

## 1. INTRODUCTION

- 1.1. After the government transition, the human rights condition of minorities worsened. Especially, the condition of religious minorities and LGBT persons is exceptionally serious. Hate crimes have increased and the state is unable to effectively carry out its positive obligations. On the contrary, often it openly shows its loyalty towards the dominant group. Minority integration policy remains weak and ineffective.
- 1.2. The Law on the Elimination of All Forms of Discrimination should be an effective mechanism in the fight against discrimination, however, the Ombudsman is only equipped with weak recommendation tools. In addition, the state has not implemented any proactive anti-discrimination policy in public agencies.
- 1.3. Article 53(3<sup>1</sup>) of the Criminal Code was elaborated in 2012 and makes discrimination an aggravated circumstance; however, law enforcement bodies and the court usually do not use this article. Moreover, there are no clear statistics on the prevalence of hate crime or the use of the mentioned article. The government has not elaborated a specific strategy on the fight against hate crime and as a result, there is no effective investigation. Hate crimes are not classified as such and this, usually, results in delayed investigations.

### Recommendations for the State under review:

- Equip the Ombudsman with effective mechanisms based on the anti-discrimination law, including granting the authority to request the court to fine offenders;<sup>1</sup>
- Design and implement anti-discrimination policy within the administrative bodies in compliance with national legislation;
- Apply Article 53(3<sup>1</sup>) of the Criminal Code, including gathering complete statistical data on hate crime;
- Develop special strategy on the fight against hate crime, including the establishment of specific investigative groups within the MIA and the Prosecutor's Office; and training of the employees of MIA and Prosecutor's Office and the judges in hate-crime;
- Ensure effective and timely investigation of hate crime, including, the crimes convicted by motive of religious violence and homophobia and transphobia;
- Regulate hate speech in public services and establish of disciplinary mechanisms;
- Introduce hate motives as an aggravating circumstance in the Code of Administrative Offences of Georgia.

## 2. FREEDOM OF RELIGION

- 2.1. Georgia did not follow up on most recommendations from the previous periodic review. Severe problems remain with property that was confiscated during the Soviet period; discrimination-related legislation, an intolerant environment and reintegrating religious minorities.
- 2.2. The existing legislation regarding religious minorities is discriminatory, *inter alia* the Tax Code of Georgia, the Law of Georgia 'On Higher Education' and the Law of Georgia 'On State Property'. Obligations described in Human Rights Action Plan (2014-2015) do not adequately reflect the existing challenges with respect to the freedom of religion.

