational support, with a special emphasis on increasing the school attendance of Roma children.
17. (§ 90) ECRI also recommends setting up a comprehensive integration support programme for refugees and persons who have been granted subsidiary protection, and in particular introducing regular Georgian language classes for these groups.
18. (§ 91) Furthermore, ECRI recommends establishing an equality data collection system to monitor the integration of minorities, in line with the recommendation made in paragraph 105 of its 2010 report on Georgia.

19. (§ 96) ECRI recommends solving the remaining disputes about religious property in a speedy, transparent and fair manner. ECRI also recommends that permits for the construction of places of worship are not withheld due to religious prejudices or local protests, but that applications are processed in accordance with applicable laws.
20. (§ 101) ECRI recommends amending the strategy for the development of a religious policy to focus on the rights of religious minorities, the principle of non-discrimination and the promotion of religious tolerance from a perspective of inclusion and integration. Furthermore, the concept of integrating religious minorities into a state policy should be clarified in line with full protection of the rights of religious minorities.
21. (§ 103) ECRI recommends that the Georgian authorities scale up their support for the Council of Religions, which operates under the auspices of the Public Defender's Tolerance Centre. The authorities should in particular task the newly created State Agency for Religious Issues to cooperate with the Council of Religions and utilise the Council's expertise and recommendations in order to tackle the problem of religious intolerance.
22. (§ 108) ECRI recommends taking steps to combat intolerance and discrimination against LGBT persons. This should be done in close cooperation with the LGBT community and the Public Defender, who should receive support to establish a dedicated LGBT unit. Suitable elements for awareness-raising in schools should also be developed.
23. (§ 111) ECRI recommends that the authorities develop clear guidelines for gender reassignment procedures and their official recognition.

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