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**International Convention on the Elimination of All Forms  
of Racial Discrimination**

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**Committee on the Elimination of Racial Discrimination**

**Consideration of reports submitted by States parties under article 9 of the Convention**

**Sixth to eighth periodic reports of States parties due in 2014**

**Georgia \***

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## Introduction

This is the combined 6th, 7th and 8th periodic reports of the Government of Georgia on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination submitted under Article 9 of the Convention on 2 July 2014.

The report was prepared in accordance with the Guidelines for the CERD-Specific Document to be submitted by States Parties under Article 9 Paragraph 1 of the Convention adopted by the Committee on the Elimination of Racial Discrimination (CERD/C/2007/1).

The report contains information on the legislative, judicial, administrative and other measures carried out by Georgia since the submission of its previous reports for the implementation of the Convention obligations. The report addresses the issues raised in the concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/GEO/CO/4-5).

The report was prepared on the basis of information collected from the following agencies: the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees, the Ministry of Internal Affairs, the Ministry of Corrections, the Office of the State Minister for Reconciliation and Civic Equality, the Ministry of Labour, Health and Social Affairs, the Ministry of Culture and Monument Protection, the Ministry of Regional Development and Infrastructure, the Ministry of Education and Science, the National Security Council, the Supreme Court, the Central Election Commission, the Public Broadcaster.

## I. General

### A. General Framework for the Protection and Promotion of Human Rights

On 30 April 2014, the Parliament of Georgia approved the National Human Rights Strategy of Georgia for 2014–2020. The Strategy was developed by the Inter-agency Council for elaboration of Human Rights Strategy and Action Plan which was established on July 5, 2013, by the Decree N169 of Government of Georgia. State agencies as well as international and non-governmental organizations were actively involved in the work of the Inter-agency Council. The thematic discussions also took place with organizations working on particular human rights, including children's rights, rights of persons with disabilities and gender issues. By March 2014, the Council had developed the National Human Rights Strategy of Georgia for 2014–2020.

The main goal of the Strategy is to develop a strategic approach to ensure the implementation of the obligations stemming from human rights in everyday life with a view to building an inter-agency, multi-sector, unified, and consistent policy and, accordingly, to implement good governance. The Strategy is aiming at consolidating institutional democracy which ensures that governmental bodies and public servants do what is allowed, while individuals do what is not prohibited by the law. Another principal innovation of the Strategy is introduction of a human rights-based approach which will drive the state policy and programmes and determine right-holders and duty-bearers in each particular case. The Strategy explicitly requires from the state to respect, protect, fulfil and promote human rights. With a view to achieving the vision and goals, the Strategy envisages legislative and institutional changes, as well as changes in practice. The Strategy aims to ensure that every person in Georgia understands the essence of his or her rights and is capable of implementing these rights in practice. The Strategy is designed to promote the development of free, independent, and active citizens who are aware of their role in a democratic state in terms of both implementing their rights and fulfilling their obligations. The authorities, on their part, should take steps to enable people to play an active role in the protection of their rights and the development of democracy.

It should be emphasized that on the basis of the recommendations of the Public Defender of Georgia, international and non-governmental organizations, as well as Thomas Hammarberg's report (written in the capacity of the European Union Special Adviser on Constitutional and Legal Reform and Human Rights in Georgia) on Georgia's achievements and challenges in the field of human rights, the strategy determines strategic priorities for 2014–2020. Each strategic priority includes particular goals and guiding principles. With a view to ensuring the achievement of the goals defined by the Strategy, the development of the Human Rights Action Plan of the Government for 2014–2015 is underway, defining particular activities aimed at achieving these goals, as well as the timeframes, assessment indicators, and institutions responsible for the implementation of these activities. The Action Plan combines those fragmented action plans that deal with different human rights, e.g. minority rights and protection of equality, gender issues, freedom of religion and conscience, rights of persons with disabilities, etc. Respective thematic action plans are being developed by the interagency Council. The Human Rights Action Plan is expected to be adopted by May 2014.

### B. State policy towards integration of ethnic minorities

Elaboration and effective implementation of a state policy towards integration of ethnic minorities is an important priority for the country. This policy aims at protecting the rights of national minorities, providing their full-fledged integration into society, as well as supporting further development of a tolerant environment.

Since 2009, the state policy towards ethnic/national minorities is implemented through the "National Concept on Tolerance and Civil Integration and respective Action Plan for 2009–2014". According to Order No. 348 of May 8, 2009 issued by the Government of Georgia, the Office of the State Minister of Georgia for Reintegration was given the task to coordinate the process of elaboration and implementation of a policy in regard to ethnic/national minorities and report to the Government and the President's Council.

For effective coordination of these processes, the Georgian State Minister for Reintegration, based on Order No. 14 of July 3, 2009,

established the State Interagency Commission. The Commission was composed of the representatives of the Office of the State Minister of Georgia for Reintegration, as well as representatives from relevant state institutions, ministries, departments and organizations, the Tbilisi city council and three representatives of the regional administration from district with minority populations.

The main aim of the Tolerance and National Integration Strategy and Action Plan is to support the creation of a democratic, consolidated civil society based on common values, which considers diversity as the source of its strength and provides every citizen with the opportunity to maintain and develop their own identity.

The National Concept for Tolerance and Civil Integration determines the state strategy and objectives in six key areas: rule of law, education and state language, the media and access to information, political integration and civic participation, social and regional integration, and culture and identity maintenance. The action plan included specific activities and programs in accordance with the strategic direction of the national concept. The responsibility to implement the components within the Action Plan was allocated to specific state agencies.

Current strategy and action plan expires in 2014, therefore, the Office of the State Minister is in the process of elaboration of a new strategy and action plan for the next period.

Implementation of the strategy has been developed within six strategic directions determined by the concept:

### **Rule of Law**

There are many norms in the national legislation regulating the rights of ethnic minorities. However, first of all, it is the Constitution of Georgia, which guarantees equality and prohibits discrimination based on ethnic and national basis. At the same time a whole range of laws and regulations, which can be found in the Georgian legislation, serve precisely the state's obligation to protect minorities from discrimination and ensure their involvement in civic processes. Antidiscrimination provisions are included in the Criminal Code of Georgia; in this respect, it is noteworthy to mention that Amendment to the Article 53 of the Criminal Code (March 27, 2012) establishes that the crimes committed on the basis of race, color, language, gender, sexual orientation, gender identity, age, religion, political or other opinions, disability, citizenship, national, ethnic or social origin, property, birth or social status, place of residence or discrimination on the bases of other signs of intolerance motives shall serve as an aggravating circumstance to any relevant offenses under the Criminal Code.

In December 2011, the Parliament of Georgia adopted the Law on Personal Data Protection. The first part of Article 6 of the Law prohibits data processing for special categories. Special categories of data include data which relate to a person's racial or ethnic group, political opinions, religious or philosophical beliefs, trade organization membership, health, sexual orientation, or criminal records, as well as biometric data, which can identify the above-mentioned features.

The Georgian state continues to develop legislation in line with international standards and also fulfill the obligations. In 2013, the Ministry of Justice of Georgia introduced the draft law on the Elimination of All Forms of Discrimination, which puts together a variety of existing anti-discrimination laws and regulations under one law. The draft law was elaborated with active participation of Georgian civil society and international experts.

In 2012, the Constitution of Georgia was translated into Azerbaijani, Armenian and Russian languages and published (500 copies in total). The translated Constitution was distributed among local self-governments and non-governmental organizations in respective minority regions — Samtskhe-Javakheti, Kvemo Kartli and Kakheti.

The Ministry of Internal Affairs of Georgia carried out diverse activities to foster recruitment of ethnic minority representatives in the agencies under the auspices of the Ministry. In 2012, 69 persons were recruited in the policy agencies, among them 35 Armenians and 11 Azerbaijanis.

In the regions compactly populated by Armenian and Azerbaijani minorities the population faces no language-related difficulties while applying to the local authorities: verbal clarifications are provided in their native languages, however written replies are prepared in the state language.

### **Media and Access to Information**

Article 56 of the Law of Georgia on Broadcasting prohibits broadcasting of programmes which are directed to the discrimination of a person or group on the basis of ethnic background, religion, ideology, gender, sexual orientation, or any other feature or status, or putting a special emphasis on these features or statuses, except when it is necessary for the content of the programme, and aims to illustrate a conflict. Under the same law, the Georgian Public Broadcaster is obliged to reflect the ethnic, cultural, linguistic and religious diversity and proportionately broadcast programmes in minority languages about minorities and prepared by minorities (Article 56). In December 2009, due to the change to Article 16, to which the public broadcaster should annually create one or more than one regular programme product in not less than 4 languages, including the Abkhaz and Ossetian languages (Article 33).

Since June 2013, television news programmes in five ethnic minority languages (Armenian, Azerbaijani, Russian, Abkhazian, Ossetian) are aired daily on the Georgian Public Broadcaster. A weekly talk-show on ethnic minorities problematics is regularly prepared and aired on Public Broadcaster. The news programme is also aired daily on the "First Radio" in above-mentioned ethnic minority languages, also in Kurdish. The Ministry of Culture and Monument Protection of Georgia also provides funding for printed media in Azerbaijani, Armenian and Russian languages.

### **Political integration**

Ethnic minorities' participation in the social-political life of the country is greatly determined by the state language competence. The

Government of Georgia, in addition to educational interventions and efforts, carries out diverse activities to ensure electoral rights for ethnic minorities and advance their participation in decision-making processes. Residents living in the regions compactly settled with ethnic minorities actively participated in 2012 Parliamentary and 2013 Presidential elections.

In 2012, the Working Group on Ethnic Minority Issues within the Central Election Commission of Georgia was established. It aimed at providing the voters of ethnic minorities with the information on election procedures. The action plan elaborated the following tasks:

Providing equal electoral rights for ethnic minorities;

Raising awareness of young voters and women and fostering their involvement in the election process (seminars/training on election procedures were conducted; flyers and booklets were distributed);

Increasing and supporting involvement of persons with disabilities representing ethnic minorities in the election process (defining their needs, translating video clips with sign language for voters with hearing impairment, preparing instructions for District Election Commission Members on keeping the norms of conduct with the voters with disabilities, infrastructural adaptation of electoral districts);

Providing translations of electoral documents into the languages of ethnic minorities (Armenian, Azerbaijani and Russian);

Ensuring access to information for ethnic minority voters via media (Georgian TV Election News Digest was translated and broadcast daily in Armenian and Azerbaijani languages with duration of 6 minutes each).

## **Social and Regional Integration**

According to Article 30 of the Constitution of Georgia, Georgian citizens are equal in social, economic, cultural and political life regardless of their national, ethnic, religious or linguistic origin.

In 2011, the Ministry of Labour, Health and Social Affairs of Georgia approved Healthcare Strategy document for 2011-2015 which is based on some main principles, among them a special focus is made on the provision of equal access to healthcare and development of a patient-centred healthcare system. The issue of keeping the citizens regularly informed on reforms in healthcare is one of the priorities. Since ethnic minorities' access to information on medical and social services is hindered due to lack of knowledge of the state language (especially in the regions compactly populated by ethnic minorities), the Ministry of Labour, Health and Social Affairs has been developing various information campaigns for providing ethnic minorities with information on state healthcare programmes and social benefits in their native language. In 2011-2012, within the programme on National/Ethnic Minorities information on the provision of social guarantees, meetings with the ethnic minority representatives were organized in Kvemo Kartli, Samtskhe-Javakheti and Kakheti regions; information brochures on the use of a variety of social guarantees were published and delivered; the information banner was designed and translated into Armenian and Azerbaijani languages. The bilingual information banner containing the full information on services provided within the state insurance programme were placed in the minority-populated regions at locations visible to beneficiaries.

In 2009-2014, diverse infrastructure rehabilitation and other wide-scope economic projects have been implemented in the regions compactly populated by ethnic minorities. In 2012, the Ministry of Regional Development and Infrastructure of Georgia and local municipalities elaborated the action plan and strategy for the development of the regions, ensuring engagement of the population, including ethnic minority representatives.

A special attention deserves intense road construction and rehabilitation which created a better environment in the Kvemo Kartli and Samtskhe-Javakheti regions in terms of trade-entrepreneurship development, increasing international and domestic trade, business development and attracting private investment, tourism and other related economic development activities. Rehabilitation of road infrastructure will have a positive impact on promoting regional economic integration, addressing education and health care needs of the local population.

Since 2009, the Village Support Programme has been implemented in the country, including in minority-populated regions. State funds were allocated according to residents' priorities. Rural communities are directly involved while defining their priorities and therefore addressing the existing acute problems. Within the Programme, various infrastructural projects were implemented in the following areas:

Energy infrastructure rehabilitation;

Rural gasification;

Rehabilitation of kindergartens/schools;

Provision of agricultural machinery;

Restoration/creation of irrigation and drinking water canals, water reservoir recovery;

Rehabilitation of small irrigation canals;

Rehabilitation of internal roads.

## **Culture and Preservation of Identity**

The Law of Georgia on Culture states that Georgian citizens are equal in cultural life regardless of their national, ethnic, religious or

linguistic belonging (Article 6). The Law guarantees the right of all citizens with respect to cultural participation and protection of cultural identity. The Law on Cultural Heritage, the Law on Professional Theatres, the Law on Museums and the Law on Libraries comprise legal provisions in respective areas.

Since 2009, the Ministry of Culture and Monument Protection of Georgia has been implementing the programme on Supporting National Minorities' Cultures. The programme aims at protecting the cultural identity of ethnic minorities, promoting its development and popularization, encouragement of intercultural dialogue. The programme budget was split into printed media support in ethnic minority languages and free projects funding. Projects directed to the preservation of culture of ethnic minorities were also implemented through the Book and Literature Promotion Programme.

### **C. Application of the Convention in the Occupied Territories of Georgia**

The Government of Georgia has been consistently continuing its policy aimed at ensuring full enjoyment of the rights provided in the Convention for the entire State population. However, to this end, obstacles of outstanding gravity were imposed on the Georgian government due to Russia's effective control of Abkhazia, Georgia and the Tskhinvali Region/South Ossetia, Georgia since the beginning of the 1990s, when armed conflict in Abkhazia, Georgia and Tskhinvali Region/South Ossetia, Georgia was triggered by the Russian Federation. Due to the armed conflicts of 1992-1993 that erupted in said regions, Georgia lost de facto control over the parts of those regions. Subsequently these territories were occupied by Russia as a result of armed aggression exercised against Georgia in August 2008.

As a result of Russia's illegal actions, the Government of Georgia, as well as the legitimate authorities of these regions currently in exile, are unable to exercise effective control of the territories to give effect to the provisions of the Convention. While Georgia fully undertakes its obligation to take all possible measures for implementing the provisions of the Convention, preventing its possible breaches and terminating its ongoing violations in light of its positive obligations under the human rights law, at the same time, it contends that the primary responsibility for non-compliance with the provisions of the Convention as well as their violation in these regions rests with the Russian Federation.

The Russian Federation bears responsibility for racial discrimination, including the Russian Federation's responsibility for its direct participation in all of these forms of racial discrimination through acts perpetrated by its armed forces and security and intelligence services, as well as its border guards, police forces, and civilian administrators, as well as other persons under its authority and/or control. In addition, the Russian Federation is responsible for violations as a consequence of its support for, toleration of, and unlawful failure to prevent, acts of racial discrimination perpetrated by the military, paramilitary, border and police forces, and civilian administrators of the authorities in control.

On August 12, 2008, Georgia instituted proceedings before the International Court of Justice (ICJ) against the Russian Federation for its actions on and around the territory of Georgia in alleged breach of the 1965 International Convention on the Elimination of All Forms of Racial Discrimination (CERD). On October 15, 2008, the Court issued an order on provisional measures indicating inter alia that both Parties should refrain from any act of racial discrimination and from sponsoring, defending or supporting such acts. On April 1, 2011, the Court rendered final judgment finding that the Court had no jurisdiction to decide the dispute and thus the case was inadmissible. In its judgment, the Court upheld preliminary objections by the Russian Federation concluding that CERD expressly provided procedural preconditions for finding Court's jurisdiction and considering the factual finding neither of these modes was attempted by Georgia. Therefore hearings in the ICJ ceased without considering merit phase of the case.

### **D. Human rights situation in occupied territories**

During the reporting period, the Government of Georgia has been consistently continuing its policy aimed at ensuring full enjoyment of the rights provided in the Convention for the entire State population. To this end, the obstacles of outstanding gravity were imposed by the war with the Russian Federation in August 2008 and subsequent occupation of two regions-Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia. From early 2008, the security and human rights situation in the mentioned regions tangibly aggravated, which have gradually led to unbearable living conditions for the local ethnic Georgian population still remaining there, in spite of the foreign-power-backed ethnic cleansing in the early 1990s. The terrorizing and discriminatory acts included, but were not limited to, the occasional incidents of armed attacks on the ethnic Georgian villages, instances of arbitrary detention and ill-treatment of their residents, arbitrary restrictions on the freedom of movement, cutting the humanitarian access and the utility supplies to the villages, followed by their heavy shelling in the immediate lead-up to the war. The human rights violations acquired an indiscriminate character during the war and resulted in the new wave of ethnic cleansing. These unlawful actions carried out by the Russian armed forces and proxy regimes are documented by international and non-governmental organizations, among them: the Independent International Fact-Finding Mission on the Conflict in Georgia, the United Nations, the European Union (EU), the Council of Europe, the Organization for Security and Co-operation in Europe (OSCE), Amnesty International, Human Rights Watch, and the International Crisis Group.