- 2.3. Problems concerning the freedom of religion are systematic. However, the situation worsened considerably after the 2012 government transition, which can partially be explained through an increased Church influence and by upsetting the balance of secularity.
- 2.4. Since 2012, there have been six grave cases of violence against Adjarian Muslims (Nigvziani (October 2012), Tsintskaro (December 2012), Samtatskaro (May-June 2013),<sup>2</sup> Chela (August 2013),<sup>3</sup> Kobuleti (September 2014)<sup>4</sup> and Mokhe (October 2014)<sup>5</sup>). The state reacted inadequately and did not prevent the violence or ensured effective and timely investigations. Each of these cases were of a social nature and aimed at restricting the freedom of expression of the Muslim community. The absence of punishment and lenient state policy towards the dominant religious group resulted in an expansion of violence to other geographical areas. The victimization of Adjarian Muslim community is determined by the historical aspects, as well as their religious identity as the general public affiliates orthodox religion with Georgian nationality. At the same time this process is encouraged by the policy and practice of Georgian Orthodox Church. In addition, the government pursued a repressive policy towards Adjarian Muslims in Chela and Mokhe. The government executed unlawful decisions (removing minaret in Chela, opening cultural center in mosque in Mokhe) through massive police mobilization and disproportionate force against local Muslims participating in a peaceful gathering. The police illegally arrested 11 persons in Chela and 14 Muslims (some elderly) in Mokhe. The Prosecutor's Office refused to investigate the abuse of power by the police during the Chela incident and in the case of Mokhe an investigation was launched but with no results.
- 2.5. Religious minorities are continuously facing problems in terms of collectively and publicly exercising their religious rights. They are precluded from the possibility to hold public events. They are often subjected to violence from extremist groups belonging to the dominant religion. At the same time, religious minorities are discriminated from general public in terms of providing goods and services to them.<sup>6</sup>
- 2.6. During 2013-2014 there was a radical increase in violence against Jehovah's Witnesses (53 cases in 2013, 64 in 2014) because of a sense of impunity.
- 2.7. A state agency for religious affairs was set up in February 2014 under the Prime Minister. It is a centralized body as is common in post-Soviet systems. Furthermore, the head of the agency is affiliated with the Patriarchate. The agency's strategy risks establishing a hierarchy among religious organizations. It includes initiatives about the law on religion and teaching religion in public schools that worsen the legal framework regarding freedom of religion and promotes interference with the organization's autonomy and the non-secular public environment.<sup>7</sup>
- 2.8. The Agency approaches religion from a state security perspective and openly considers Muslim citizens to be a threat to national security.
- 2.9. Secularism is not defined in the public service and allows state officials to often violate religious neutrality.
- 2.10. The funding scheme for religious organizations is based on preferential treatment and provides special privileges to the Orthodox Church.<sup>8</sup> In 2014, the government funded four other religious organizations (Muslim, Jewish, Armenian and Catholic churches), as partial and symbolic compensation. Both funding schemes constitutes in fact direct funding because the law does not foresee any objective criteria related to damage suffered. The allocated money is distributed unequally and is strictly budgeted by the Agency for these four organizations. It violates the principle of secularism and significantly risks interfering with the autonomy of religious organizations.<sup>9</sup> It is discriminatory and because it excludes other religious groups that also suffered under Soviet rule.

- 2.11. The existing practices of indoctrination, proselytism and discrimination in schools have been problematic for years.<sup>10</sup> The Ministry of Education and Science is not adequately answering this problem.
- 2.12. Returning property to religious minorities that was confiscated during Soviet rule remains challenging,<sup>11</sup> which creates serious problems for them in terms of religious freedom.<sup>12</sup>
- 2.13. Religious organizations encounter serious problems during constructing places of worship. Local municipalities, as a rule, delay the process of issuing a building permit or create other unlawful barriers.<sup>13</sup> In June 2014, the local government decided to revoke a building permit for Jehovah's Witnesses in Terjola after objections from the dominant religious group. The process has not been restored yet.
- 2.14. In 2011 the State founded the Agency for all the Muslims of Georgia [Mufti Administration of Georgia]. This organisations lacks legitimacy and democracy among the local muslim population. Subseqnet cases of violence against muslim community and the reactions from Mufti Administration has demonstrated its loyalty towards the government. Doubts as to the depenance of Mufti Administration of Georgia on the State has been confimrd by the recent policy of funding granted to this organisations in line with the procedure explained above in para. 2.10. As a result, in line with the State demand 75% of the total amount of this money is spent on the salary of Muftis.
- 2.15. In Adjara the government has prevented the building of a new mosque for years. Now, the Muslims perform Friday prayer in the street outside the mosque. The Agency advised against this new mosque and instead agreed on building an office for the Agency for all the Muslims of Georgia and madras, which caused protest from the Muslim community.

**Recommendations for the State under review:**

- Annul the State Agency for Religious Affairs and substantially revise policy on religious issues, which will not allow for a hierarchy among religions, passing a law on religion and introduce obligatory teaching of religion in public schools;
- Consistent protection of the principle of secularism; review the existing discriminatory and non-secular funding schemes for both the Orthodox Church and the four other organizations, as well as define the standard of religious neutrality in the public service and ensure its protection;
- Solve the problems regarding property restitution and the building of places of worship;
- Define a strategy by the Ministry of Education and Science against indoctrination, proselytism and discriminatory practices in public schools and implement effective measures, including pro-active monitoring of the situation.

