

# **GEORGIA**

**Submission for the Universal Periodic Review on Georgia**

**Focused on rights of national minorities in Georgia**

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## *Executive summary*

Given report is produced by the group of human rights protection NGOs and representatives of ethnic minority communities residing in Georgia under guidance of the Public Movement “Multinational Georgia” (further and hereafter referred as PMMG).

1. We also should underline that we estimate as priority areas of concern the following:
  - European Charter of the Regional and Minority Languages, which is still not ratified. Process of ratification first of all should be supported through awareness raising campaign and public discussions, in order to eliminate fears existing in the society that this charter can somehow harm status of Georgian language as state language. This will also allow to provide wider alliance of the advocates for the ratification of the Charter
  - The same applies to the “Convention on the Participation of Foreigners in Public Life at Local Level” and “The European Convention on Nationality”
  - Implementation of the CoE Framework Convention on Protection of National Minorities is not sufficient first of all with regard to the lack of involvement of the minority representatives to the planning and carrying out of this implementation including creation of the subordinate documents and adjustment of the legal environment to the Convention. There are also other areas of concern in this regard, which are described in details in the Alternative report of the PMMG, which is attached to the given recommendations.
  - Still there is no special legal act on the status of the ethnic, religious and linguistic minorities, adoption of which has been recommended by ECRI, UN Human Rights Committee and FCNM Advisory Committee. PMMG developed draft law, which has been subjected to the number of the public discussions in the minority regions, within expert community and has been submitted to the consideration of the MPs of the Parliament of Georgia who provided number of the remarks to it. Efforts on advocating for its adoption are still carried out. Support of the international organizations is necessary in this regard. Please see draft law attached to this document.
  - There is still no adequate legal base for the combating of hate crimes and hate speech, as well as no lack of the adequate judicial environment, low level of capacities of the law enforcement and other judiciary personnel. There is also lack of awareness raising efforts among public at large and especially youth on the issue.
  - Mentioned above point promotes impunity of those who conducts hate speech and hate crimes, both at the level of the everyday life and at the level of the political statements. Mass-media space and internet are also full of the hate statements. Monitoring efforts are not permanent and comprehensive.
  - Criminal-Procedural Code of Georgia does not secure interests of the ethnic minorities especially at the level of the court of the first instance and at the level of the preliminary investigation with regard to provision of the qualified aid of interpreters. There are no standards in the selection and there is no process of certification of the interpreters.
  - Educational system does not have tolerant environment. Text-books contain intolerant phraseology or inappropriate records of the ethnic origin. There are no sufficient efforts on teaching tolerance in the schools (lack of the standards and adapted curricula, lack of mainstreaming of diversity in the educational materials). There are no programs on instruction of the educators in the field.
  - Access to high education is complicated for the school graduates from the regions with the compact settlement of the ethnic minorities. These graduates lack practice of Georgian language and level of mastery of the language significantly decrease.

Mentioned above creates difficulties for the passing of the unified national exams. Young people usually migrate to the countries of their ethnic origin to enter high educational establishments. There is need for awareness rising among parents and youth about necessity of the studying of the state language for the full-fledged personal development.

- Migrants as new phenomenon for Georgian society raise new concerns related to their protection, ensuring of their rights in accordance with the international standards, as well as with regard to the awareness rising among local population with the aim to eliminate fear and suspicions which exist in the society and feeding xenophobia. There is no comprehensive state policy to address migration issue.

### ***Situation of ethnic minorities in Georgia***

Ethnic minorities in Georgia are residing both compactly and disseminated. There are 5 regions where ethnic minorities are concentrated and in some regions even compose majority within the boundaries of the certain districts and municipalities. These regions suffer from a shortage of teachers and the number of admissions in national schools has been in constant decline. Despite constitutional provisions, Georgian language dominates in many areas of society and therefore mastery of the official national language is often a pre-condition for political, economic and social integration. Access to media and information in minority languages is often difficult. Minorities also find it difficult to access the Georgian state, as federal laws are published solely in Georgian.

Because there is no effective state support for Georgian language training, the younger generations tend to speak no language other than their mother tongue. If this situation continues, minorities risk soon being unable to communicate with the rest of the population and suffering economic and social marginalization. Political representation is also an issue, both on national and to some extent on local levels.

### ***Citizens' participation of the ethnic minorities***

1. The main gaps related to the ensuring of the citizen's participation in Georgia are:

- The general public, and especially ethnic minorities, women, other vulnerable groups, has no opportunity to participate in government and self-government decision-making processes
- The general public, and especially ethnic minorities residing compactly, considers the government to be an opponent, not a partner
- Governments perceive the public as something abstract, unable to produce a well-reasoned defense of its interests or to maintain a meaningful dialogue
- The government and the public exist each in their own "dimension", as far as there is no channels of the communication between public and government within the process of the decision-making
- Policies developed by the government are not based on the assessment of the conditions and needs of the stakeholders and their positions and concerns are not reflected in the elaborated policy options, even on the issues influencing stakeholders directly (e.g. education, healthcare, water supply etcetera)
- Grassroots organizations and ordinary citizens have little vision or skills to protect their own interests
- There is a lack of traditions and mechanisms of interaction between different groups of society

2. The genuine participation of ethnic minorities is especially low (though their formal turnout in elections is relatively high). Situation with regard to the political participation of the minorities

in general and in the elections in particular is still very poor and complicated. It is first of all caused by the general underprivileged conditions of the minorities, their isolation from the major political processes and low level of legal literacy. Mentioned fact of the translation of the ballots is very remarkable (as it is stated in the paragraph 374 of the State Report), however it should be noted that translation of the ballots has been conducted by NGOs, as well as the most part of the awareness activities in the field.