The Government of Georgia has repeatedly emphasized its firm commitment to the peaceful resolution of the conflict through political dialogue. In 2010, the President of Georgia made a non-use-of-force pledge and declared readiness to engage in dialogue with the Russian Federation at any level, reiterated by Georgian high officials on a number of occasions. In March 2013, the Parliament of Georgia, via consensus of all political parties in the legislature, adopted the Resolution on Main Directions of Georgia's Foreign Policy, thereby re-affirming Georgia's commitment undertaken by the President in 2010.

The Government of Georgia is highly committed to overcome the current impasse and to ensure that human rights and freedoms are adequately protected in its entire territory, including occupied regions. Currently, the only forum available to Georgia for achieving security and stability in its occupied regions, and ensuring the safe and dignified return of Internally Displaced Persons (IDPs) and refugees to the places of their origins and residence, is the Geneva International Discussions. Co-chaired by the United Nations, EU and OSCE, the Geneva International Discussions became operational in 15 October 2008. Within the Geneva framework, the

Government of Georgia works actively towards: (1) adopting a document on the non-use of force and creation of international security arrangements, including police and peacekeeping; (2) ensuring safe, voluntary and dignified return of IDPs. Through the mechanism, the Government also actively addresses and seeks a solution to the human rights violations and humanitarian issues in and around the occupied regions, including the issue of illegal fortifications (barbed wire fences, trenches, patrolling, extra documentation burden for crossings) along the occupation line undertaken by the Russian guards. As for today, the only tangible result of the Geneva talks has been the creation of the Incident Prevention and Response Mechanisms (IPRMs), a key instrument for dispelling the tensions and facilitating the confidence-building measures on the ground. Participants, however, persistently attempt to halt the functioning of IPRMs and thus undermine the process of the Geneva Discussions. As a result of Russia's inexorable position, the Tskhinvali-related mechanism was deadlocked for one year and resumed only after solidified international pressure in October 2010. The Gali-related IPRM has been deadlocked since April 2012.

Georgia is actively advocating for the involvement of international organizations in human rights and security monitoring in occupied regions to monitor the existing human rights and freedoms situation, prevent further escalation of the situation, including possible loss of life, and to diminish the possibility of reoccurrence of a military aggression. The Government of Georgia is engaged in close consultation with United Nations agencies in order to identify an effective way for their involvement in humanitarian and monitoring activities in the occupied territories. However, at present, international monitors are not allowed on the territory of the occupied regions.

Georgia maintains active cooperation with the European Union Monitoring Mission (EUMM), which was deployed in Georgia in October 2008, within the framework of the European Security and Defense Policy (ESDP), in order to ensure increased engagement of the EUMM on the ground, including its active participation in the IPRMs. After blocking of the United Nations and OSCE missions, the EUMM is the only international mission in Georgia monitoring the situation since the 2008 Russia-Georgia war. The Mission is mandated to monitor the situation on the ground, to ensure the Parties' full compliance with the six-point ceasefire agreement. The Ministries of Internal Affairs and of Defense of Georgia signed Memorandums of Understanding with the EUMM on 10 October 2008 and 26 January 2009 respectively, ensuring full transparency of Georgia's military troops and facilities, and fulfilment of its obligations in good faith. Due to Russia-imposed artificial obstacles, the EU Monitoring Mission is not allowed to enter the occupied regions of Georgia and monitor the security situation therein, as provided by its mandate.

The human rights situation in Georgian occupied regions had been volatile since the early 1990s, however, it has been further exacerbated after the August 2008 war. The civilian population residing in the occupied territories is deprived of minimal safeguards for the protection of their rights provided by the international conventions.

The mentioned discriminatory actions include but are not limited to ethnically targeted violence and looting, constant violation of security and property rights, hindering of freedom of movement and residence, destruction of property, forced passportization. These acts are, inter alia, aimed at excluding any possibility of voluntary, safe and dignified return of ethnic Georgians and at rendering their displacement permanent. In the circumstances of full isolation of the Tskhinvali region/South Ossetia and Abkhazia from the de facto control of the Government of Georgia, as well as from the orbit of the international community, the situation of human rights protection is critical in these regions.

Infringement upon human rights, as well as criminal abuses, continue to be the case in both regions, particularly towards the ethnically Georgian population. As a rule, throughout the hazelnut harvesting period, residents of the Gali District live under constant threat of being attacked and robbed by armed criminals. Criminals verbally and physically abuse their victims and seize all their savings. In some cases physical damage to victims is so strong that it causes death. It is alarming that cases of kidnapping people for ransom have increased in occupied Abkhazia region.

Since the August 2008 war, property rights in the occupied regions have been violated on a massive scale: deliberate and targeted destruction, illegal appropriation and purchase of property are of particular concern.

The policy of mass destruction of villages is documented by different international and non-governmental organizations. Amnesty International emphasizes that the destruction of houses and property in some Georgian-majority settlements in the Tskhinvali region/South Ossetia took place in the aftermath of hostilities and not as a direct result of them.

According to the assessment of Corien Jonker, the reporter from the Committee on Migration, Refugees and Population of the Parliamentary Assembly of the Council of Europe who visited the Tskhinvali region/South Ossetia in March 2009, "villages no longer exist. There is only rubble and no sign of any belongings left in the remnants of the houses... the systematic destruction of every single house is a clear indication that there has been an intention to ensure that no Georgians have a property to return to in these villages." The International Crisis Group quotes the representative of the Tskhinvali regime: "...we burned these houses. We want to make sure that they [the ethnic Georgians] can't come back..."

Grave violations of property rights continued in the aftermath of the 2008 War as well. On 7 December 2010, the leader of the Russian occupied Tskhinvali region/South Ossetia, Eduard Kokoity, adopted a "decree" which sanctioned complete deprivation and appropriation of housing and land property from the population of the Akhlagori district. In August 2012, Leonid Tibilov, the leader of Tskhinvali occupation regime, publicly announced his intention to demolish the remainders of the villages to the north of Tskhinvali, which used to be predominantly populated by ethnic Georgians prior to the ethnic cleansing conducted during the August 2008 War.

As with regard to Abkhazia, Georgia, the process of illegal appropriation of property there started in the early 1990s and assumed frequent character after the recognition by Russia of "independence" of Georgia's regions, in contravention of international norms and principles. Remaining ethnic Georgians, mainly elderly persons, were driven out from their places of residence; their houses were transferred to the possession of Russian militias.

In December 2010, at a regular session of the so-called commission "to secure legality while resolving property rights of Russian citizens in Abkhazia", the chief of the so-called "president's administration" and S. Grigoriev, so-called "ambassador of the Russian

Federation in Abkhazia”, adopted a decision, according to which all applications of ethnically Georgian citizens of Russia on their property rights were rejected by the commission.

As described by the EU-mandated Independent International Fact-Finding Mission on the Conflict in Georgia, “after the ethnic cleansing of Georgians in these two regions [Abkhazia and Tskhinvali regions] in early 1990s, *en masse* distribution of Russian passports to the remaining civilian population represented a deliberate and well-constructed policy aimed at establishing a pretext of the military intervention of the Russian Federation on the territory of Georgia [in August 2008]”.

The regimes in control of the Tskhinvali and Abkhazia regions are compelling few ethnic Georgians, who still reside on the occupied territories, to give up Georgian passports and receive Russian or “Ossetian” and “Abkhaz” documents upon threat of expulsion.

The OSCE has described the consequences that ethnic Georgians face if they refuse to obtain local ID cards: without “Abkhaz” passports, ethnic Georgians will not be able to send their children to school, effect a contract, or even draw up a will. Many members of the population already feel they will have no choice but to obtain Abkhaz citizenship or to leave Gali.” This situation motivated the OSCE High Commissioner on National Minorities Mr. Knut Vollebaek to warn that if the proxy regimes “go forward with the so-called ‘passportization’ issue,” it could “lead to a situation when Georgian citizens will be forced to leave Abkhazia.” Addressing the OSCE Permanent Council on 14 June 2011, Mr. Vollebaek expressed grave concern over those ethnic Georgians who refuse to take the so-called “Abkhaz passports” and concluded that “one cannot rule out a future wave of IDPs from the Gali district”.

In the Tskhinvali region/South Ossetia, the process of passportization continued more rigorously following the Russia-Georgia War in August 2008, including the forced passportization of ethnic Georgians residing on the territory of the occupied Akhgori district. The High Commissioner, in his letter of November 27, 2008, addressed to the OSCE Chairman in Office, expressed concern about the practice of illegal passportization, especially in the Akhgori and Gali districts. According to the High Commissioner, the situation in those districts is especially alarming, since ethnic Georgian residents face “imposing of Russian citizenship” as they are given no choice other than “to acquire South Ossetian/Russian passports, or to leave their homes. This could lead to further deterioration of the situation in the region and another wave of IDPs.”

Report of the Independent International Fact Finding Mission on the Conflict in Georgia (Tagliavini Commission) concluded that the “mass conferral of Russian citizenship to Georgian nationals and the provision of passports on a massive scale on Georgian territory, including its breakaway provinces, without the consent of the Georgian Government runs against the principle of good neighborliness and constitutes an open challenge to Georgian sovereignty and an interference in the internal affairs of Georgia”.

The right to receive education in native language is being persistently violated in the occupied regions of Georgia, as reflected in numerous reports of the United Nations Secretary-General and United Nations Security Council resolutions.

During the Russia-Georgia War, educational infrastructure was heavily damaged by Russian direct military attacks in the Tskhinvali region of Georgia as well as outside the region. Prior to the Russian military aggression against Georgia in August 2008, there were 30 general education public schools registered with the Ministry of Education and Science of Georgia operating within the territory of the Tskhinvali region/South Ossetia, Georgia. Deplorable facts of disruption of education are documented by the Report of the Office for Democratic Institutions and Human Rights (ODIHR)/OSCE High Commissioner on National Minorities (HCNM), 27 November 2008, “Human Rights in the War-Affected Areas Following the Conflict in Georgia.”

Currently, Russian military forces and regimes in control of Georgia’s occupied regions deprive the local population of access to education in their native language. Russian curriculum is imposed in the schools; teachers are promised salaries only if they teach according to the curriculum approved by the Ministry of Education of the Russian Federation. Teachers who disobey directions and instruct their students in Georgian are often subject to harassment and prosecution by the occupation regime. On 23 May 2013, the special forces of the Sokhumi occupation regime intruded into schools with Georgian-language classes in the Gali district and confiscated textbooks and computers.

The schoolchildren of the Gali district holding Georgian birth certificates are deprived of their fundamental right to study in their native language and are treated as “foreigners” in the occupied Abkhazia region. Since the academic year 2013-2014 started, the situation in Gali district has worsened. The parents of the children who attended the newly-opened kindergarten in the town of Gali were instructed to obtain so-called “Abkhaz” birth certificates for their kids, in the absence of which they would be expelled. This kindergarten is attended by 27 kids registered with Georgian birth certificates. On October 7, 2013, the director of kindergarten dismissed the children with such birth certificates. After the parents were forced to translate these documents and have them certified by the notary, their kids were admitted to the kindergarten, but up till now they are under constant threat of being expelled unless they provide “Abkhaz” birth certificates.

The children with Georgian birth certificates remain registered not only in kindergartens, but also in schools providing general education. The parents are “advised” to translate these documents into Russian and have them certified by a notary. This “rule” applies to all schoolchildren in general. It has to be mentioned that Georgian birth certificates are transferred to the Russian FSB and the persons in question remain subject of close scrutiny. 102 Georgian birth certificates have already been expropriated from Secondary School No. 2 of Gali.

Another serious impediment to the right to education is restriction on crossing the occupation line. Russian military troops do not allow schoolchildren of Georgian ethnicity from the Gali district to cross the occupation line to attend their classes in the Tbilisi-controlled territory, thus coercing them to go to the Russian-language school. Numerous incidents have been registered when Russian military troops attack schoolchildren and severely beat them, thus cutting off all possibilities for them to attend classes on the other side of the occupation line.

Since the August 2008 war, Russian military forces, as well as Sokhumi and Tskhinvali regimes, have imposed severe restrictions on freedom of movement across the occupation line. Both in Abkhazia and Tskhinvali regions, the practice of illegal detentions for

crossing the so-called “state border” has been tangibly intensified. Since the beginning of 2013, towards the occupied Tskhinvali region, up to 120, and towards the occupied Abkhazia region, more than 2000 Georgian citizens were detained for the so-called “illegal border crossing” reasons.

In occupied Abkhazia, freedom of movement of local residents across the occupation line has been almost completely restricted by Russian Federal Security Service (FSB) “border” guards. Only holders of the so-called “Abkhaz” passports or foreign passports are allowed to cross the occupation line. The movement on the other side of Enguri is also possible under the so-called “permits”, either through the direct military road, or through the direction of Khurcha and the village Tskoushi of Tsalenjikha. As the “permits” are not issued frequently, the crossing of Enguri is hindered. Those who are not possessing such “permits” are being arrested and fined by Russian occupation forces. If anyone manages to flee, he/she is beaten, arrested and released after the payment of a fine.

The lack of so-called “Abkhaz” passports creates problems of movement for Georgian teachers. Russian border guards continue detaining them for the reason of “illegal border crossing”. After being taken to the Russian military bases, teachers are placed in special bunkers or disciplinary cells for the whole day. Then they are sent to the Gali militia office in order to pay fines of various amounts. Detentions are carried out on a regular basis.

Unfortunately, such heavy restrictions on the freedom of movement extend even to the most vulnerable population seeking an immediate medical assistance. In some cases, a patient’s health condition is critical and precious time is wasted on overcoming artificially created barriers. Even in urgent medical situations, people are not allowed to cross the occupation line without dual check by the Russian military forces and regimes in control. As a result, four persons died en route to hospital, after they were refused passage through the occupation line by the Russian troops.

The restrictions on movements across the occupation lines also extend to international organizations and humanitarian aid.

Since January 2013, the Russian occupation forces and the Russian FSB “border” guards have intensified the process of the installation of barbed wires across the occupation line in the Tskhinvali region. The process of installation of barbed wires and other barriers intensified after Russian President Vladimir Putin has agreed to a proposal of the government of the Russian Federation about signing an agreement on the so-called “state border” between Russia and South Ossetia. According to the decree published on 12 September 2013, Russia’s president instructed the Foreign Ministry to conduct negotiations with the Tskhinvali regime in control and sign a specific treaty on behalf of Russia upon reaching an agreement.

By now, the total length of barbed wire along the Tskhinvali occupation line has reached 45-47 km and the process of arrangement is still in progress. Overall length of the occupation line towards the Tskhinvali region is nearly 350 km (Mtskheta Mtianeti region’s section, 128 km; Gori district section, 92 km; Kareli district section, 60 km; Sachkhere district section, 70 km). Overall the installation of the barbed wires directly affected nearly 150 local residents’ families.

In certain segments, the barbed wire fences has intruded into the territory controlled by the central Government of Georgia, in flagrant violation of Georgia’s sovereignty, territorial integrity and its internationally recognized borders, as well as the August 2008 Ceasefire Agreement.

As a result of the intense installation of the barbed wires along the Tskhinvali occupation line, houses and yards of the local population have been divided and in some cases have been left behind the wire fence under the control of the Russian occupation forces. Moreover, the people residing within the occupied regions and in the adjacent areas found themselves deprived from their fundamental rights and freedoms, including but not limited to the freedom of movement, family life, right to education and other civil and economic rights, as provided by the fundamental principles of international law. Due to additional installations, the local residents of certain villages are deprived of opportunity to freely access the cemeteries and nearby churches. Such alarming developments compel the local residents to leave their permanent places of residence, thus creating a new generation of internally displaced persons. In parallel to stretching the barbed wire fences, Russian occupation forces have been installing sign posts indicating the so-called “state border”, most of them in the middle of cultivated lands. Thus, in the village of Ghogheti, overall 5 local residents lost their already cultivated and seeded agricultural plots of garlic and wheat. In total, nearly 25 hectares of agricultural land appeared on the other side of the barbed wire fences.

Since early June 2013, Russian occupation forces have started to dig kilometres-long ditches, create embankments, and erect engineering structures along the occupation line in the Abkhazia region. The ditches reach 3-5 metres in width and about 170-180 cm in depth. The total length of the trenches across the occupation line in Abkhazia for January 2014 is around 7 km. Overall length of the occupation line in the region is nearly 85 km.

Moreover, the Russian military forces have installed high-powered hydrospace detection systems, which are capable of controlling almost the whole part of the water space.