**3. LGBT RIGHTS**

- 3.1. Because LGBT groups and their problems were invisible, Georgia's previous government did not react to LGBT discrimination. After the counter demonstration on IDAHO in 2013 LGBT rights became a public issue.<sup>14</sup> With increased visibility, homophobic attacks also rose.<sup>15</sup> The Orthodox Church and radical political groups have mistreated these groups with even more determination than before.<sup>16</sup>
- 3.2. The government has been neglecting the LGBT community's right to assembly since 2012. In 2012, a small-scale demonstration was attacked by members of radical group Orthodox Parents Union, supported by the Church. The government wasn't willing to prevent the attack and the violence, and didn't launch an investigation afterwards. The victims of the attack are still not

recognized as injured parties. Currently, ECHR is expected to issue ruling on the case. In 2013, IDAHO participants encountered unprecedented violence from counter demonstrators, including high-level representatives from the Orthodox Church, political and social groups, etc. Despite a promise that their right to assembly would be respected, police was unprepared and unwilling to act.<sup>17</sup> They were too few and lacked equipment and vehicles that could have prevented the attacks. Moreover, the police opened a corridor for the counter demonstrators.<sup>18</sup> The Prosecutor's Office only charged five persons, including two priests, with illegal interference. Charges were dropped against one priest "due to a lack of evidence".<sup>19</sup> The case is still open. Only some persons involved in the attack on the mini-bus were recognized as injured party, as well as one person assaulted by counter demonstrators. During testimony, the victim mentioned his attacker by name and identifiable details, but state refused to take action. 18 participants of IDAHO demonstration were not recognized as injured party. Therefore Identoba submitted case to ECHR on their behalf. In 2014, the Orthodox Church hijacked IDAHO and declared May 17 "a day of family strength and respect for parents".<sup>20</sup> A pro-family demonstration took to the streets of Tbilisi. LGBT activists did not organize a demonstration because the government refused to discuss security during IDAHO 2014.

- 3.3. 2013 research shows that 56% of gay men encountered physical violence during in the last two years; an increase of almost 30% compared to 2012.<sup>21</sup>
- 3.4. On October 10, 2014, Sabi Beriani, a trans woman was brutally murdered. The offender supposedly acted from transphobic motives and had attacked another transgender person only a few hours before the murder.
- 3.5. Law enforcement agencies do not have any strategy to fight hate crime, and refuse to collect data and statistics.<sup>22</sup> Homophobia in the police is common, hence the low reporting level. Only two out of dozens of reported cases were fully investigated and resulted in mild sentences for the offenders – short-term imprisonment and probation. Despite a clear hate motive, Article 53.3<sup>1</sup> was not applied in any of them.
- 3.6. Identoba, known for its work on LGBT issues and criticism towards the Orthodox Church, is the target of violence and threats.<sup>23</sup> Its staff is systematically threatened and unknown offenders set fire to the adjacent office, which nearly destroyed the building where Identoba is located. No one was punished.<sup>24</sup>
- 3.7. Discrimination within the family is not uncommon; Identoba knows about ten such cases. LGBT persons also encounter discrimination in the workplace<sup>25</sup> and in the street.<sup>26</sup>
- 3.8. Bullying and isolating juveniles because of their sexual orientation in public schools remains the most challenging issue of all. Discrimination against gay men in prison occurs widely and is tolerated. Gay men stay in separate cells, are exploited at work; in at least one establishment they are forced to wear a distinctive armband.<sup>27</sup>
- 3.9. Transgender persons are unable to change their sex on documents unless they undergo hormonal therapy and surgery. This is not a legal requirement and this demand leads to humiliation and job loss.
- 3.10. High-ranking MPs and appointed politicians openly use hate speech against LGBTs and campaign against LGBT rights.<sup>28</sup> Orthodox Church leaders spread anti-LGBT propaganda and endlessly reposition Christianity as an anti-gay ideology.
- 3.11. Most media is at the least insensitive, if not homophobic and transphobic.