3. Senior government posts tend to be occupied by ethnic Georgians, and there is a firm perception of ethnic discrimination in personnel appointments, especially in law enforcement agencies. Political representation is also an issue, both on national and local levels. Georgia's single-chamber parliament does not provide any special arrangements for the representation of minorities. Minorities are represented by only eight members in the 150 member-strong Parliament<sup>1</sup>. As not all of these MPs understand Georgian perfectly, it is unclear how they participate in parliamentary legislative work. Also problematic has been the government's practice of appointing judges and administrators who speak only Georgian in minority-populated areas. Locals complain that this system leads to unfair treatment and court decisions.

*Civil integration as precondition and outcome of the effective participation*

6. Georgia's political culture and attitude towards its minorities is largely characterized by a relatively high and lingering level of ethnic nationalism. The unresolved conflicts have contributed to reinforcing Georgian perceptions that minorities represent a potential threat. Overall, in relations between the majority and minorities, priority has been given to the assertion of the state's unity over the protection of minorities. Wary of encouraging other potential separatist movements, the government's policy towards minorities has often been hesitant and half-hearted.

7. As regards society, stereotyping of ethnic minorities and prejudice against ethnic minorities are still very common. The majority population is not sufficiently sensitive to the problem and to a large extent is unaware of the culture or situation of ethnic minorities. Its basic assumption is not always that the ethnic minorities are an integral part of Georgian society. In the absence of statistics or detailed studies of the matter, it is difficult to tell whether the stereotypes and prejudice lead to racial discrimination, particularly in employment and housing etc. However, the many studies of the ethnic minorities note that members of them complain of being, and feel that they are discriminated against. In some cases the situation in which the ethnic minorities find themselves does not seem to be different from that affecting the majority, but lack of communication, in particular with the authorities, can fuel such sentiments.

8. The feeling of sometimes being abandoned by the state results in particular from ethnic minorities' under-involvement in public and political life. It is generally admitted, even in the absence of reliable figures, that the ethnic minorities are under-represented in administration, political institutions such as parliament and the government, and also local institutions, even in those regions where they are the majority community. The situation is of course closely linked to the language issue, but that is not the sole factor: some members of ethnic minorities have stated that, quite apart from the question of command of the language, it can be very difficult for a member of an ethnic minority to gain promotion in an administrative service.

9. In general there is an urgent need to strengthen trust between the ethnic minorities on the one hand and the state and majority population on the other.

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<sup>1</sup> "Armenian and Azeri Minorities in Georgia" Crisis Group Report; "Minorities in the South Caucasus: factor of the instability?" PACE Discussion Paper

10. Facts of discrimination are manifested not only in capacity of speeches, but also conducts of the ordinary citizens and representatives of the state structures, including law enforcement authorities. Problem of discrimination of citizens on ethnical background by the LEA is constantly underlined by the reports of the international human rights protection organizations and institutions<sup>2</sup>.

11. The right to freedom of thought, conscience and religion of the minorities is violated by the absence of the Law on Religious Organizations). Religious minorities are subjected to the direct and indirect discrimination; in particular their religious organizations are not entities of public law and can be registered only as associations and funds (i.e. NGOs), which does not allow for appropriate self-identification and gaining of the appropriate status by the religious groups. It is also causes difficulties in worshipping, as far as not being public law entities religious organizations (e.g. Armenian Apostolic Church) can not conduct certain transactions, namely import devotional articles.

12. Given fact is reflection of the Georgian state policy, which prevents recognizing of the religious and ethno-confessional groups and their legal status, which subject them to the inadequate conditions in comparison with Georgian Orthodox Church, which on the basis for the Constitutional Agreement<sup>3</sup> enjoys certain privileges. One of the privileges is legal status of the given group as religious community.

18. Minorities still are not integrated in the Georgian society being one of the major underprivileged and marginalized groups isolated from the mainstream of the political, economical and social life. Implementation of the Committee observations and advancement of the situation are possible only in case of formation of the unified state policy and institutional environment for the protection and civil integration of the minorities. Although several positive developments took place there is no appropriate coordination and unified policy.

19. Minorities has significant problems of access to the media, in both regards receiving information and creation and management of the media. This problem is also related to the linguistic isolation of the minorities. There is also low level of the professionalism and awareness on the minority issue among journalists resulting in inadequate coverage of the minority related problems and news and contributing to the creation of stereotypes about ethnic minorities.

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<sup>2</sup> US Department of State Human Rights Practice Reports: Georgia 2005, 2006

<sup>3</sup> Concordat (agreement) between the Georgian Orthodox Church and Parliament of Georgia, which provides privileges to the Orthodox Church in the different spheres and by its own existence provides for the direct support of the state to the one religious organization.