Russia’s illegal activities apparently aim at eliminating the scarce movement across the occupation line in the Abkhazia and Tskhinvali regions and thus cutting off the remaining links between the war-divided populations.

As noted with concern by the EU Monitoring Mission, the construction of fences and obstacles “has a negative impact on the local population”, which “may prompt frustration and further protest” and “could in turn lead to further destabilisation in this sensitive area”; “it disrupts patterns of life of the local population, divides communities, and increasingly limit any possible people-to-people contact, which is an essential ingredient to build confidence amongst communities”.

In May 2013, the Government of Georgia decided to establish an Interagency Working Group which would elaborate valid mechanisms for identification of the needs of the population affected by the installation of barbed-wire fences and other barriers near the dividing line and respond to them, for the purpose of improvement of their social conditions. The needs were identified during meetings with leaders of local municipalities as well as based on the information sent by local self-governance bodies. The process



included sorting of priority needs and development of the list of priorities of each community/territorial entity. The list of priorities was summarized on the basis of consideration of the demands of the included villages. Finally, consolidated needs of communities were outlined according to spheres/categories and sent to the relevant ministries.

In October, the Interim Governmental Commission was established to respond to the needs of the affected population living across the dividing line. The main objectives of the Commission are: identification of the basic needs of the affected population and developing appropriate conclusions; preparing and submitting relevant proposals to the Government; coordination and implementation of assistance programs. The Commission identified the needs of the affected population and figured out priorities within a short period of time. Based on the Commission's recommendations, various infrastructural projects were planned and are already being implemented, for example, construction of out-patient clinics/ambulatories, rehabilitation of water-supply systems and irrigation canals, construction of boreholes, gasification, metering, schools and kindergartens etc.

## **E.Engagement policy**

The Government of Georgia remained committed to peaceful conflict resolution policy based on Georgia's territorial integrity. The Parliament of Georgia, via consensus of all political parties in the legislature, adopted the Resolution on Main Directions of Georgia's Foreign Policy in March 2013, thereby re-affirming Georgia's commitment to peace and unilateral pledge to non-use of force, which was undertaken before the United Nations by the President of Georgia in 2010. To advance the reconciliation and confidence-building agenda, the Government of Georgia has also introduced a new title for the Office of the State Minister for Reintegration — Office of the State Minister for Reconciliation and Civic Equality — that will contribute to establishment of a more favorable environment for interaction and trust building among divided communities.

In the situation of ongoing occupation, the Government of Georgia has chosen a pragmatic, flexible and constructive course of action, with an objective to strengthen the policy of engagement with Georgian regions of Abkhazia and Tskhinvali region/South Ossetia and to provide a favorable environment for reconciliation and comprehensive settlement of the conflict. For effective implementation of these policy directions, the Office of the State Minister of Georgia for Reconciliation and Civic Equality follows its "State Strategy towards the Occupied Territories: Engagement through Cooperation" (Strategy) and its respective Action Plan for Engagement (Action Plan). These documents were adopted in 2010 through wide consensus, including via consultations with many stakeholders — international partners, experts, NGOs, affected populations, opinion makers, etc.

The Strategy has a human-centric approach and calls for peaceful de-occupation and adherence to a non-recognition policy. It aims to reconcile divided communities on both sides of the occupation line, build confidence between them and create incentives to interact. Adhering to the right and obligation of Georgia as an expelled sovereign, the Strategy seeks to:

Counter the isolation and division resulting from occupation;

Create frameworks, incentives, and mechanisms for engagement;

Promote interaction among the divided populations of Georgia, currently separated by occupation lines;

Ensure that residents of Georgian regions of Abkhazia and Tskhinvali region/South Ossetia enjoy the rights and privileges available to every citizen of Georgia;

Support the safe, voluntary, and dignified return of IDPs and refugees.

The Strategy covers a broad array of avenues for engagement. These include:

*Economic relations:* Create legal and logistical conditions to promote trade across occupation lines. Support access to financing and technology for joint business ventures;

*Infrastructure and transportation:* Rehabilitate social-service infrastructure, and critical infrastructure connecting Georgian regions of Abkhazia and Tskhinvali region/South Ossetia with the rest of Georgia;

*Education:* Provide opportunities for native-language education in Georgian, Abkhazian, and Ossetian. Provide opportunities for those educated in Georgian regions of Abkhazia and Tskhinvali region/South Ossetia to continue their studies in the rest of Georgia or abroad;

*Healthcare:* Create mechanisms, in partnership with international actors, to deliver healthcare services to the residents of the occupied territories. Create frameworks for those residents to receive healthcare services in the rest of Georgia;

*People-to-people interactions:* Promote confidence-building measures among war-affected populations. Create platforms for interactions between interest groups and youth, divided by occupation lines;

*Cultural heritage:* Protect and develop the heritage of all ethnic groups, and the free exercise of religion. Seek international support for preservation of cultural monuments;

*Legal and administrative measures:* Allow for documentation of civil acts and international travel for residents of the occupied territories;

*Human rights:* Promote the human security of populations resident in, and exiled from, the occupied territories. Invite international organizations to support these aims.

The Action Plan introduces detailed mechanisms for implementation of the goals articulated in the Strategy and describes four

dimensions of engagement — humanitarian, human, social, and economic. These dimensions cover the broad array of avenues for engagement called for in the Strategy, including Humanitarian Relief and Natural Disaster Response, Intercommunity Relations, Preservation of Cultural Heritage and Identity, Free Flow of Information, Human Rights, Youth Activities, Education, Healthcare, Environment, Trade, Joint Production, Communications, Infrastructure.

The Action Plan includes seven instruments that will enable communication and cooperation between all communities of Georgia and the international community. These seven instruments are:

A Liaison Mechanism (LM), already in operation. The Tbilisi office has been established under the auspices of the United Nations Development Programme (UNDP); a second office in Sokhumi is staffed by local personnel. Through the LM the Georgian government provides ambulance vehicles and various medical equipment, different types of medicines — immunization and other types of vaccines, insulin, painkillers, diabetes medicines, antibiotics for tuberculosis, HIV/AIDS treatment, etc. to the residents of the occupied region of Abkhazia on a quarterly basis. LM is also facilitating the delivery of pesticides and chemicals for assisting the local farmers in the Abkhazia region. In addition, a number of international organizations' projects were and are being implemented with the cooperation of the LM, which include joint workshops, trainings, seminars and camps for Georgian, Abkhazian and Ossetian students, professors, journalists, IT specialists, artists and others on neutral territories;

A status-neutral identification card and travel document (SNTD) designed solely for the residents of the occupied territories, the issuance of which started at the end of 2011. These documents allow their holders to benefit from social rights due Georgian citizens such as free healthcare and education, and opportunities to travel abroad, without acknowledging Georgian citizenship. A comparative study was conducted by EU experts, which indicated that the issuance of SNTDs fully complies with international law. Twelve countries — the Czech Republic, Latvia, Lithuania, Estonia, Slovakia, Bulgaria, Poland, Romania, Hungary, Japan, Israel and the United States of America — have already recognized the SNTD. The Government of Georgia continues to cooperate with its international partners, in Tbilisi and in foreign capitals, to ensure further recognition of the SNTD as an efficient instrument to exercise the freedom of movement;

A trust fund, lately entitled as the Endowment for Reconciliation, which will consider and finance confidence-building projects of international and local organizations and at the same time will assist the grassroots organizations in developing necessary skills for project writing, management and reporting. The Government of Georgia actively seeks donor assistance to establish the Endowment for Reconciliation;

A financial institution, which will allow organizations and companies operating across the occupation lines to make financial transactions;

Integrated socio-economic zones, which will promote development in areas adjacent to the occupation lines and enable implementation of programs that advance the goals of the Strategy;

A cooperation agency, which will assist in implementing programs and promoting joint activities across the occupation lines;

A joint investment fund, which will provide start-up capital to joint ventures across the occupation lines.

The Government of Georgia is committed to advance other mentioned instruments of engagement through identifying the means for their successful implementation and examining existing best practices.

Within the Strategy, the Government of Georgia has been implementing a number of health-care programs. The Government of Georgia finances the local medical treatment of persons residing in the occupied regions, as well as treatment of persons crossing the occupation line. Residents of the occupied regions receive state-sponsored, absolutely free-of-charge medical treatment in Tbilisi, Zugdidi and Kutaisi hospitals under the State Referral program financed by the Ministry of Health, Labor and Social Protection of Georgia. The receipt of medical treatment by the population of the occupied territories under the State Referral Program is not conditioned by the possession of any specific document.

In February 2013, the Government of Georgia launched the State Program of Universal Healthcare that guarantees free of charge medical insurance for the entire population, including of the occupied regions. The Program covers all age categories and is complementary to the state health insurance program launched earlier in September 2012, which included free health insurance policies for the residents of the occupied territories holding status-neutral documents under the age of 6 or at a retirement age (women from 60 and men from 65).

Each year, the overall budget directed by the Government of Georgia towards the healthcare services of people residing in occupied territories of Georgia equals to more than 2 million GEL.

The Government of Georgia took steps to ensure and ease the access to education for people residing in the occupied territories. In particular, the following privileges have been made available:

Free secondary education;

State-funded high education — according to the Government's Resolution dated 26 July 2012, full state grants are given to 150 students from the occupied regions;

Recognition of secondary and higher education received in the occupied regions, thereby allowing continuation of studies in Georgian educational institutions;

Enrolment in higher educational institutions with only one exam in native Abkhazian and Ossetian languages;

Availability of any other educational, scientific or research grants available to Georgian citizens.

The Government of Georgia has also expressed its willingness to share the benefits of Georgia's European integration with the residents of the occupied territories, especially in light of the new opportunities arising from EU-Georgia association, free trade and mobility agenda.

The Government of Georgia took a number of unilateral steps with a view to build trust with the Abkhaz and Ossetians and address humanitarian needs across the divide, inter alia offering Abkhaz and Ossetians direct communication/dialogue. The Government of Georgia worked on resumption of gas and irrigation water supplies to the Akhgori and Tskhinvali region. The Georgian side has negotiated favourable pricing and terms of use for gas supplies with a private gas distribution company for the Akhgori district. Negotiations on resuming water supply from the Zonkari Dam were successfully concluded. The Government of Georgia is ready to provide additional irrigation water to Georgian and Ossetian villages.

The Government of Georgia has pursued the policy of supporting international engagement in the occupied territories and works on the creation of a more enabling environment for such an engagement. With this aim, the Government of Georgia has consulted the international community to remain committed to engagement, despite the pressures and restrictions they face in terms of access to, and operation in, the occupied territories from those in control; has studied relevant international practices and consulted experts (the EU, the United Nations, the Council of Europe) on respective mechanisms for engagement; and to make the process easier and less time-consuming, the Government of Georgia has also simplified the procedures for granting permission for economic activities in the occupied territories (instead of the previously required Government's Order, a permission shall be granted via a decision of the relevant Ministry, in consultation with the Office of the State Minister of Georgia for Reconciliation and Civic Equality, upon a request for such an activity).

To liberalize and humanize the law for the foreign citizens or stateless persons who illegally enter Georgian regions of Abkhazia and Tskhinvali region/South Ossetia being unaware of the legal prohibitions, in February 2013, the Government of Georgia initiated amendments to the Law on Occupied Territories in line with EU and international community recommendations. According to the amendments, the first time a foreign citizen or stateless person enters the occupied territories from a prohibited direction without the permission of Georgian authorities, he/she will incur an administrative fine of 400 GEL for the first offence of the law, instead of the previously imposed criminal punishment, while further violations of the same kind will be subject to criminal punishment. If a violation is repeated, the criminal punishment will be imposed and be defined according to Article 3221 of the Criminal Code of Georgia. The Venice Commission unanimously endorsed the conclusive document, through which it has welcomed the initiated amendments that are at present heard by the Parliament of Georgia.

## **II. Follow-up of Concluding Observations of the Committee (CERD/C/GEO/CO/4-5)**

### **A. Reply to issues raised in paragraph 10**

On May 2, 2014, the Parliament of Georgia adopted the Law of Georgia on Elimination of All Forms of Discrimination.

In the process of drafting the Law of Georgia on Elimination of All Forms of Discrimination, the best practices of foreign states were taken into consideration, and the draft law was the subject of extensive consultations with the civil sector. The process was coordinated and the draft law was prepared by the Ministry of Justice of Georgia. In the preparation of the draft, the working group examined and analyzed all relevant international legal acts, as well as legislation of foreign states, predominantly of EU Member States. In June 2013, the draft was discussed with the relevant governmental institutions. Following the discussions within the governmental sector, in July 2013, the Draft Law was presented to the diplomatic corps and to the civil society sector for comments and recommendations. The meetings were held with representatives from civil society sectors, among them were organizations working on human rights issues, religious and ethnic minority representatives and organizations working on the rights of disabled people, etc. On 22 July 2013, the civil society sector presented their recommendations and comments concerning the Draft Law. At the same time, it went through international expertise: recommendations from ODIHR, the European Commission against Racism and Intolerance (ECRI), OHCHR and the Swedish expert (selected with the assistance of the EU delegation in Georgia) have been received. The Ministry reflected above-mentioned recommendations in the Draft Law and presented the final draft to non-governmental organizations and governmental institutions. Following the completion of this inclusive process of consultations with relevant stakeholders, the Draft Law was presented to the Parliament of Georgia.

The purpose of the law shall be elimination of all forms of discrimination and to ensure for every person equal enjoyment of rights prescribed by law irrespective of race, color, language, national, ethnic or social belonging, sex, sexual orientation or gender identity, marital or health status, disability, age, nationality, origin, place of birth, place of residence, social status, religion or belief, political or any other ground.

According to the Law any form of discrimination, be it direct or indirect, shall be prohibited in Georgia. Direct discrimination shall be considered such treatment of a person, or creation of conditions in the process of enjoyment of protected rights on the basis of any characteristics enumerated above, which would put this person in a different — favorable or unfavorable — situation in comparison to other persons in similar circumstances; or similar treatment of persons being in apparently unequal circumstances, except when such treatment serves a legitimate purpose and the means used to achieve this purpose are necessary and proportionate. Indirect discrimination shall be considered such situation where a clearly neutral provision, criterion or practice does not directly prevent equal enjoyment of the protected rights, but its implementation entails an unfavorable situation for a person in comparison to persons in similar circumstances, except when such situation serves a legitimate purpose and the means used to achieve this purpose are necessary and proportionate.

Discrimination shall be prohibited in all spheres, both public and private, including, but not limited to: labour relations; social security

and health care; pre-school education, education, access to education and learning process; culture and creative art; science; elections; civil and political activities; justice; military, state services; use of goods and services; housing; entrepreneurship and banking; transport and infrastructure; usage of natural resources; sports etc.

Provisions of the Law shall be extended on the activities of both governmental and private legal or natural persons. Elimination of discrimination and ensuring of equality shall be monitored and controlled by the Public Defender of Georgia.

## **B. Reply to issues raised in paragraph 11**

The Criminal Code of Georgia (CCG) criminalizes Violation of Equality (Article 142) and Racial Discrimination (Article 1421). This information was provided to the Committee in the previous report, nevertheless, some elements of the crime, in particular, in light of prohibition of racial discourse, should be additionally addressed. Pursuant to definition of Article 1421 of CCG it criminalizes “act committed with the purpose of stoking national or racial hatred, humiliation of national or ethnic dignity”. The term “act” means action or omission. The notion “action”, in its turn, should be construed not only as physical or bodily movement but also as speech, discourse, etc. In light of such interpretation of the norm, it can be said that definition of Article 1421 prohibits racist discourse or dissemination of racial ideas when it has been done with the aim to stoke hatred or humiliate national or ethnic dignity.

According to CCG, not only shall the perpetrator be responsible for the commission of the crime, but also his/her accomplices. Article 23 of CCG states that complicity in the crime means intentional joint participation of two or more persons in the perpetration of intentional crime. Article 24 of CCG defines distinct types of complicity. Among them are instigator and aider. Namely, “instigator shall be the one who persuaded the other person to commit the offense” and “aider shall be the one who assisted perpetrator in the commission of the offence”. Accordingly, the accomplice shall bear criminal liability when he/she instigates or assists perpetrator in the commission of crimes envisaged by Articles 142 and 1421 of CCG.

Additional guarantees for avoidance of stoking hatred and elimination of discrimination are envisaged by other statutory acts as well. For instance, Article 56 of the Law on Broadcasting prohibits televising/broadcasting programmes that in any form makes manifest and direct threat of stoking racial, ethnic, religious hatred or discrimination of any group; Article 11 of the Law on Assemblage and Manifestations prohibits making of any public statements/incitements during assembly or manifestation that stokes national, provincial, religious or social hatred, etc.

Furthermore, in accordance with the CERD recommendations, Article 53 (General Principles of Sentencing) of CCG was amended in 2012. According to the wording of a new paragraph of this Article, all crimes envisaged by CCG committed on the ground of racial, religious, national, ethnic intolerance or on any discriminating ground shall be considered to be committed in aggravated circumstances. CCG contains more than 300 prohibited acts of different nature — crimes against the life and health of human beings, crimes against property, etc. Before introduction of these amendments, racial, religious, national or ethnic grounds were regarded as aggravating circumstances in connection with certain offences, namely, premeditated murder, severe intentional damage to health, assault, disrespect to the deceased, torture, degrading or inhuman treatment.