**Recommendations for the State under review:**

- Provide training (OSCE training program TAHCLE) for law enforcement bodies and judges about effective investigation of hate crimes and their correct qualification. Create special investigation and prosecution bodies for crimes committed by LGBT persons;
- Ensure the right to freedom of assembly for LGBT activists, especially during IDAHO;
- Establish a shelter for victims from the LGBT community of severe violence.

#### **4. RIGHTS OF ETHNIC MINORITIES**

- 4.1. Georgia strengthened its international commitment to minority rights in December 2005 by ratifying the Framework Convention for the Protection of National Minorities. A similar domestic commitment has been harder to achieve. Concrete legislation governing ethnic issues is sparse and scattered across different legal acts. In 2009 the government adopted a National Concept for Tolerance and Civil Integration and appropriate Action Plan for the first time. The Action Plan was recently reviewed and adopted for 2014-2015, however not sufficiently budgeted. Also, there is no appropriate monitoring system with objectively verifiable indicators in place. The Action Plan cannot completely ensure a cultural and religious dialogue between the government and minority groups, nor their active participation in public life. The plan does not foresee awareness-raising activities in support of anti-discrimination discourse and intercultural dialogue.
- 4.2. There is no affirmative action for the preservation of minority languages. Small minority communities experience difficulties regarding the proficiency in their native languages. Efforts should be allocated to ensure that small minority communities could learn the native language within the school education system. Small minorities are in danger of losing their native language. This applies particularly to Udi community, whose language is in danger of extinction. Georgia promised to ratify the Charter of Regional and Minority Languages, however this was repeatedly postponed. The Law on General Education (Article 4) stipulates, "Citizens of Georgia, whose native language is not Georgian, have the right to receive complete general education in their native language, according to the national curriculum." However a number of shortcomings exist in the implementation of the given laws such as schools with non-Georgian language teaching encounter problems with materials and teachers. In addition, very few public school teachers know both Georgian and a non-Georgian ethnic language well enough to teach in both languages. Georgian Universities do not provide higher education for schoolteachers in minority languages. The Zurab Zhvania School of Public Administration is one notable exception.
- 4.3. The Law of Georgia on Broadcasting stipulates that the public broadcaster should create at least one annual regular program in at least four languages, including in Abkhaz and Ossetic. However, hate speech against representatives of various vulnerable groups in the media creates negative attitudes towards minorities and an intolerant environment in general. Currently there are no legal standards or effective enforcement practices that regulate this problem. Some progress has been achieved in using minority languages in national media and in translating Georgian news programs into minority languages.
- 4.4. However, the level of participation of national minorities in political or civic life across the country remains limited. National minorities are not sufficiently represented in government, political parties or civil society. In addition, state administration in the regions with a significant minority population has created barriers to their participation in political and civic life. The Ministry of Internal Affairs (MIA) and other law enforcement agencies regularly interfered in the decision-making on various issues. There were allegations that minority representatives were summoned to the territorial offices of state security agencies and forced to act in ways that suited the interest of the MIA.<sup>29</sup>

#### **Recommendations for the State under review:**

- Further develop periodical National Action Plans on Tolerance and Civil Integration and allocate sufficient financial and human resources for its implementation;
- To carry out training for state officials and representatives of the local self governments on the different aspects of diversity management and non-discrimination delivered by the UN, OSCE, Council of Europe and local NGOs;
- Start negotiations with the Council of Europe about the ratification of the European Language Charter (within the next 3-5 years);
- Ensure access to high quality pre-school education for minorities;
- Ensure teaching and preservation of minority languages. Minorities should have access to complete general education in their native language (including teaching of the official language);
- Introduce obligatory curricula modules on tolerance education in school, starting from elementary education;
- Introduce in the school and high education curricula module on tolerance education, which will be obligatory for all schools and will start in primary education system;
- Introduce into the plan of activities of the Ministry of Education and Science and Ministry of Youth and Sports number of the youth intercultural events, that would allow youngsters to 'live in cultures of each other';
- Tailor broadcasting to the interests and needs of minorities and promote appropriate media coverage of the life of minority communities and regions with a significant ethnic minority population as well as of the opportunity for minority representatives to produce their own media content for a nation-wide audience.

## **5. RIGHTS OF FOREIGNERS**

- 5.1. Article 18 of the Law on Aliens and Stateless People allows the Public Service Development Agency of the Justice Ministry to reject a foreigner's request for a residence permit if the Counterintelligence Department of the MIA indicates that it is not opportune in view of maintaining state and public security. The agency is also entitled to reject the application if it concludes that the foreigner carries out activities jeopardizing state security and public order. The Counterintelligence Department should communicate its report to the agency in a manner to avoid disclosure of classified information.
- 5.2. The information that a person undermines state security is classified. The person concerned does not have access to the information and in fact is incapable of testing the accuracy of such information. Without examining individual circumstances of the applicant the public service development agency issues a standard template in which the request for a residence permit is rejected.
- 5.3. On June 2012 the Georgian Constitutional Court invalidated relevant provisions of the Law on Agricultural Land Ownership.<sup>30</sup> The Constitution (Article 21) guarantees the right to property and inheritance and equally applies to both Georgians and foreigners. The statute prohibited foreigners to obtain titles to agricultural lands. Since such a title was transferred from a Georgian citizen to a foreign national through an inheritance, the new landlord was required to sell the agricultural land within six months. If the foreigner did not follow the rule, the property would be subjected to eminent domain. In this case the owner should receive adequate and just compensation for the property.

- 5.4. On September 17, 2013 the parliament issued a moratorium on foreigners buying agricultural lands. The Constitutional Court invalidated the measure on June 24, 2014.<sup>31</sup> However, the government keeps disregarding this court ruling. The Public Registry of the Ministry of Justice arbitrarily declined foreigners to obtain a title to agricultural lands. Simultaneously, the ministry elaborated and the government initiated a bill that introduces new restrictions upon foreigners who want to obtain agricultural land. The bill allows an individual with foreign citizenship to own no less than five hectares and no more than 20 hectares of agricultural lands. A legal entity incorporated by foreign national is entitled to own no less than 20 hectares and no more than 200 hectares of agricultural lands. These requirements do not apply to a foreigner that is married to a Georgian. In case of divorce, they are obligated to retain the agricultural plot that is smaller than five hectares and no more than 20 hectares. If this obligation is not fulfilled within 12 months after the divorce, the land plot will be taken away by judicial decision rendered upon the motion of the Ministry of Economic and Sustainable Development.
- 5.5. From an explanatory memorandum to the law it is clear that the government pursues the same legitimate aims that have been explicitly denied by the Georgian Constitutional Court. Therefore, the amendments allegedly contradict the domestic constitutional framework. The law leaves room for circumvents since a foreigner can incorporate multiple legal entities to own more than 200 hectares of agricultural lands. The real reason for the prohibition is xenophobic sentiments. Asian investors are not welcome in the rural areas of Georgia.<sup>32</sup>

**Recommendations for the State under review:**

- Respect the right to family unity when the application on granting or extending residence permits is rejected;
- Implement and respect the Constitutional Court ruling when foreigners are denied the right to own agricultural land.