In addition to information provided above, it should be mentioned that CCG also criminalizes illegal interference into performing worship or other religious rites or customs under violence or threat of violence or if it was done by insulting the religious feelings of a believer or servant of God (Article 155) and persecution for speech, opinion, conscience, religious denomination, faith or creed or political, public, professional, religious or scientific pursuits (Article 156).

Article 26 of the Constitution regulates the right to create and join public and political unions. Paragraph 3 of this Article states that formation and activity of such public and political associations aiming at stoking national, provincial, religious or social hatred is impermissible. This principle is reflected in other statutory acts. According to Article 4 of the Organic Law on Suspension and Prohibition of Activity of Public Unions, the court is authorized to forbid activity of public union if it stokes national, provincial, religious or social hatred. Similar provisions are envisaged by the Organic Law on Political Unions of Citizens. Namely, pursuant to Article 5, the formation and activity of a party, the purpose of which is to stoke national, provincial, religious or social hatred, is prohibited. Activity of a political party may be forbidden by the Constitutional Court of Georgia on the similar grounds provided above.

## **C. Reply to issues raised in paragraph 12**

No reports on crimes envisaged by Articles 142 and 1421 of CCG were received by the Ministry of Justice of Georgia Chief Prosecutor's Office of Georgia in 2010-2013. However, information on other illegal acts committed on discriminatory grounds during this period can be provided:

Investigation was initiated on 7 cases under Article 155 of CCG. On 3 cases investigation was terminated due to the lack of elements of crime. One person was prosecuted, found guilty and convicted to 1 year of conditional imprisonment;

Investigation was initiated on 33 cases (religious grounds) under Article 156 of CCG. On 14 cases investigation was terminated due to the lack of elements of crime. Four persons were prosecuted. Three persons were diverted from criminal liability and corrective labour as sanction was applied. One person was convicted to 1 year of conditional imprisonment;

In the context of an International Day against Homophobia and Transphobia held on 17 May 2013, 5 persons were charged under Article 161 of CCG (commission of illegal interference in the right to participate in an assembly with the use of violence). One person was exempted from criminal liability. Currently judicial proceedings are pending regarding the other 4 persons' case;

3 persons were charged for the physical assault on members of the LGBT community and convicted to conditional sentences of up to 4 years.

## **Information on trainings in the justice system**

The High School of Justice (HSOJ) provides initial training for students of justice (judicial candidates). During 2009-2013, 84 students of justice (10 groups) graduated the initial training programme of the HSOJ.

The initial training programme includes training on Human Rights Law, to which 5 days are dedicated (3 days are specifically devoted to the European Convention on Human Rights). The students of justice undergo training according to the provisions of the Convention and among other topics, the programme covers Article 14 on Prohibition of Discrimination.

The High School of Justice is also in charge of in-service training of sitting judges and other court staff. During 2009-2013, 12 trainings were organized for sitting judges on the European Convention on Human Rights. An average number of 20 judges participated in each training.

During 2009-2013, 24 trainings were conducted for the judge's assistants and court secretaries regarding the European Convention on Human Rights. In 2013, within the framework of the in-service training programme of court staff, priority was given to Articles 9 and 14 of ECHR regarding which 4 trainings were organized with participation of 88 judge's assistants and court secretaries.

Within the framework of the In-service Training Programme of 2014 for Judges and Court Staff, 6 trainings are planned to be held on the European Convention on Human Rights for judges, from which 2 trainings are dedicated to Article 14 of the Convention. One training was already organized in 20-21 February 2014 with the participation of 11 judges.

Judge's assistants will also undergo 2 trainings in 2014 on the Universal and Regional Human Rights Standards.

Information on trainings for police officers is provided below in reply to issues raised in paragraph 13.

## **D. Reply to issues raised in paragraph 13**

Combating the violations of human rights based on religious, ethnic and other motives is the priority for the law enforcement bodies of Georgia. In this regard, the Ministry of Internal Affairs of Georgia, within its scope, actively participates in the process of combating religious and ethnic intolerance.

Police officers regularly undergo basic and ad hoc courses on human rights, also covering minority rights and the fight against hate crime, thus addressing the issue of the lack of awareness on the part of the police about the problem of racism, intolerance and racial discrimination. Furthermore, police officers are trained in community policing, which covers relations with national, racial and religious minorities and the ways to avoid the stereotype assumptions.

With the aim of determining existing deficiencies and weaknesses within the system, large-scale testing of operative staff was conducted throughout Georgia. It helped the Ministry of Internal Affairs to have information on the level of professionalism of police officers and to elaborate relevant amendments to police training curriculum in cooperation with partner countries.

The duration of basic training curriculum for Police Officers was doubled (from 3 months to 6 months) and so has the human rights subject within the curriculum. Police officers regularly undergo basic and ad hoc courses on human rights, also covering minority rights and the fight against hate crime, thus addressing the issue of the lack of awareness on the part of the police about the problem of racism, intolerance and racial discrimination. In this regard, the Ministry actively cooperates with the Public Defender's Office based on the cooperation memorandum.

In order to ensure raising awareness of police officers on human rights issues with particular focus on issues of discrimination in accordance with the recommendations of ECRI, the European Union and the Public Defender's Office, trainings were conducted that focused on the following issues: prohibition of discrimination by international standards and mechanisms, the Georgian legislative norms regulating this area, the role and responsibility of the police in preventing and combating discrimination, culture of tolerance in Georgia, religious and ethnic diversity, stereotypes: xenophobia and racism, etc. The Academy of the Ministry of Internal Affairs also provides special district police officer courses for Azerbaijani and Armenian citizens of Georgia.

## **Cooperation with the Public Defender's Office**

On February 4, 2010, the Memorandum on cooperation between the Ministry of Internal Affairs of Georgia and the Public Defender of Georgia was concluded. The above-mentioned Memorandum is based on the National Concept and Action Plan for Tolerance and Civil Integration adopted by the resolution of the Government of Georgia on May 8, 2009.

In the frame of Cooperation between the Public Defender and the MIA Academy:

The Public Defender of Georgia periodically delivers lectures on ethnic minorities, including the issues of religious minorities for the patrol police and district police officers;

Representatives of the Ministry of Internal Affairs, upon need, meet with the National Minority Council of the Public Defender and provide information about different current and planned actions in the area of protection of ethnic minorities undertaken by the Ministry;

The recommendations and suggestions proposed by the National Minority Council of the Public Defender are to be considered.

Further information on the trainings for police officers are provided below in relation to Article 7.

## **Recruitment**

The Ministry of Internal Affairs of Georgia has taken special measures to encourage the recruitment of persons belonging to ethnic minorities in the police force.

The official policy of the Ministry of Internal Affairs of Georgia is to give priority to minority applicants when recruiting police officers in regions inhabited by substantial numbers of national minorities. The Ministry perceives that ethnic minorities represent the added value for the police due to their understanding of local interests and traditions.

The numbers of Ethnic Minorities employed in the Ministry of Internal Affairs in 2009-2013 are as follows:

<i>Ethnicity</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>
Azeri	274	252	298	256	238
Armenian	502	412	515	462	456
Russian	221	145	189	137	143
Yazid	65	48	68	39	37
Ossethian	78	49	62	62	62
Other	138	100	135	126	136
<b>Total</b>	<b>1278</b>	<b>1006</b>	<b>1267</b>	<b>1082</b>	<b>1072</b>

It should be especially noted that collection of information about ethnic origin of applicants by the Ministry of Internal Affairs is strictly voluntary and confidential. The personal data is protected by the safeguards provided by the General Administrative Code of Georgia and the Law of Georgia on Personal Data Protection. Applicants may or may not include information on their ethnic origin in the application; therefore, the above-mentioned numbers are not 100% exact and are based only on the applications of persons, who voluntarily included their ethnicity.

The steps taken by the Georgian Government to encourage the recruitment of persons belonging to ethnic minorities into the police force, particularly in regions where these minorities live in substantial numbers, has been positively assessed by ECRI.

#### **E. Reply to issues raised in paragraph 14**

The Government of Georgia attaches great importance to the protection of national minorities. The Constitution of Georgia guarantees the rights of persons belonging to national minorities and their full equality in social, economic, cultural and political life. For these purposes, on 8 May 2009 the Government of Georgia adopted the National Concept and Action Plan for Tolerance and Civil Integration (NCAP). Detailed information with respect to NCAP is provided in the paragraphs 8-31 above.

Georgia has ratified the Council of Europe Convention on Cybercrime on April 1, 2008. The Convention entered into force for Georgia on October 1, 2012.

#### **F. Reply to issues raised in paragraph 15**

Constitution of Georgia protects the right of every citizen to receive education and to choose the form of education. The Law of Georgia on General Education reaffirms this right to education (Article 9) and equal access for all (Article 3.2. A.). Article 4 of the Law on General Education states that citizens, for whom Georgian is not a native language, have the right to acquire general education in their native language, in accordance with the national curriculum, according to the law.

The major goal of the civil integration policy is to implement comprehensive activities that would ensure access to education for ethnic minorities, promote state language acquisition and foster preservation of linguistic and cultural identities of ethnic minorities in Georgia. Education policy puts a special emphasis on the implementation of the programmes that promote Georgian language acquisition and effective improvement of Georgian as a second language teaching and learning.

The Teach Georgian as the Second Language programme implemented by the Teachers' Professional Development Center under the Ministry of Education and Science aims at improving state language instruction and civic integration of ethnic minorities. Within the program, 78 Georgian language teachers are deployed to the non-Georgian schools of Samtskhe-Javakheti, Kvemo Kartli and Kakheti villages inhabited by ethnic minorities. Another programme, Georgian Language for Future Success implies recruitment of teachers/volunteer teachers and their deployment in the regions compactly populated by ethnic minorities to teach Georgian language and support local teachers. More than 400 teachers have worked in these regions since 2011. Currently, 280 teacher-consultants work in 252 minority schools. Within the programme I-XII levels of student's and teacher's textbooks of Georgian as a second language were elaborated and published. All learning materials are provided to all minority school students and teachers for free by the state.

The Georgian Language Houses and Centers have been functioning in Samtskhe-Javakheti, Kvemo Kartli and Kakheti regions where the representatives of ethnic minorities have a possibility to attend Georgian language classes for free.

In 2012, with the initiative of the Ministry of Education and Science of Georgia, Multilingual Education (MLE) teacher standards were developed. Standards were elaborated by both local MLE experts at the Ministry of Education and Science of Georgia and international experts funded by the OSCE High Commissioner on National Minorities. In 2012, one textbook (approved by the Ministry of Education and Science) in all subject areas throughout 1-6 grades were translated into Armenian, Russian and Azerbaijani languages. In these textbooks, 30% of content is given in Georgian and 70% in Armenian/Russian/Azerbaijani languages. Multilingual textbooks are utilized at pilot schools as recommended teaching materials.

The Law of Georgia on Higher Education obliges all higher education institutions to treat all students and staff of higher education institutions equally (Article 16.1. D) And prohibits any discrimination on the grounds of religious or ethnic affiliation (Article 3.2.). The

amendment to the Law of Georgia on Higher Education (November 2009), envisaging the introduction of a mitigation system (the so-called quota system) for ethnic minority students, was put into practice since Academic Year of 2010-2011. It was defined that higher education institutions are obliged to provide 5% of available places for each Azerbaijani and Armenian cohort of entrants and 1% for each Ossetian and Abkhazian students within the framework of available places defined by the National Education Accreditation Center. Entrants who are accepted at Higher Education Institutions (HEIs) based on only the results of the General Aptitude Test (GAT) either in Azerbaijani and Armenian languages are enrolled in Georgian language preparatory intensive course. According to the mitigation policy defined by the Law, only ethnic minority entrants can pass one exam (any citizen of Georgia can be admitted to Georgian language preparatory course if he/she passes GAT in Azerbaijani or Armenian). All other entrants took four exams to be enrolled at HEIs in 2011-2012.

Article 43.1 of the Law on Higher Education provides state scholarships from the university or other sources, as well as financial and material assistance for students of the university. In special circumstances, the Government implements a number of social programmes for students with financial need. (Article 6.1) This Article provides funding of 15 Azerbaijani and 15 Armenian students annually within the social programme of higher education.

After the successful completion of preparatory intensive Georgian language course and collecting 60 credits, a student is eligible to pursue study in the educational programme of his/her interest (if a student obtains a state grant for studying at preparatory intensive Georgian language course, during the Bachelor's programme he/she is funded from the state).

In 2013, 704 entrants of Azerbaijani nationality and 186 entrants of Armenian origin were admitted in accredited higher education institutions (HEIs) as a result of passing the general aptitude test (in Armenian or Azerbaijani languages) of Unified Admission Exams: 93 entrants obtained a state grant based on their results in the general aptitude test in the Azerbaijani language and 98 entrants obtained a state grant based on their results in the general aptitude test in the Armenian language.

According to the data of the National Examinations Center (NAEC), the number of non-Georgian students substantially increased compared with previous years. In 2010, 247 non-Georgian entrants were enrolled at HEIs, in 2011 – 430, in 2012 – 589, while the number for 2013 equalled to 890 students.

Professional and educational programmes — Zurab Zhvania School of Public Administration provides public servants (employed at the central and local governments and self-governments) with respective short- and long-term professional and educational programmes for permanent professional growth and development. Short-term courses are conducted in IT Management, Financial management, HR Management, Basics in law; long term courses in English and Georgian languages.

## **G. Reply to issues raised in paragraph 16**

### **Development of infrastructure in the areas inhabited by the minorities**

The Ministry of Regional Development and Infrastructure of Georgia has been implementing various projects and programs aimed at rehabilitation and development of infrastructure in Georgian regions settled by ethnic minorities, including projects on rehabilitation of water systems, roads, bridges and railway infrastructure, gasification projects, etc. More than 109 million GEL has been spent in this respect in 2009-2014. Detailed information on the concrete projects and the amount of each project is provided in Annex I.

In 2010-2011, new police stations were built in regions densely populated with ethnic minorities. Precisely: Samtskhe Javakheti — 7 buildings; Kvemo Kartli — 7 buildings; Sagarejo municipality — 1 building.

### **Protection of Cultural Heritage of National Minorities**

Information in this respect is provided below in respect to Article 7 [see paras. 311-321 below].

## **H. Reply to issues raised in paragraphs 17, 18 and 19**

The Civil Registry run by the State Agency of Service Development does not contain information on the nationality of Georgian citizens in spirit with the principle of equality before the law envisaged by Article 14 of the Constitution. The legal requirement of indicating a person's nationality in an identification paper was cancelled in 1996 by the Law on Procedure of Registration and Identification of Georgian Citizens and Foreigners Residing on the Territory of Georgia. Furthermore, the requirement to indicate a parent's nationality in a birth's recording acts was also cancelled in 1998 by the Law on Registration of Civil Acts. Accordingly, due to the fact that the Civil Registry is a "systematic aggregate of data on registration of Georgian citizenship; registration of civil acts; registration of residence place of a person; registration of issuance of identification papers and documents confirming Georgian citizenship" and there is no requirement to indicate a person's nationality in an issuing document or stored data, the Civil Registry does not contain any information about nationality, ethnicity, origin, etc. of Georgian citizens.

However, in contrast to nationality, the Civil Registry contains information on a refugee or IDP status of a person.

According to Article 20 of the Law on Civil Acts a birth fact is subject to mandatory registration by an organ of registration of civil acts. Furthermore, Article 23 of the Law lists persons and bodies who are obliged to inform the respective organ about a fact of birth. They are:

- (a) A head of a medical institution or a person appointed by him/her if the child has been born in the medical institution;
- (b) A person who has the right to issue a birth certificate, but who is not employed by any medical institution, if he/she provided respective medical assistance outside a medical institution;

(c) A parent of the child if the persons in (a) and (b) failed to do so or if the child has been born outside a medical institution and without assistance of a person entitled to issue a birth certificate or has been born abroad;

(d) A representative of a local self-government body (mayor's office) if the child has been born outside a medical institution and without assistance of a person entitled to issue a birth certificate;

(e) A guardianship or curatorship agency or a head of a childcare institution if it is discovered that a person under their custody has not been registered.

Persons mentioned in paragraphs (a) and (b) are obliged to report about a birth fact to a registering body within 5 working days since they become aware of it. The report shall contain a full name of the child and information about his/her parents. According to Article 1852 of the Code of Administrative Offences of Georgia, failing to report on the part of the head of a medical institution shall entail their administrative responsibility in the form of a fine up to 500 GEL. This mechanism serves to ensure that a maximum number of birth facts is registered.

In addition to all mechanisms mentioned above and when these mechanisms have failed to register a birth fact, such a registration is still possible through an application to establish a legal fact of birth by any interested person to a registering body within 1 month of the submission of application. In 2009-2014, thousands of childbirths have been registered through this procedure.

## **Roma population**

Since 2010, the Service Procedures Development Agency of the Ministry of Justice of Georgia, in cooperation with the Innovation and Reform Center (IRC) and the European Center for Minority Issues (ECMI), has been implementing activities in order to manage the problem of Roma population registration and therefore to ensure legal support to respective Roma people. In this regard, the Ministry conducted necessary procedures in order to certify birth, solve issues regarding citizenship and undertake necessary steps for issuing Identity Documents. 265 Roma people residing in Leninovka and Gachiani were included in the registration database; 81 of them had problems regarding documentation. Throughout 2012, as a result of field visits in Rustavi and Gachiani, the problem of registration and issuing IDs for 18 Roma was solved while the certified legal fact of birth for 13 Roma people was approved and two Roma were given the official status of non-citizen. Despite a prior notice about the visits in the field, it was impossible to meet all target persons. In 2012, Roma residents of Mtskheta were provided with judicial consultations. In 2013, 11 Roma were granted citizenship status, 8 Roma obtained a non-citizen status, and issuing birth certificates was under review for 2 persons.

## **Forcefully Deported Persons from the Soviet Socialist Republic of Georgia by the Former USSR in the 40's of the 20th Century (FDPs)**

In accordance with the commitments undertaken by the Government with the accession to the Council of Europe, Georgia has been engaged in the process of repatriation of persons forcefully sent into exile from the Soviet Socialist Republic of Georgia by the Former USSR in the 1940s. The following actions have been undertaken in this respect:

On 11 June 2007, the law N5261 "On Repatriation of Persons forcefully sent into exile from the Soviet Socialist Republic of Georgia by the Former USSR in the 40's of the 20th Century" was adopted.

The last date of application according to the new law was defined as 1 January 2009. (This date has been postponed twice: 26 December 2008 corresponding of alternation, and by the law N1538 the last date of application was defined as 1 January 2010).

## **5841 persons have applied for Repatriate status to Georgian authorities according to the law**

<i>Citizenship</i>	<i>Number</i>
Azerbaijan	5389
Kazakhstan	16
Kirghizia	173
Russian	64
Turkish	144
Ukraine	9
USSR	21
Uzbekistan	25
<b>Total</b>	<b>5841</b>

On March 30, 2010, decree N87 of the Georgian Government, "simplified procedures of granting Georgian citizenship for repatriates"; was adopted. This decree excluded for Repatriates to remain stateless persons.

On June 21, 2013, according to the decree of the Government of Georgia N162, an amendment was introduced to the decree N87 of the Georgian Government, "simplified procedures of granting Georgian citizenship for repatriates". Repatriates will be able to apply for Georgian citizenship in a significantly simplified way altogether with other changes; in particular, if repatriates don't speak Georgian or English language and are not in Georgia, the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia will provide to fill in the application based on information in the electronic database.

The Ministry sends the application in electronic form to the Foreign Minister of Georgia, which provides to send it abroad to the relevant diplomatic representative/consular service of Georgia. The application signed by the repatriate will be examined for granting Georgian citizenship.



In March 2011, the Government of Georgia established the Interagency Governmental Council on the Repatriation of FDPs from the Soviet Socialist Republic of Georgia in 1940s. Functions and Tasks of the Council include: to co-ordinate activities of state agencies and entities involved in the process of repatriation of forcefully deported persons from the Soviet Socialist Republic of Georgia during the 1940s by the former USSR; to propose relevant initiatives and recommendations in respect to the repatriation and to inform the Government of Georgia on the process of repatriation.

The working group of the Interagency Governmental Council has already completed working on a state strategy for “Repatriation of forcibly displaced persons (FDPs ) from the Soviet Socialist Republic of Georgia in 1940s” and submitted it to the government for adoption. The Government of Georgia will approve this state strategy in the near future and after adoption the Action Plan will be prepared by the working group.

In September 2011, the “Council of elders” was established, which is committed to considering applications for FDP status in the case of lack of appropriate documents.

Significant progress has been achieved in the context of the fulfilment of obligation on repatriation of forcefully deported persons from the Soviet Socialist Republic of Georgia by the former USSR in the 40’s of the 20th Century (FDPs).

The process of consideration of applications necessary for obtaining the status of Repatriate by the FDPs is underway. By order of the Minister of Internally Displaced persons from the Occupied Territories, Accommodation and Refugees of Georgia, the status of Repatriate has already been granted to 1349 FDPs.

<i>Status of repatriates</i>	<i>Granted</i>	<i>Rejected</i>
Granted (14 June 2011)	75	0
Granted (30 November 2011)	124	0
Granted (16 January 2012)	134	0
Granted (22 February 2012)	156	0
Granted (10 April 2012)	82	0
Granted (30 April 2012)	109	0
Granted (09 July 2012)	101	0
Granted (24 September 2012)	83	0
Granted (7 May 2013)	189	0
Rejected (5 July 2013)	0	4
Granted (06 December 2013)	121	0
Granted (30 January 2014)	80	0
Granted (14 April 2014)	95	0
<b>Total</b>	<b>1349</b>	<b>4</b>

In 2011, six, “Go and See” visits were organized by the ACF (Action Against Hunger — ACF — is an international humanitarian organization committed to ending world hunger). Six groups of repatriates visited Georgia and particularly the region of Samtskhe Javakheti.

According to the president’s order of 8 July 2013, N551, seven (7) citizens of Azerbaijan, having repatriation status, obtained citizenship of Georgia. The mentioned order will enter into force after FDPs present corresponding documentation of renouncement of another country’s citizenship to the Legal Entity of Public Law – State Service Development Agency or to the Diplomatic representatives of Georgia Abroad. In October 1-12, 2013, a staff member of the citizenship and migration unit of the “State Service Development Agency” of the Ministry of Justice of Georgia were in a special mission in the Georgian Consulate in Azerbaijan where he had to receive applications for Georgian citizenship from repatriates.

More than 200 repatriates applied for Georgian citizenship in the Georgian representative in Azerbaijan; among them 52 persons’ issues are under consideration and a positive decision should be made in the near future. Due to the gaps in the others’ applications, there is no possibility to launch examination of their cases for granting Georgian citizenship. They will be granted Georgian citizenship in case of gaps correction.

According to the law, after being granted repatriate status they are able to arrive in Georgia and buy living spaces in any region they prefer.

## **I. Reply to issues raised in paragraph 20**

### **Information on the measures taken by the Government for the protection of IDP rights**

#### **Adequate Housing of IDPs**

Providing Internally Displaced Persons (IDPs) with durable housing solutions remains a high priority. In order to better organize the IDP resettlement process, ensure the transparency of housing solution provision and put it in a legal framework, respective rules, criteria and regulations have been defined.

In order to collect the accurate statistics on IDPs and investigate their specific needs while contributing to improving the effectiveness of the IDP support policy, the Ministry of Internally Displaced Persons from Occupied Territories, Accommodation and Refugees of Georgia made a decision of conducting a re-registration of IDPs. For that purpose, based on Decree N170, a commission was created within the Ministry. The Commission elaborated methods of registration and their needs assessment, including housing, livelihood opportunities, access to social services. The members of the commission were representatives of governmental bodies,

local and international non-governmental organizations and donor organizations. The registration process started in August 2013 and finished in December 2013. The re-registration was conducted across the country and was designed in a manner to enable all the IDPs to undergo the registration. By defining the exact number of IDPs and their families, the Ministry expects to improve the planning and implementation process of IDP support and identify strategic solutions for improving IDPs' housing and social-economic conditions.

The Government of Georgia will continue implementing State Strategy on IDPs and its updated Action Plan throughout 2014 to cover housing needs. In previous years out of 90 000 IDP families were provided with durable housing solutions with the support of the international community; financial support was distributed to 5 000 IDP families for housing purposes, while a number of IDPs managed to solve their housing problems. An estimated 30 000 IDP families remain without a durable solution, including housing, across Georgia. The Government of Georgia plans to provide durable solutions to the housing problems of these IDPs in the next three years.

In 2014, the Ministry of Internally Displaced Persons from Occupied Territories, Accommodation and Refugees of Georgia plans to complete the rehabilitation work of 1 300 apartments and the construction process will be finished for 572 apartments.

In order to initialize the new constructions in 2014, respective land has already been allocated in Tbilisi, Batumi, Kutaisi and Zugdidi. 8 000 flats will be provided to IDPs in Tbilisi. The construction of accommodations in Batumi will accommodate 1 370 IDP families. 1 700-1 900 IDP families will be accommodated in Kutaisi. Design of constructions in Zugdidi is still ongoing, following the completion of which the number of apartments will be projected in 2014.

For making the process of housing allocation transparent for IDPs and other stakeholders, the guiding principles, criteria and procedures of Durable Housing Solution (DHS) to IDPs was developed within The Ministry of Internally Displaced Persons from Occupied Territories, Accommodation and Refugees of Georgia. The document establishes guiding principles, criteria and procedures for DHS arrangements approved by the Action Plan for the Implementation of the State Strategy on IDPs 2012-2014, adopted by the Georgian Government on June 13, 2012. The criteria are based on the Law of Georgia, United Nations guiding principles about forced displacement, State Strategy on IDPs approved by the Government of Georgia in 2007 and Action Plan for implementation of the State Strategy on IDPs 2012-2014 adopted by the Government on June 13, 2012. The criteria are founded on the principles of voluntary and informed decision, family unity, special protection of those under age left without families or a guardian/caregiver, adequate accommodation, access to documentation and public services, publicity and transparency.

In order to ensure that there is no abuse/undue influence on the selection process, the examination of application proceeds in the following way: three groups are formed, which work independently from one another; the first group receives the applications, the second group studies the applications and the third, monitoring group carries out the visits on sites to check the living conditions of applicant IDPs. The information gathered is submitted to the Commission (MRA representatives), with 11 persons, the composition of which is established based on the Ministerial Order; the commission adopts the decision on selecting beneficiaries.

The new approach towards the housing programs implies that the arbitrary division towards IDPs in the private sector and in collective centers (CCs) and their differentiated treatment in terms of prioritizing IDPs in CCs was removed and they will be treated equally based on their actual needs.

Herewith, unlike previous practice of resettlement of IDPs in remote areas of Georgia, according to the current policy, IDPs are given the opportunity to stay in the same cities (including the capital city Tbilisi) where they have been living for several years and thus have achieved a certain level of social-economic integration.

## **The right to the continuous improvement of living conditions of IDPs**

In order to provide sufficient livelihood opportunities to IDPs, the MRA, in cooperation with international and national non-governmental organizations, has elaborated the IDP Livelihood Strategy. From Dependence to Self-reliance — the IDP Livelihoods Strategy of Georgia (hereafter referred to as the Livelihoods Strategy) reflects the common vision of Government, civil society and the international community towards the support to economic growth of IDPs in Georgia.

The strategy was initiated by the Ministry of IDPs from the Occupied Territories, Accommodation and Refugees of Georgia based on consultations with stakeholders, national and local non-governmental organizations, international partners and other governmental entities.

The Livelihoods Strategy aims at social and economic development of IDPs through creating opportunities to fulfil the potential of IDPs and their host communities. The implementation timeframe of the strategy will be 4 years. The Action Plan is in the process of design for the implementation of the strategy, which will be updated annually.

A number of activities is being implemented in order to support self-reliance and sustainable economic development of IDP families, namely the LEPL IDP Community Development Centre under the Ministry, supported by the World Bank, is assisting IDP and host communities in enhancement of their social and economic condition through community participation, by identification of main local issues and priorities, designing and implementation of a micro project and issuing small grants for the problem solution.

A notable shift from humanitarian and emergency aid to development-oriented programmes is in progress. The Government, in cooperation with international donors and partner NGOs (EU, UNDP, the Office of the United Nations High Commissioner for Refugees (UNHCR), USAID, DRC, World Vision, etc.), has been assisting IDP families to become more self-reliant and economically sustainable, by providing support in cultivation and planting on the land plots allocated by the State, providing small grants and facilitating small enterprise development. In this direction, in 2013 the Ministry plans to create the Legal Entity of Public Law within the Ministry, which will implement the livelihood programmes as well as coordinate livelihood projects implemented by international and national organizations.

## **J.Reply to issues raised in paragraph 21**

On 9 December 2011, Georgia ratified the 1954 Convention relating to the Status of Stateless Persons. In 2012, with the aim to bring Georgian legislation in conformity with the requirements of the Convention, necessary legal amendments were undertaken. In addition, on June 27, 2012, Presidential Decree N515 On the Approval of Procedure of Granting a Stateless Person's Status was adopted. By the legislative amendments, the requirement of granting a person a three-year residence permit while determining his status has been introduced.

After the procedure of granting status as a stateless person is complete, a person is provided with a residence permit and a travel document. Furthermore, in September 2014 the Law on Legal Status of Foreigners and Stateless Persons will enter into force. The Law provides for issuance of temporary identity papers for the period of evaluation of their applications for those status seekers who do not possess any documentation, ensuring their enjoyment of fundamental rights.

According to Article 263 of the "Law of Georgia on the Legal Status of Foreigners and Stateless persons", in Georgia stateless persons are equated, in terms of their rights, to foreigners. Moreover, in certain cases, e.g. state pensions, stateless persons enjoy the same rights as Georgian citizens.

On 2 April 2014, Georgian Parliament ratified the 1961 Convention on the Reduction of Statelessness. For the purpose of synchronizing the requirements of the Convention with Georgian legislation on citizenship, a draft of the Organic Law on Citizenship of Georgia has been introduced to the Parliament. The Draft, which has been prepared with active involvement of UNHCR representative in Georgia, reflects not only the principles of the 1961 Convention but also the principles of the 1997 European Convention on Citizenship. Accordingly, the Draft provides for reduction of statelessness in Georgia and a number of preventive measures thereof.

Prior to the accession to the 1954 Convention relating to the Status of Stateless Persons, there were no definitions of or procedures for granting status of stateless persons in the Georgian legislation. Stateless persons used to be considered those who surrendered Georgian citizenship and at the same time did not receive any other citizenship and those who did not meet the requirements established by the Georgian legislation for obtaining Georgian citizenship. Residing for a long time on the territory of Georgia used to be deemed as a supplementary requirement in order to be considered as a stateless person. However, despite the legal vacuum in the sphere of citizenship that used to exist before acceding to the 1954 Convention, Georgian legislation contained provisions regulating issuance of residence permits and travel documents to those without citizenship. Legal status of foreigners and stateless persons residing on the territory of Georgia is generally similar to the status of Georgian citizens. It is so due to Article 47 of the Constitution which envisages that "foreign citizens and stateless persons residing in Georgia shall have the rights and obligations equal to the rights and obligations of citizens of Georgia with exceptions envisaged by the Constitution and law." The possibility to restrict the rights of these two categories of persons is also provided in Article 27 of the Constitution which reads as follows: "the state shall be entitled to impose restriction on the political activity of citizens of a foreign country and stateless persons." Foreigners and stateless persons residing on the territory of Georgia do not have the right to elect or to be elected into representative bodies, participate in referendums, create political unions (party) and participate in its activities.

Prior to the accession to the 1954 Convention relating to the Status of Stateless Persons, Georgia legislation did provide safeguards for ensuring rights and freedoms of foreigners and stateless persons residing on the territory of Georgia. In particular, these persons have enjoyed the right to legal remedy, which meant the ability to appeal before courts any decision of a state or local body or official. Furthermore, foreigners and stateless persons are entitled to apply to the Constitutional Court of Georgia if they consider that a violation of their rights guaranteed by Chapter II of the Constitution (Basic Rights and Freedoms of Individual) has taken or is about to take place.

### **Information on the measures taken by the Government for the protection of rights of refugees and asylum seekers**

On December 6, 2011, a Law on Refugee and Humanitarian Status was adopted, which is similar to the Convention Relating to the Status of Refugees and in line with international standards. The Law came into force on March 18, 2012. The Law defends the principle of non-enforceable return of humanitarian status holders, refugees and also that of Asylum Seekers. The guarantees of legal and social-economic protection for humanitarian status holders, refugees and Asylum Seekers have been elaborated anew. One of the important amendments entered to the new Law by a term "Humanitarian Status" concerns an additional protection. Under the law, the above-mentioned status is awarded to an individual who is not meeting the requirements of the convention necessary for obtaining refugee status, but for human reasons his/her return to permanent place of residence is impossible, as he/she was forced to flee the country of origin because of violence, external aggression, occupation, local conflicts, gross violation of human rights or public disorder, who should not be forcibly returned to his/her country of origin and cannot leave for another country either in accordance to the legal basis, namely, international obligations assumed by Georgia or non-expulsion under other international acts on human rights; whose life might be exposed to serious threats or his/her rights violated in case of return to the country of origin. A humanitarian status might also be attached to an individual who is not a citizen of Georgia or is a permanent resident of Georgia but with statelessness and who was forced to be displaced within Georgia, but is not entitled to hold an IDP status according the Georgian Law on Internally Displaced Persons-Persecuted; who entered Georgia from an adjacent county of origin because of national disaster erupted there; who is in need of other indispensable humanitarian aid.