**6. RIGHTS OF INTERNALLY DISPLACED PERSONS**

- 6.1. In the periodic review of 2010 the main challenges of the IDP's legal status was the provision of equal legal guarantees for every internally displaced person, protection of adequate housing standards during the resettlement of IDPs, more coordination in the process of transferring the housing spaces to IDPs in their ownership, establishment of high standards of informing the IDPs in this process, elimination of shortcomings and more. After 2010, certain steps have been made in this direction; however this has not resulted in a complete resolution of the problems.
- 6.2. The legal status of IDPs is defined by the Law of Georgia 'On Internally Displaced Persons from Georgia's Occupied Territories'. The state policy towards the IDPs is also defined by the strategy approved by the Government of Georgia in 2007. Periodically the scheduled active plans for implementing state strategy are received. Separate aspects related to IDPs legal status is also regulated by various normative acts.
- 6.3. State policy clearly declares that the voluntary return of IDPs to their permanent place of residence, which does not exclude integration of IDPs before their return and strengthening of their capabilities, is a long-term solution.
- 6.4. The number of IDPs in 2014 is approximately 257 000 (85 000 families), about 25 000 out of whom are displaced as a result of the 2008 war. Approximately 23 500 out of 85 000 families were provided with housing, while 5 108 families were given monetary compensation to purchase housing.<sup>33</sup> These numbers show that satisfying the accommodation needs of IDPs will remain a challenge in the following years.

- 6.5. Despite the fact that some steps were taken towards supporting decent living conditions of IDPs, significant aspects of adequate housing in internal mechanisms were not reflected properly. Court practice analysis showed clearly that, during the proceedings, the court defined legal norms, the goals and objectives of state strategy and action plan narrowly and did not focus on individual needs, which puts the person under a special care from the side of the state.<sup>34</sup>
- 6.6. Protection guarantees for unjustified evictions of the IDPs were limited in national legislation. Under these conditions, cases of internal displacement of persons from different buildings (mainly state-owned buildings) and housing rights violations have reached disturbing scales<sup>35</sup> during 2010-2011.<sup>36</sup>
- 6.7. At the initial stage (from 2009 on) of transferring residential spaces in so-called compact centers into IDP's ownership, the state was wrong in thinking this was going to provide them with adequate housing. As a result, in some cases, IDPs became the owners of property that does not meet the minimal standards of adequate housing. Also, there were questions whether IDPs received proper information about the privatization process or what they could expect in case of their refusal to privatization and what kind of alternatives were in mind in this case for satisfying their long-term accommodation needs. It must be noted that the signing of these contracts was carried out under procedure violations.
- 6.8. In December 2011, IDPs from the bordering villages of the occupied territories turned out to be in a discriminatory condition because of amendments made in the Law of Georgia on Internally Displaced Persons from the Occupied Territories of Georgia – IDPs; they were deprived of the opportunity to receive IDP status and to benefit from those social guarantees provided by the legislation for internally displaced persons. This regulation remained until June 2013. Its abolition only occurred on June 11, 2013, when the Constitutional Court of Georgia on the ground of a claim of Georgia's Young Lawyers' Association (on behalf of Tristan Mamagulashvili, resident of Dvani, Qareli) declared the respective norm as unconstitutional. As a result of all those persons whose houses are outside the occupied territories, but where the government does not exercise effective control, were given the ability to obtain IDP status.<sup>37</sup>
- 6.9. On August 9, 2013, order #320 of the MRA proved the procedures and rules to satisfy the accommodation needs of the IDPs. The decision of the state to distribute residential spaces based on pre-defined criteria should be assessed positively. However questions exist about how effective these criteria are in identifying which families need accommodation more. In addition, the MRA usually does not provide a timely answer when refusing satisfying accommodation to IDP families. In addition, the written decisions do not indicate mechanisms of appeal, which creates significant obstacles to the realization of their procedural rights (to protect and recover rights by appealing).<sup>38</sup>

**Recommendations for the State under Review:**

- Align the legislation defining the human rights condition of IDPs with international standards;
- Timely inform IDPs about the privatization process and results of privatization as well as about other alternatives that must be provided; In order to accelerate process the coordinated work of the agencies involved in the process of privatization must be strengthened;
- Analyze the shortcomings revealed during the privatization process;
- Review the criteria and points system of distributing housing spaces after analyzing existing practice;
- Implement the procedures defined by the legislation about the clarification of the sending and appealing mechanisms of the written decisions to the addressee IDPs.