In terms of refugee integration, since 2009, in cooperation with the Civil Registry and the Ministry and by financing of UNHCR, the Ministry of Justice of Georgia has been implementing the project Legal Development and Consultation Group, under which up to 600 refugees have obtained the citizenship of Georgia through naturalization.

Since 2009, the Ministry and UNHCR office have been implementing the project concerning the support of local integration of

refugee population from the Chechen Republic of the Russian Federation, under the framework of which the refugee family after having received a citizenship of Georgia, gets up to 2,500 to 10,000 US Dollars for the purpose to rehabilitate or purchase the dwelling houses.

The Livelihood projects assist refugees free of charge in development of agriculture. It supplies the seeds of different crops and helps with cultivating the land. In this format, 16 livelihood projects have been implemented. The budget has been defined according to the project scope, fluctuating from 3,000 to 5,000 GEL.

Rabbit, mushroom, fish and bee farming ventures have been launched, where in total 56 people have been employed. Noteworthy is that in the processes of setting up enterprises up to 150 refugee status holders had been hired to work. Profits received from those ventures are distributed between the employed and vulnerable families.

At the final stage of the UNHCR intervention (envisaging durable solutions for refugees), KRDF's assets as those of partner organization, are focused on accommodation, which in turn, contain support of the naturalized refugees in integration, accommodation and private property registration.

## **Freedom of movement, healthcare, education, other labour or social rights of refugees and asylum seekers**

For the purpose to improve Asylum Seekers' living conditions, since 2011 the Asylum Seekers Temporary Location Center has been functioning in the Plain Martkopi, which is due to serve 60 persons and equipped with modern standards. In exceptional cases, the Center can serve 120 persons. Negotiations are on with the donors concerning expansion of the Center, possibly to take place in the near future.

The Ministry takes decisions concerning the issues of social-economic guarantees (his/her reception, accommodation, education and security issues) for refugee or humanitarian status holders in agreement with other proper bodies of the executive authorities.

A refugee or humanitarian status holding person (if a humanitarian status holder does not have an ID card or/and if such a document is impossible to obtain) is provided with a temporary residence certificate and travel document according to Articles 27 and 28 of the Convention Relating to the Status of Refugees.

As for the healthcare programme, in 2000-2010 the non-governmental organization Technical Assistance Georgia (TAG), was caring about protection of the Asylum Seekers and refugees' health. Since 2011, the refugee status holders, with the financing of UNHCR, have been insured at the Insurance Company Imedi-L, whilst the Asylum Seekers have been undergoing medical check-ups within the joint project of UNHCR and the Ministry.

Since March 2013, the State compulsory Insurance has been launched for refugees and humanitarian status holders. In 2015, shelter seekers are to be included in the Insurance programme.

In the field of education, refugees and humanitarian status holders, also Asylum Seekers, are equally matched with the citizens of Georgia according to set act of the Georgian legislation.

Asylum Seekers are exempt from taxes concerning consideration of their application in any instances according to the Georgian legislation and also enjoy the right to free translation service.

*For detailed statistical information please refer to Annex II.*

## **K.Reply to issues raised in paragraph 22**

For the purpose of harmonizing domestic legislation on IDPs with international norms and standards on displacement, the Law on IDPs was elaborated by the Ministry of Internally Displaced Persons from Occupied Territories, Accommodation and Refugees of Georgia in 2013, in cooperation with international and national civil organizations, which was approved by the Parliament of Georgia and entered into force on March 1, 2014.

The new Law of Georgia on Internally Displaced Persons from the Occupied Territories of Georgia aims at protecting citizens, ensuring emergency assistance in case of forceful displacement and protecting the rights of IDPs during the entire period of displacement. The Law was brought in accord with international norms and standards, Legislation of Georgia and current state policies towards IDPs.

The new law reflects a broader definition of the term Internally Displaced Person (IDP); specifically, a citizen of Georgia forced to abandon the place of permanent residence due to a threat/danger to life or health as a result of occupation by a foreign state, aggression, armed conflict, mass violence and/or mass violation of human rights; and/or deprived of a right to return to the place of permanent residence due to the given circumstances, is qualified as an IDP.

By such formulation, the Law will protect the rights not only of the persons who lived in currently occupied regions, but also those living across the occupation line. In addition, the draft law implies a uniformed, non-discriminatory approach to all IDPs. Thus, notions of "IDP living in a collective center" "IDPs living in the private sector" will be annulled that will ensure equal distribution of housing and benefits, such as a governmental allowance and possibility to receive payment for communal facilities. It is planned to provide every IDP with an allowance in amount of 45 GEL, instead of 22 and 28 GEL (this applies to those IDPs the monthly income of which is less than 1250 GEL gross amount). In addition, every IDP on his/her own would cover public utilities, which will be a step forward towards their independence from the outer support.

The law also specifies IDPs protection measures with regards to accommodation and regulations on their eviction from temporary accommodation, envisaged measures to be carried out by central and local government for eviction of IDPs from spaces transferred into legal ownership of third persons with ensuring their dignity, security and freedom.

The law also implies the right for restitution of property left on the place of permanent residence. It also sets out guarantees of IDPs integration in different part of the country until their return and reintegration to their permanent residence place, so that conditions for secure and dignified life are ensured.

### **III. Information regarding implementation of the Convention**

#### **Article 2**

Georgia is a party to major international instruments protecting rights and freedoms of every individual, including those belonging to national minorities. Pursuant to the Constitution, international treaty, unless it contradicts the Constitution of Georgia or the Constitutional Agreement, shall take precedence over domestic normative acts.

Georgia is a party to the following international human rights instruments:

The International Convention on the Prevention and Punishment of the Crime of Genocide;

The International Covenant on Civil and Political Rights;

The Optional Protocol to the International Covenant on Civil and Political rights;

The International Covenant on Economic, Social and Cultural Rights;

The European Convention for the Protection of Human Rights and Fundamental Freedoms and its additional protocols, including additional Protocol No. 12 providing for a general prohibition of discrimination;

The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; Optional Protocol to the Convention against Torture (OPCAT);

The European Convention for the prevention of Torture and Inhuman or Degrading Treatment or Punishment, including its first and second Additional Protocols;

The International Convention Concerning Discrimination in Respect of Employment and Occupation;

The Employment Policy Convention;

The European Cultural Convention;

The Convention on the Elimination of all Forms of Racial Discrimination;

The International Convention on the Suppression and Punishment of the Crime of Apartheid;

The Convention on the Political Rights of Women;

The Convention on the Elimination of all Forms of Discrimination Against Women;

The Framework Convention for the Protection of National Minorities;

The Convention on the Rights of Persons with Disabilities.

According to Article 38 of the Constitution of Georgia, in accordance with universally recognized principles and rules of international law, citizens of Georgia shall have the right to develop freely, without any discrimination and interference, their culture, to use their mother tongue in private and in public.

On 2 May 2014, the Parliament of Georgia adopted comprehensive antidiscrimination legislation. The detailed information in this respect is provided above in reply to issues raised in paragraph 10.

Prohibition of discrimination of citizens of Georgia is also embodied in various legislative acts and codes of conducts described below.

Discrimination as a criminal offence is included as a separate Article 1421 in the Criminal Code of Georgia. This provision prohibits racial discrimination, i.e. any action committed for the purpose of instigating animosity or conflict on ethnic or racial grounds, as well as direct or indirect limitation of human rights based on race, skin, color, social origin, national or ethnic identity, or favoritism of any individual on the above-mentioned grounds. Such crimes are punishable by up to three years of imprisonment. Similar actions committed with the use of force, by threatening to use force, by threatening the life or health of individuals, or by use of official capacity, shall be punishable by up to five years' imprisonment.

Pursuant to ECRI recommendations, the amendments were introduced on 27 March 2012 to the Criminal Code of Georgia, providing for offences committed on the grounds of race, colour, language, sex, sexual orientation, gender identity, age, religion, political or other views, disabilities, citizenship, social, national or ethnic belonging, origin, as well as property or class status, residence or any other discriminating ground containing a motive of intolerance to constitute an aggravating circumstance applicable to

all relevant types of crimes. Before introduction of these amendments, racial, religious, national or ethnic grounds were regarded as aggravating circumstances in connection of certain offences, namely, premeditated murder, severe intentional damage to health, assault, disrespect to the deceased, torture, degrading or inhuman treatment.

Article 407 of the Criminal Code of Georgia prohibits genocide. Genocide is defined as “an action committed to implement an agreed plan for the purpose of full or partial elimination of any national, ethnic, racial, religious or any other group, effected through mass killing, grave health injury, intentional placement in poor living conditions, forced reduction of birth or forced removal of a child from one ethnic group to another.”

Crimes against humanity, proscribed by Article 408 of the Criminal Code, includes elements to racism and intolerance and is defined as follows; “any of the following acts when committed as part of a widespread or systematic attack directed against civilian population or persons, including murder, extermination, grave injury to health, deportation, illegal deprivation of liberty, torture, rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, persecution against any identifiable group on political, racial, national, ethnic, cultural, religious or other grounds, apartheid or other inhuman acts which cause serious physical or mental harm to a person”.

Anti-discrimination guarantees are given in the Criminal Procedure Code of Georgia in the section dedicated to the jury: it is forbidden to discriminate among the candidates for jury on the basis of race, color, language, sex, belief, ideology, political opinion, membership of any union, ethnic, cultural and social belonging, origin, etc.

The General Administrative Code proscribes any discriminatory measures, including taking different decisions in respect of persons in analogous situations. This clause covers decisions of administrative bodies, inter alia, on the provision of housing, social protection and public goods and services.

The General Administrative Code, which regulates activities of the administrative bodies in Georgia, stipulates that every person is equal before the law and an administrative organ. The Code furthermore states that in their communication with administrative bodies, persons belonging to national minorities applying or appealing in other languages than the State Language, are allowed extra time in obtaining legalized translation of the required documents. In such cases, the established deadlines are regarded as being respected.

Pursuant to the General Administrative Code, a State or local self-government agency is under duty to compensate for substantial damage caused to a person or group of persons as a result of administrative-legal act infringing the principle of equality.

The Law of Georgia on General Education maintains that “The 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 and in accordance with the law”.

The Law of Georgia on Culture underlines that the citizens of Georgia are equal in cultural life without distinction of their national, ethnic, religious or linguistic belonging. Under Article 9 of the same law, it is forbidden to interfere in the creative process, censor creative work, except in circumstances where it violates another person’s rights and legal interests and kindles national, ethnic, religious, racial hatred.

In order to guarantee equality, accessibility to free interpretation services is once more reinforced in readopted the Georgian Criminal Procedure Code, which forms a basis of strong procedural guarantees for minorities. The newly adopted Criminal Procedure Code of Georgia safeguards the right to an interpreter when the person concerned does not know or has insufficient knowledge of the state language during criminal proceedings. The newly revised Criminal Procedure Code provides for the possibility to have an interpreter in court proceedings and during a person’s arrest.

According to the Law of Georgia on the Procedures of Execution of Non-imprisonment Sentences and Probation, the employee of the National Probation Service is obliged to protect human rights and freedoms regardless of nationality, property, race, social and ethnic belonging, gender, age, education, language and religion, political or other opinions.

The Code of Administrative Offences of Georgia contains a provision on the examination of administrative cases based on the equality of citizens.

The Civil Procedure Code of Georgia, among others, guarantees administration of justice by courts on the basis of the principle of equality of citizens: “a court shall administer justice in civil matters only on the principle of equality of all citizens before the law and the court”.

According to the newly amended Article 11 of the Law of Georgia on Assembly and Manifestations, during organizing or holding an assembly or manifestation, it is prohibited to appeal for subversion or forced change of the constitutional order of Georgia, infringement of independence or violation of the territorial integrity of the country, or to make appeals which constitute propaganda of war and violence and trigger national, ethnic, religious or social confrontation which creates clear, direct and present danger of such act.

The Elections Code of Georgia prohibits instigation of national, ethnic or religious hatred or conflict in the course of a pre-election campaign.

The Law of Georgia on Political Union of Citizens states that it is prohibited to restrict the membership of a political union on the basis of national, ethnic, religious and sexual belonging.

The Law of Georgia on Advertising prohibits placement and distribution of improper advertising. Improper advertising is defined by the Law to include unethical advertising that is “advertising that uses offensive language and comparisons with regards to physical persons’ nationality, race, occupation, social standing, age, sex, language, religious, political and philosophical affiliation, violates

universally recognized human and ethical norms, impairs artworks and artefacts of history and architecture of national and world cultural heritage, insults state symbols (flag, emblem, anthem), national currency, religious symbols, natural or legal persons of Georgia and other countries, their activity, occupation or commodity.” According to the Law, placement and distribution of improper advertising is subject to the sanctions established under the Georgian legislation commensurate with committed action, degree and nature.

The Law of Georgia on General Education prohibits any kind of discrimination during school admissions. Amendments of 15 December 2010 to N4042 strengthened non-discrimination provisions of the Law of Georgia on General Education, namely, pursuant to Article 13 “no form of discrimination shall be allowed at the school; a school shall not use its powers and resources in a way that may directly or indirectly result in any discrimination of a pupil, parent or teacher or their associations; shall observe and encourage establishing of tolerance and reciprocal respect between pupils, parents or teachers, irrespective of their social, ethnic, religious, lingual and world outlook belonging; on the base of equality shall provide individual and collective right of members of minorities to use their native language, preserve and express their cultural values”; “Using of the study process in a public school for the purposes of religious indoctrination, proselytism and forced assimilation shall not be allowed”. The Law of Georgia on Higher Education prohibits discrimination in the field of higher education, including based on ethnic or religious belonging, social origin or other grounds.

The Labour Code of Georgia includes strong guarantees against discrimination.

The Civil Code of Georgia prohibits discrimination when entering into a marriage and in domestic relations. Namely, according to Article 1153, “when entering into a marriage and in domestic relations no direct or indirect restriction of rights shall be allowed and there shall be no direct or indirect preference based on origin, social and property status, racial and ethnic background, sex, education, language, attitude to religion, kind and nature of activities, place of residence and other factors.”

According to Article 5 (2) of the Law of Georgia on Fighting against Trafficking, “state activity in the field of trafficking prevention includes elaboration and implementation of short-term and long-term programmes aiming at reduction of poverty and elimination of all forms of discrimination.”

The Law of Georgia on the Patient’s Rights prohibits discrimination of the patient based on race, color, language, gender, genetic inheritance, belief and confession, political and other opinions, national, ethnic and social belonging, origin, property and position, residence, disease, sexual orientation or personal negative attitude.

The Law of Georgia on Protection of Health prohibits discrimination against patients based on race, color, language, gender, confession, political and other opinions, national, ethnic and social belonging, origin, property and position, residence, disease, sexual orientation or personal negative attitude.

The new law on Police, signed by the President of Georgia on October 4, 2013 sets highest human rights protection standards ensuring adherence to the principles of Legality, Equality, Proportionality and Political Neutrality. The Law upholds all democratic values, which will guarantee protection of an individual’s dignity, life and other fundamental rights by the Police, with special emphasis on elimination of discrimination.

The new Code of Ethics, adopted in May 2013, focuses on the issues of human rights and freedoms which should be respected by police officers and emphasizes the importance of commitment to professional and moral norms.

Rules of Conduct for Patrol Police Officer, Patrol-Inspector (Border-Control Officer), Border Police Officer and the Staff of Temporary Detention Isolators (TDI) were elaborated with the consultation of international organizations and NGOs for various units. The main purpose of these instructions is to protect human rights. Instructions emphasize the importance of being in the public service, intolerance to corruption and all forms of discrimination.

The special brochure “Prohibition of discrimination” has been elaborated with support of the EU and is included in the basic preparatory course materials of the Academy of the Ministry of Internal Affairs.

In cooperation with the Public Defender’s Office, the adapted versions (written in easy language) of the lists of procedural rights for persons with administrative and criminal charges has been elaborated and translated into English, Russian, Azeri and Armenian. These lists in five languages (including Georgian) are provided in all temporary detention isolators, which are displayed in the form of posters at visible places (at cells, rooms of investigation) and a corresponding version is handed to each detainee upon apprehension. The list also contains hot lines of General Inspection, which is in charge of revealing and sanctioning any violation of ethics and discipline in the Ministry, as well as any fact of poor professional performance and wrongdoing by the police officers.

According to the Georgian Law about Broadcasting, a public broadcaster is under duty to reflect in the programs ethnic, cultural, language, religious, age and gender diversities that exist in the society; Furthermore, according to Article 56, it is prohibited to air the programs that aim at humiliating, discriminating a person or a group because of physical ability, ethnic belonging, religion, world outlook, gender, sexual orientation or any other characteristic or status. Also, it is prohibited to specially outline any of these characteristics or other status except for the occasion when it is inevitable due to the program contents and its aim is to illustrate the existing confrontation. To reinforce this requirement, in 2009, the Law on Broadcasting has been amended to include the obligation of the Public Broadcaster to annually create one or more regular program products in at least 4 languages, including in Abkhazian and Ossetian.

In 2009, the Georgian National Communications Commission approved the Code of Conduct for Broadcasters pursuant to the Law on Broadcasting. Among the basic principles of the Code of Conduct for Broadcasters along with impartiality, equality, diversity and tolerance, is the principle that the broadcasters shall accommodate interests of various social groups regardless of their political affiliation, cultural, ethnic, religious and regional backgrounds, language, age or gender.

The Code of Conduct of Public Broadcaster contains a separate chapter regarding ethnic and religious minorities. It states that the Public Broadcaster must reflect in its programs representatives of all minorities and social groups living in Georgia and their real life. The Public Broadcaster should aim at comprehensive and fair covering of all peoples living in Georgia and their cultures, pay respect for the right of ethnic and religious minorities and contribute to their development.

The National Security Concept of Georgia is the fundamental strategic document that defines fundamental national values and national interests, threats, risks and challenges, the vision of the nation's sustainable development, and establishes the main directions for national security policy. This document is developed by the Government agencies with coordination of the Office of the National Security Council of Georgia and is ratified by the Parliament of Georgia on 23 December 2011. Significant attention is devoted to the protection of ethnic minority rights and civic integration policy in the document. The National Security Concept stipulates that Georgia guarantees the protection of the interests of its citizens, their rights and freedoms. Hence, Georgia facilitates the creation of a society governed by equality before the law, pluralism, tolerance, justice, human rights, and equality, regardless of race, language, gender, religion, political or other affiliations. The equal engagement of members of the multi-ethnic and multi-confessional Georgian nation in public and political life is one of the priorities of the state. It is important to have contact with citizens of Georgia living in the occupied territories and to integrate them into the political, economic, social, and cultural processes of the country. The National Security Concept furthermore stipulates that Georgia's priority is to maintain and develop its cultural diversity and national uniqueness. It is important for Georgia to foster the integration and engagement of all ethnic groups in the country's development process. Georgia creates conditions for the protection and development of the identity and culture of these groups.

Among the main Priorities of National Security Policy is the Civil Integration Policy: the Government of Georgia supports the process of integrating ethnic minorities and fostering their engagement in Georgian society. It is important to increase knowledge of the Georgian language among ethnic minorities, while allowing them complete freedom to retain their identity and culture. This policy is stipulated in the National Concept of Tolerance and Civil Integration and the related Action Plan. The state takes measures to teach ethnic minorities the Georgian language, which helps them to fully realize their civil rights and freedoms. Georgia assigns great importance to the creation of an environment that fosters the reintegration and civic engagement of Georgian emigrants who return home.

The Code of Georgia on Imprisonment stipulates that Imprisonment and deprivation of liberty shall be performed in accordance with principles of legality, humanity, democracy, equality before the law and individualization of punishment. The Code on Imprisonment contains number of Articles dealing with language issues of people who are not able to communicate in the state language.

In compliance with the Constitutional guarantees, the Imprisonment Code of Georgia implements a principle of equality of treating inmates notwithstanding their ethnic or religious belonging. The Corrections system in Georgia is in compliance with the requirements of international human rights law and domestic legislation regarding the non-discriminatory treatment of all inmates disregarding their race, color, descent, or national or ethnic origin. The following account includes efforts made by the system to eradicate any possibility of distinction, exclusion, restriction or preference-based treatment among inmates as well as probationers.

Despite limited resources of translation services, the Ministry of Corrections of Georgia (MoC) manages to provide all inmates without sufficient knowledge of the state language with the service of interpreters upon intake and during the imprisonment period.

Brochures describing available penitentiary healthcare services for inmates are published in ten languages and are handed to prisoners upon intake.

Inmates that lack knowledge of the state language can write complaints and requests in their native languages. A complaints box has been placed at every penitentiary establishment where prisoners can file anonymous complaints in the language of their origin. For further consideration the correspondence is translated into the state language and costs are borne by the Penitentiary Department;

A prison ration with 11 various types of menu corresponds to the needs of different categories of prisoners (including ethnic and religious minorities). A special ration is provided for inmates during fasting.

Representatives of all confessions are able to visit inmates of the same confession to perform religious services without any obstacles.

Inmates who possess foreign citizenship have the right to meet the representatives of the embassies/consulates of the country of their citizenship upon the written request from both sides.

Stateless persons upon presenting a written request may meet the representatives of UNHCR without any obstacles.

The main focus of the Ministry of Corrections of Georgia is to protect the rights and ensure the principle of equality of all inmates in penitentiary establishments. In order to prevent and eradicate all forms of ill treatment in prisons and ensure prompt, thorough, independent and impartial investigations into all allegations of ill treatment, especially of members of ethnic groups and non-citizens, the internal monitoring oversight bodies were strengthened through expanding the capacity and functions of the General Inspection Department at the Ministry of Corrections and the Monitoring Division of the Penitentiary Department, as well as the external monitoring oversight bodies like the Public Defender and members of his staff along with the National Preventive Mechanism under the office of the Public Defender, who has unrestricted access to all MoC establishments of the deprivation of liberty. Since late December 2013, the MoC is in the process of establishing an additional alternative oversight mechanism, composed of representatives from relevant NGOs.

### **Article 3**

Georgia acceded to the International Convention on the Suppression and Punishment of the Crime of Apartheid on 11 March 2005. Pursuant to Article IV of said Convention, the States parties undertake to adopt any legislative or other measures necessary to suppress as well as to prevent any encouragement of the crime of apartheid and similar segregationist policies or their manifestations



and to punish persons guilty of that crime. For that reason, new definitions of crimes against humanity have been introduced in the Criminal Code of Georgia. Namely, Article 411 (Violation of norms of International Humanitarian Law) of the Criminal Code, also includes the crime of apartheid. Furthermore, as submitted above, Article 408 of the Criminal Code defines crimes against humanities as any of the following acts when committed as part of a widespread or systematic attack directed against civilian population or persons, including murder, extermination, grave injury to health, deportation, illegal deprivation of liberty, torture, rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, persecution against any identifiable group on political, racial, national, ethnic, cultural, religious or other grounds, apartheid or other inhuman acts which cause serious physical or mental harm to a person.

#### **Article 4**

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

Furthermore, following the recommendations of the Venice Commission, the Article 11 of the Law on Assembly and Manifestations regulating appeals for change of the constitutional order, violence and hate speech during assembly/manifestation was modified to meet international standards. Specifically, the amended Article 11, Paragraph 1 reads as follows: "During organizing or holding an assembly or manifestation, it is prohibited to appeal for subversion or forced change of the constitutional order of Georgia, infringement of independence or violation of the territorial integrity of the country, or to make appeals which constitute propaganda of war and violence and trigger a national, ethnic, religious or social confrontation which creates clear, direct and present danger of such act."

The Georgian Organic Law on the Political Associations of Citizens includes the provisions regarding the termination activities of the political parties. The activities of the party might be prohibited only under the decision of the Constitutional Court of Georgia if the political party aims to: collapse or forcibly change the constitutional order (structure); violate the independence and territorial integrity of the state; encourage violence or military attacks, national, regional or social hatred; establish military services.

The Elections Code of Georgia prohibits instigation of national, ethnic or religious hatred or conflict in the course of a pre-election campaign.

The Law of Georgia on Broadcasting proscribes for holders of broadcasting licenses from broadcasting programs containing material that incites hatred or discrimination and is offensive to any person or group on the basis of ethnic background, religion, opinion, age, gender, sexual preference or disability, or any other feature or status. Special emphasis on these features or statuses is only permissible within the context of a program that aims merely to illustrate such hatred or discrimination.

The Law of Georgia on Culture underlines that the citizens of Georgia are equal in cultural life without distinction of their national, ethnic, religious or linguistic belonging. Under Article 9 of the same law it is forbidden to interfere in the creative process, censor creative work, except in circumstances where it violates another person's rights and legal interests and kindles national, ethnic, religious, racial hatred.

#### **Article 5**

##### **The right to equal treatment before the tribunals and all other organs administering justice**

Article 14 of the Constitution of Georgia recognizes equality of all before the law — Everyone is free by birth and is equal before law regardless of race, colour, language, sex, religion, political and other opinions, national, ethnic and social belonging, property and title, place of residence. Chapter 2 of the Constitution of Georgia enshrines civil and political, as well as social and economic rights of individuals. Political rights and freedoms envisage the right to participation of citizens in governing the country through electoral rights, right to association, right to information, right to gathering and manifestations, freedom of thought, and right to petition.

According to the Law on the Courts of Common Jurisdiction, justice is administered on the basis of principle of equality of all persons before the law and the court.

##### **The right to participate in elections**

On December 27, 2011, the Parliament of Georgia adopted the new Organic Law on the Election Code of Georgia, which sets high standards of availability of election materials as well as information on election in minority languages.

Under Article 14(v) of the new Election Code, the Central Election Commission (CEC) is responsible for forming the unified voters list. Voters lists of the election precincts with a substantial number of minorities should be uploaded on the CEC website during the elections period in the language understandable for minorities.

Moreover, the new Election Code sets the following rules: under Article 62.2 the logbook shall be produced in Georgian language. In those districts and precincts where the election ballots are also printed in the language understandable for the local population, the logbook may be produced in the relevant language. According to Article 63.1, a ballot paper shall be printed under the ordinance of the CEC, and in accordance with the sample established by the CEC, in the Georgian language, and in Abkhazia — in the Abkhazian language, and, if necessary, in any other language understandable for the local population. Summary protocols shall be printed in the Georgian language and in Abkhazia — in the Abkhazian language; in those polling stations where the ballots are also printed in local

languages, the protocols may be also printed in the corresponding language.

It should be underlined, that in practice, the Georgian Government started the translation of election materials since the local self-government elections of 2006. The same practice was continued during the Presidential and Parliamentary elections of 2008. With the amendments of 2009 of the Election Code, this practice was reinforced legislatively. The Venice Commission and the OSCE/ODIHR welcomed the fact that publishing voters lists in relevant minority languages became integral part of the updated electoral legislation.

The CEC established a special group working on ethnic minority issues in 2010. The working group is permanent and aims to increase the participation of ethnic minority representatives in the election process. The CEC considers all the recommendations and suggestions of the group members in its activities.

The CEC provided in minority languages (Armenian, Azeri, Russian) following materials for the Municipal Elections 2010; Parliamentary Elections 2012, Presidential Elections 2013 and Municipal Elections 2014 (Armenian, Azeri): Unified Voters Lists, instructions for the election day; election ballots, voting instructions, ballot paper filling-in guides, posters showing voting procedures, flyers, booklets, checklists for the election officials. On the Election day, the CEC call center provided information in the Armenian, Azerbaijani and Russian languages. The CEC hotline was widely used on the Election Day by all the citizens acquiring information from the election administration.

In 2014, for the June 15 Municipal Elections, 340 election precincts were created in 12 election districts according to the places densely populated by ethnic minorities. Almost 15 types of election materials were translated in the Armenian and Azeri languages. Trainings for ethnic minority commission members were conducted in relevant ethnic minority languages. In addition, the CEC conducted meetings with ethnic minority high school students.

### **The right to freedom of movement and residence within the borders of the State**

The Constitution of Georgia guarantees freedom of movement of all within the country and across the country. Namely, under Article 22 everyone legally within the territory of Georgia shall, throughout the territory of the country, have the right to liberty of movement and freedom to choose his/her residence. Everyone legally within the territory of Georgia shall be free to leave Georgia. A citizen of Georgia may freely enter Georgia. The Constitution stipulates that the right of freedom of movement may be restricted only in accordance with law, in the interests of securing national security or public safety, protection of health, prevention of crime or administration of justice that is necessary for maintaining a democratic society.

The legal status of foreigners is regulated by the Law of Georgia on Legal Status of Aliens. The objective of the law is, among others, to protect the universally recognized rights of aliens irrespective of their race, color, religion, nationality, citizenship, social background, political views, language, sex, property, and title; as well as to enhance the freedom to choose his/her residence, freedom of movement and right to select a profession stipulated by the Constitution of Georgia.

### **The right to marriage and choice of spouse**

The Civil Code of Georgia prohibits discrimination when entering into a marriage and in domestic relations. Namely, according to Article 1153 “when entering into a marriage and in domestic relations no direct or indirect restriction of rights shall be allowed and there shall be no direct or indirect preference based on origin, social and property status, racial and ethnic background, sex, education, language, attitude to religion, kind and nature of activities, place of residence and other factors”.

### **The right to property and the right to inherit**

The Constitution of Georgia protects the right to property and the right to inherit. Pursuant to Article 21 of the Constitution, “the property and the right to inherit shall be recognized and guaranteed. The abrogation of the universal right to property, of the right to acquire, alienate and inherit property shall be impermissible. The restriction of the rights referred to in the first paragraph shall be permissible for the purpose of the pressing social need in the cases determined by law and in accordance with a procedure established by law. Deprivation of property for the purpose of the pressing social need shall be permissible in the circumstances as expressly determined by law, under a court decision or in the case of the urgent necessity determined by the Organic Law and only with appropriate compensation.”

According to Article 11 of the Civil Code of Georgia, “the right to inherit shall arise upon conception; the exercise of this right shall depend upon birth.” Apart from various provisions regarding inheritance issues, the Civil Code contains a separate book on the Law of Inheritance.

### **The right to freedom of thought, conscience and religion**

Every citizen of Georgia enjoys the right to freely manifest his/her religion and/or belief. The prohibition of any interference or persecution on religious grounds is provided by the Constitution of Georgia and by different legislative acts. Namely, under Article 19 of the Constitution “Everyone has the right to freedom of speech, thought, conscience, religion and belief. The persecution of a person on the account of his/her speech, thought, religion or belief as well as the compulsion to express his/her opinion about them shall be impermissible. The restriction of the freedoms enumerated in the present Article shall be impermissible unless their manifestation infringes upon the rights of others.”

Article 3(j) of the Law on Freedom of Speech and Expression prohibits coercion to express opinions on religion, belief, conscience, ethnic, cultural and social belonging, origin, family, property and social position, as well as all the facts that may become a ground for restriction of a person's rights and freedoms. Article 4(1) of the same law grants absolute protection to freedom of thought.

Till 2011, religious organizations had possibility to register as entities of private law and about 20 organizations were registered by that time as non-profit entities. Since some members of the religious community refused to register under previously applicable rules, based on recommendations of religious minority council under the Tolerance center, new provisions in registration legislation were introduced. On July 5, 2011, the Civil Code of Georgia was amended to allow registration of religious groups as religious associations. In order to ensure non-discriminatory approach, the amendment sets down objective and common sense criteria of eligibility. In particular, religious groups recognized as religious organizations in other member states of the Council of Europe or having close historic ties with Georgia are able to acquire the status of religious association.

To provide even more flexibility and inclusiveness to the process of acquiring legal status by religious groups, the Civil Code provisions allowing them to register as non-profit legal entities of private law were left intact. It is therefore up to a religious group to decide whether it wants to be established as a legal entity of private law (non-profit association) or as a legal entity of public law (religious association). In either case, it will retain flexibility and fully autonomous management structure (strict regulations prescribed for legal entities of public law will not apply to religious associations) and will be eligible for all benefits provided by the Georgian legislation.

This decision of the Parliament of Georgia was a result of extensive discussions on the status of religious associations in the Council of Religions under the auspices of the Public Defender as well as other forums.

Religious minorities were unanimous in supporting the adoption of the amendment. Since the above-mentioned amendments, in 2011, seven such religious organizations were registered as legal entity of public law, in 2012 – 10 organizations, in 2013 – 9 and in 2014 – 3. In total, 29 religious organizations were registered as Legal Entity of Public Law.

On December 22, 2011, the Constitutional Court of Georgia, declared null and void the relevant normative content of Article 2.2 of the Law of Georgia on Military Reserve Service which imposed military reserve service on conscientious objector. According to Article 2.2 of the Law, military reserve service is an obligation of every citizen of Georgia.

The Constitutional Court underlined the vital importance of freedom of belief, not only for self-determination and personal freedom of an individual, but also for safeguarding a democratic and pluralist society.

The Court emphasized that pluralism and tolerance are the cornerstones of a democratic society. The Court concluded that non-military, alternative civil labour constituted compromise between the constitutional right to religious freedom and constitutional obligation to protect the state.

In delivering the judgment on the above case, the Constitutional Court of Georgia took into consideration the case law of the European Court of Human Rights, practice of the Human Rights Committee, as well as Recommendation 1518 (2001) of the Parliamentary Assembly of the Council of Europe on the Exercise of the right of conscientious objection to military service in Council of Europe member states.

In the view of the above, the Constitutional Court of Georgia ruled that the relevant part of Article 2.2 of the Law was not in line with Article 14 and Article 19 of the Constitution of Georgia, which guarantees equality of everyone before the law and right to freedom of speech, thought, conscience, religion and belief respectively.