## 7. RIGHTS OF PERSONS WITH DISABILITIES

- 7.1. Georgia has partially accepted the recommendations of numerous countries on the ratification of the UN Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol.<sup>39</sup> The ratification of the CRPD by the Parliament of Georgia on December 26, 2013 was a significant step forward. However, Georgia did not ratify the Optional Protocol.
- 7.2. Georgia has also accepted recommendations to strengthen the protection of rights of persons with disabilities, *inter alia* in the field of integration of children with disabilities and deinstitutionalization.<sup>40</sup> However, Georgia has not thoroughly implemented these recommendations and numerous important problems still remain unresolved (explained in further detail below).
- 7.3. Despite the ratification of the CRPD, Georgia still has not reviewed the normative framework in light of the spirit of the CRPD. The existing legislation does not comply with the approaches of the CRPD and in many aspects essentially contradicts them.<sup>41</sup> The national legislation and the State policy *inter alia* the existing procedure for granting the status of person with disabilities, is still based on the medical model.<sup>42</sup>
- 7.4. The existing institutional framework fails to respond to the requirements of the convention and needs essential reformation. Georgia has initiated the reform of the system with the purpose of bringing it in conformity with the standards of the CRPD.
- 7.5. In October 2014 the Constitutional Court of Georgia declared that the provisions governing the legal incapacity unconstitutional. In order to implement this decision, Parliament of Georgia elaborated a new legislative framework that introduces the support model rather than guardianship. However, due to the lack of adequate preparation for this reform, the risks as to the proper implementation of the new model still remain.
- 7.6. There is no unified statistical data regarding persons with disabilities living in Georgia. Therefore, state healthcare programs and social protection are not based on unified statistical data and real needs. While the scales of programs and the number of beneficiaries casts doubts on their sufficiency, adequacy and effectiveness.<sup>43</sup>
- 7.7. The Universal Health Insurance Program is not informed about the special needs of the persons with disabilities.<sup>44</sup>
- 7.8. Persons with disabilities older than 18 cannot use the habilitation/rehabilitation programs. At the same time, the programs for children with disabilities fail to respond to the standard of territorial accessibility, they are not sufficient<sup>45</sup> and do not respond the goal of the program.
- 7.9. Georgian legislation governing pre-school, higher and professional education does not ensure inclusive education. The general education system still allows the existence of specialized schools.<sup>46</sup>
- 7.10. Accessibility to physical space, public transport, information and services for persons with disabilities remains pragmatic. Government regulation on the adaptation of buildings is not implemented.<sup>47</sup>
- 7.11. The legislation and the state policy do not ensure special protection of labor rights of persons with disabilities and do not promote their access to employment. As a result, the group is excluded from the labor market.<sup>48</sup>
- 7.12. In contradiction to the approaches of the CRPD, support of persons with psychosocial needs is still exercised by stationary psychiatric institutions.<sup>49</sup> Persons with disabilities residing in large psychiatric establishments are subjected to systematic violence.<sup>50</sup> People with disabilities living in the state care institutions are not allowed to manage their finances (under the social package).<sup>51</sup>

- 7.13. Within the framework of the process of deinstitutionalization, in 2012, all large-sized institutions for children were closed. However, this reform did not extend to the two institutions for children with disabilities.<sup>52</sup>
- 7.14. Women with disabilities who became the victims of domestic violence are not accepted at the shelters for victims of domestic violence.<sup>53</sup>

**Recommendations for the state under review**

- Ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities;
- Create a normative and institutional framework to coordinate and monitor the process of incorporating relevant standards of the Convention on the Rights of Persons with disabilities with the inclusion of interested groups;
- Develop national framework for granting a status of person with disability based on social model;
- Promote and protect rights of persons with disabilities by ensuring accessibility to physical environment, healthcare, education, employment and social life;
- Close down specialized institutions for persons with disabilities and remove normative and practical barriers for the access of women with disabilities who are victims of domestic violence to shelters;
- Introduce continuous trainings for relevant stakeholders and professionals on the standards of the Convention on the Rights of Persons with Disabilities.

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- <sup>1</sup> Joint Statements of the Coalition of NGOs on the 'Law on the Elimination of All Forms of Discrimination', available at: [http://emc.org.ge/2014/04/15/ertoblivi\\_gancxadeba\\_antidiskrimnaciul\\_kanonporeqtze/](http://emc.org.ge/2014/04/15/ertoblivi_gancxadeba_antidiskrimnaciul_kanonporeqtze/) and <http://emc.org.ge/2014/05/11/shemajamebeli-shefasea/>, last visited on 20 March 2015.
- <sup>2</sup> 'The Crisis of Secularism and the Loyalty Towards Dominant Group', Human Rights Education and Monitoring Center (EMC), 2013, available at: <http://emc.org.ge/2013/12/05/25/>, last visited on 20 March 2015.
- <sup>3</sup> Joint Statement of NGOs about the Events Taking Place in Village Chela, 2013, available at: <http://gdi.ge/ge/news/rights-of-muslim-population-grossly-violated.page>, last visited on 20 March 2015.
- <sup>4</sup> Joint Statement of NGOs about the violation of the Muslim community rights in Qobuleti, 2014, available at: <http://emc.org.ge/2014/09/24/gancxadeba-kobuletsi-muslimta-uflebebis-shezgudvaze/>, last seen on 20 March 2015.
- <sup>5</sup> Statement of NGOs about the harsh violation of Muslim rights in Mokhe, 2014, available at: <http://emc.org.ge/2014/10/23/gancxadeba-moxes-incidentan-dakavshirebit/>, last seen on 20 March 2015.
- <sup>6</sup> Statement of NGOs on the 'Imedi Festival', Human Rights Education and Monitoring Center (EMC), 2014, available at: [http://emc.org.ge/2014/06/06/gancxadeba\\_imedis\\_festivaltan\\_dakavshirebit/](http://emc.org.ge/2014/06/06/gancxadeba_imedis_festivaltan_dakavshirebit/), last seen on 20 March 2015.
- <sup>7</sup> Statement of NGOs on the Strategy of Religious Policy Development of State of Georgia, 2015, available at: <http://emc.org.ge/2015/03/19/>, last visited on 20 March 2015.
- <sup>8</sup> The practice of the funding of the religious organizations by the central and local government, available at: <http://emc.org.ge/2014/10/08/the-practice-of-the-funding-of-the-religious-organizations-by-the-central-and-local-government/>; Full version of the text is available in Georgian at: <http://emc.org.ge/2014/10/10/>, last visited on 20 March 2015.
- <sup>9</sup> Legal Assessment of the Financing Practices of the four Religious Denominations, 2015, available at: <http://emc.org.ge/2015/03/06/legal-assessment-of-the-financing-practices-of-the-four-religious-denominations/>, last visited on 20 March 2015.
- <sup>10</sup> Religion in public schools, Human Rights Education and Monitoring Center (EMC), 2014, available at: [http://emc.org.ge/2014/03/31/religia\\_sajaro\\_skolebshi/](http://emc.org.ge/2014/03/31/religia_sajaro_skolebshi/), last visited on 19 March 2015.
- <sup>11</sup> Thomas Hammarberg, 'Report on the Human Rights Dimension: Background, Steps Taken and Remaining Challenges' 2013, p.49; International Religious Freedom Report: Georgia, US State Department, 2013, p. 3.
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