### **The rights to freedom of opinion and expression**

The Constitution of Georgia guarantees freedom of speech of every individual. Namely, according to Article 19, “everyone has the right to freedom of speech, thought, conscience, religion and belief. According to Article 24 of the Constitution, everyone has the right to freely receive and impart information, to express and impart his/her opinion orally, in writing or by in any other means. Mass media shall be free. The censorship shall be impermissible. Neither the state nor particular individuals shall have the right to monopolize mass media or means of dissemination of information. The exercise of the rights enumerated in the first and second paragraphs of the present Article may be restricted by law on such conditions which are necessary in a democratic society in the interests of ensuring state security, territorial integrity or public safety, for preventing of crime, for the protection of the rights and dignity of others, for prevention of the disclosure of information acknowledged as confidential or for ensuring the independence and impartiality of justice.”

The Constitutional right to freedom of speech and expression is further guaranteed in the Law of Georgia on Freedom of Speech and Expression. Under the law freedom of expression among others includes: absolute freedom of thought; freedom of political opinion and debates; right to research, obtain, create, store, develop or disseminate information or idea of any kind; prohibition of censorship, independence of media and pluralism, right of a journalist to defend confidentiality of the sources of information and to consciously decide on editing matters; freedom of academic education, teaching and research; freedom of art, creativity and invention; right to use any language or scripts in communication; right to perform charity work; right to accuse, and protection of the whistle blowers; freedom to express or not to express opinion regarding religion, faith, consciousness and vision of the world, as well as regarding ethnic, cultural and social origin, identity, family, property and public status and other.

The General Administrative Code (Chapter III, Freedom of Information) protects the right to request and obtain any information from any public authority if such information is not classified as a state, commercial or personal secret.

### **Media and broadcasting**

Following the amendments of December 25, 2009 of the Law on Broadcasting, the Public Broadcaster is under duty to annually create one or more regular programme products in at least 4 languages, including in Abkhazian and Ossetian.

### **Freedom of peaceful assembly and association**

The right to Freedom of assembly and manifestation is regulated under the international conventions and national legislation in Georgia. The Constitution of Georgia (Article 25) and the Law of Georgia on Assembly and Manifestations facilitate exercise of the right to freedom and peaceful assembly.

Right of everyone to form and to join public associations, is guaranteed under the Constitution of Georgia. Namely, pursuant to Article 26 of the Constitution “1. Everyone shall have the right to form and to join public associations, including trade unions. 2. Citizens of Georgia shall have the right to form a political party or other political association and participate in its activity in accordance with the Organic Law. 3. The formation and activity of such public and political associations aiming at overthrowing or forcibly changing the constitutional structure of Georgia, infringing upon the independence and territorial integrity of the country or propagandising war or violence, provoking national, local, religious or social animosity, shall be impermissible. 4. The creation of armed formations by public and political associations shall be impermissible. 5. A person who is enrolled in the personnel of the armed forces or the forces of the bodies of internal affairs or a person having been designated as a judge or a prosecutor shall cease his/her membership of any political association. (23.12.2005, N2494); 6. Suspension or prohibition of the activity of public or political associations shall be possible only under a court decision, in the cases determined by the Organic Law and in accordance with a procedure prescribed by law.”

## **Social protection**

In Georgia, social security measures are equally available for all members of various programmes, target groups of service, and are non-discriminatory regardless of race, sex, language, religion, political or other opinion, national, ethnic or social origin, property, health of the beneficiary/his (her) legal representative and other circumstances.

According to the current legislation, the guardian of persons receiving state care in Georgia is the Social Service Agency; according to its provisions (approved by the decree N190/n of June 27, 2007 of the Ministry of Labour, Health and Social Affairs of Georgia), the agency during performance of imposed purposes and functions is guided by the following principles: exclusion of discrimination according to social and property status, race, color, religion, sex, age, or political affiliations (furthermore, discrimination shall not be deemed any measure which is intended for special needs of those individuals who by sex, age, physical inferiority, family and/or social status are recognized by the legislation as persons requiring special protection and assistance);

According to childcare standards (in force since 2007) regulating functional social service in the childcare system, the provider of childcare must:

- (a) provide beneficiaries with individual needs and capabilities-based services, in the process of which the recipient of the service is protected from discrimination, biased or negative attitudes or actions that may arise from the service providers, other beneficiary or other person;
- (b) provide services to beneficiaries, regardless of race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, health of the beneficiary/his (her) representative or other circumstances.

## **Health care**

In Georgia, the right to health protection, defined by Article 25 of the United Nations Declaration of Human Rights, is regulated by the law of Georgia “On health Care”, Article 6: discrimination of the patient on the basis of race, language, sex, religion, political or other opinion, national, ethnic or social origin, property and title, place of residence, disease, sexual orientation or negative personal attitude is not allowed.

Protection of the right of citizens to health protection is performed by the law “On the rights of patients”.

The legislation of the country does not limit the rights of refugees in the sphere of health care. According to Article 5 of the law on health protection: “The citizens of Georgia and the individuals with a status in Georgia without citizenship are entitled to use medical assistance, stipulated by duly approved health care state programmes, which will be carried out by the subject of appropriate medical activity, regardless of ownership and legal form.”

And by decree N165 of May 7, 2012 of the Government of Georgia “On the terms of insurance voucher and steps to be taken with the objective of insurance of children 0-5 (including), women of 60 and above and men of 65 and above (population of pension age), students, disabled children and individuals with explicitly expressed disabilities within the framework of the state programme of health insurance”, decree N36 of February 21, 2013 of the Government of Georgia “On some measures to be taken with the objective of moving to universal insurance” and decree N279 of October 31, 2013 of the Government of Georgia “On approval of State Programme of Health Protection” the beneficiaries of the approved state programme are persons holding citizenship documents, neutral ID cards, neutral travel documents; persons with a status in Georgia without citizenship, refugees or humanitarian status holders.

Paragraph 2 of Article 6 of the law on health protection protects the rights for health protection of prisoners and patients in detention facilities and prohibits discrimination while delivering medical care.

## **Employment**

Georgia has ratified International Labour Organization Convention on Discrimination (Employment and Occupation), 1958 (No. 111), Equal Remuneration Convention, 1951 (No. 100), Employment Policy Convention, 1964 (No. 122).

Article 14 of the Georgian Constitution stipulates that everyone is free by birth and is equal before law regardless of race, color,

language, sex, religion, political and other opinions, national, ethnic and social belonging, origin, property and title, place of residence. Article 30 of the Constitution of Georgia states that no one shall be required to perform forced labour.

According Article 2 of the Labour Code of Georgia, labour and pre-contractual relations shall prohibit any type of discrimination due to race, skin colour, language, ethnicity or social status, nationality, origin, material status or position, place of residence, age, sex, sexual orientation, marital status, handicap, religious, public, political or other affiliation, including affiliation to trade unions, political or other opinions (Organic Law of Georgia No 729 of 12 June 2013).

By the Labour Code, discrimination shall be direct or indirect harassment of a person aimed at or resulting in creating an intimidating, hostile, humiliating, degrading, or abusive environment for that person, or creating the circumstances for a person directly or indirectly causing their condition to deteriorate as compared to other persons in similar circumstances.

Discrimination shall not be the necessity for differentiating between persons arising from the essence or specifics of the work or its performance conditions, serving for achieving a legitimate objective and being a proportionate and necessary means of achievement of that objective. Parties, when in labour relations, must safeguard basic human rights and freedoms under the legislation of Georgia.

Within the Ministry of Labour, Health and Social Affairs of Georgia, the Department of Labour and Employment Policy, which was reformed in 2013, has elaborated a draft project of the Employment law (Employment Law was invalidated in 2006). The designated department continues to work on the improvement of the draft project conforming with the ILO Conventions and EU Directives of Agreement on Association. At this stage, the Labour and Employment Policy Department works on implementation and development of the state vocational training programme as a part of the active labour market policy.

Under the Ministry of Labour, Health and Social Affairs of Georgia, a new Employment Programmes Department was established, which is executing the policy elaborated by the Ministry.

As the result of the amendments of the Labour Code in 2013, the new chapter on Freedom of Association was added to it.

Article 401 the Labour Code states that employees and employers may form associations and/or join other associations without any preliminary permission. They also may develop their own charters and regulations, establish management bodies, elect representatives and administer their activities.

Employers associations and employees associations may form federations and confederations and may unite with them. Each association, federation, and confederation may join an international employers association and an international employees association.

According the Article 40 (Prohibition of discrimination) of the Labour Code, it shall be prohibited to discriminate against employees for being members of an employees association or for participating in the activities of a similar association, and/or to perform any other act aiming at:

- (a) Hiring employees or retaining jobs for them in exchange for their refusal to join or for withdrawal from the employees association;
- (b) Terminating labour relations with or otherwise harassing employees for being members of an employees association or for participating in the activities of a similar association.

The Law on Trade Unions guarantees the right to form and join trade unions as well.

## **The right to education and training**

In order to improve education equity and access to education particularly for marginalized groups of pupils, the Ministry of Education and Science of Georgia (MoES) has initiated to introduce several projects:

In 2013, MoES provided all pupils of Georgia with free text books;

Nearly 900 public school pupils in rural areas and high mountains have been provided with free transportation;

Inclusive education has been declared as a priority of the MoES;

School funding system has been modified, which now became more targeted to the needs of the individual schools (including opportunity to introduce special teachers);

Government of Georgia has developed the Strategy and Action Plan for Special Education Needs 2014-2016, with the aim to implement the principles of the Convention on the Rights of Persons with Disabilities;

First time during past two decades the Boarding School for Blind Pupils was provided with text books in Braille;

Since 2013, MoES is implementing Inclusive Education Programme in VET sector. Currently there are 51 Special Educational Persons throughout several professional institutions enrolled;

In 2013, the Ministry of Education and Science started to implement the project "Second Chance Education for Disadvantaged Children with Behavior problems and out of School Children in Georgia". By its nature the project is research-based and aims to search and document the nationally relevant and feasible implementation models for Second Chance Education;

MoES carries out the project "Social Inclusion", the project provides assistance to Minorities, Roma and Disabled children to integrate into society and at school.

## Article 6

The Georgian legislation and the court ensure that the parties to proceedings have information about the progress of the proceeding by way of Court notifications and the Electronic Case Management system.

*Notification by the court:* According to the Civil Procedural Code of Georgia, the court is required to send a notice to the parties regarding the start of proceedings, times of the court hearings or other procedural action. A court can send a notice through the post as well as inform the parties by telephone or use an e-mail or other forms of communication that the parties have agreed on beforehand. Courts should ensure that, after receiving a notice, the parties have enough time to prepare for the proceeding.

According to the Criminal Procedural Code of Georgia, the prosecution should inform the victim about the time and place of the certain procedural actions.

*Electronic Case Management* has already been launched at the Courts of First Instance. The Appeals Court and the Supreme Court are planned to get involved by the end of 2014. Access to case proceedings is generally guaranteed by an electronic case management system of this kind.

The electronic system of court case management gives the possibility to judges and other employees connected to the trial (assistant to the judge, secretary, etc.) to perform actions related to the case in the electronic system. The system involves all stages of the proceedings, including its delivery to the court as well as sending it to the archive. Dashing is made in order to exclude names and words referring to persons/geographic locations. Dashed decisions are sent to the web-portal (<http://info.court.ge>), where any interested party can observe the course of case management. The participant party of the case has the possibility to review details of his/her case on the webpage by using user details received during registration.

The electronic court case management programme provides the opportunity to follow case proceedings step by step by the parties of the proceedings on civil, administrative and criminal cases. This can be done by using a unique username and password. This way, parties to the proceedings have the exact information on the judge, assistant to the judge, hearing date and the stage of the deliberation.

Hence, parties to the case proceedings are able to observe the process online via the electronic case management system. This very process is available strictly for case parties. On the other hand, any individual is entitled to seek information on court practice via the [www.service.court.ge/public](http://www.service.court.ge/public) portal, including but not limited to dashed decisions, court statistics, etc.

## Article 7

### The Academy of the Ministry of Internal Affairs of Georgia

Combating the violations of human rights based on religious, ethnic and other motives is the priority for the law enforcement bodies of Georgia. In this regard, the Ministry of Internal Affairs of Georgia, within its scope, actively participates in the process of combating religious and ethnic intolerance.

Police officers regularly undergo basic and ad hoc courses on human rights, also covering minority rights and the fight against hate crime, thus addressing the issue of the lack of awareness on the part of the police about the problem of racism, intolerance and racial discrimination. Furthermore, police officers are trained in community policing, which covers relations with national, racial and religious minorities and ways to avoid stereotype assumptions.

With the aim of determining existing deficiencies and weaknesses within the system, large-scale testing of operative staff was conducted throughout Georgia. It helped the Ministry of Internal Affairs to have information on the level of professionalism of police officers and to elaborate relevant amendments to police training curriculum in cooperation with partner countries.

The duration of basic training curriculum for Police Officers was doubled (from 3 months to 6 months) and so has the subject of human rights within the curriculum. Police officers regularly undergo basic and ad hoc courses on human rights, also covering minority rights and the fight against hate crime, thus addressing the issue of the lack of awareness on the part of the police about the problem of racism, intolerance and racial discrimination. In this regard, the Ministry actively cooperates with the Public Defender's Office based on the cooperation memorandum.

In order to ensure raising awareness of police officers on human rights issues with particular focus on issues of discrimination in accordance with the recommendations of ECRI, the European Union and the Public Defender's Office, trainings were conducted that focused on the following issues: prohibition of discrimination by international standards and mechanisms, the Georgian legislative norms regulating this area, the role and responsibility of the police in preventing and combating discrimination, the culture of tolerance in Georgia, religious and ethnic diversity, stereotypes: xenophobia and racism, etc. (Number of trained persons: 2008 – 62; 2009 – 60; 2010 – 57; 2011 – 32; 2012 – 15; 2013 – 16.)

The Academy of the Ministry of Internal Affairs also provides special district police officer courses for Azerbaijani and Armenian citizens of Georgia.

## Culture

The Ministry of Culture and Monument Protection of Georgia supports protection, development, popularization and self-expression of the culture of ethnic minorities and promotes their further integration into the Georgian space. This support is provided via several organizations, which were included in the list of subsidized organizations and in 2009 acquired the status of Legal Entities of Public Law. These organizations are: LEPL David Baazov Historical Ethnographic Museum of Georgia, LEPL Mirza Patali Akhundov Azeri

Culture Museum, LEPL Tbilisi Petro Adamyan Armenian Theatre, LEPL Tbilisi Heydar Aliyev Azeri Theatre and LEPL AL Griboedov Russian Dramatic Theatre. Later in 2011, the Circassian (Adyge) Cultural Center was founded as well.

It must be mentioned that in 2004-2009, financing of national minority organizations increased and the budget growth corresponded to the intensification of organizations' creative activity, which is evidenced by implemented projects, premieres, performances, tours and much more.

Since 2009, the Ministry of Culture and Monument Protection of Georgia has developed the Programme Supporting the Culture of National Minorities, in the framework of which many interesting initiatives have been financed. Since 2011, a number of minority-supporting projects are being implemented as a part of other programmes as well (Programme in Support of Georgian Book and Literature, Music Art Development Program and Georgian Season). The funded projects are initiated by both state and non-governmental organizations as well as by initiative groups and individuals. The projects consider financing of publications; folklore festivals; international tours; culture, folk and poetry evenings; screening of films; evenings dedicated to prominent public figure anniversaries; concerts and exhibitions of representatives of different ethnic minorities, etc. The main priorities of the Programme Supporting the Culture of National Minorities remains the same and considers promotion and support of minority intercultural dialogue and cultural integration.

Apart from that, the Ministry of Culture and Monument Protection of Georgia annually supports publication of newspapers in minority languages within the framework of the Program Supporting the Culture of National Minorities. The newspapers "Vrastan" (Armenian) and "Gurjistan" (Azeri) are published periodically. From 2013, the Ministry has also financed the Russian-language newspapers "Svobodnaia Gruzia" and "Vecherni Tbilisi" (editions are delivered across Georgia and also in Greece). These newspapers help national minorities of Georgia in raising awareness and support their cultural integration.

In 2009, as a part of the President's National Programme, libraries were replenished with new books and equipped with computers and library furniture (special tables, racks, chairs). In the Armenian-populated region of Akhalkalaki, the villages Diliskisa and Khando, the villages Gandzisa and Didi Gondura of the Ninotsminda region; the village Kizil-kisisa of the Tsalka region; the village Sadakho of the Azeri-populated Marneuli region and the village Amamlo in the Dmanisi region, the buildings of village libraries were repaired.

In 2009-2012, within the Programme of Voucherisation, the Ministry handed over books of 1,000 GEL to municipal libraries.

Beside the two existing ethnic museums (David Baazov Historical Ethnographic Museum of Georgia and Mirza Patali Akhundov Azeri Culture Museum), the Iv. Javakhsivili Samtskhe-Javakheti History Museum started functioning within the Georgian National Museum of Akhaltsikhe, in the City of Rabat. In 2008-2009, with financial support provided by BP, the Project of Preparation of the Exhibition Hall and Heritage Storage Space of the Iv. Javakhsivili Samtskhe-Javakheti History Museum was implemented. The exhibition halls and storage space of the museum were restored, climate-control systems were installed and the interior space was completely redesigned. Nowadays, the exhibition halls of the museum are used to showcase archaeological materials discovered in 2003-2007, during construction of the Baku-Tbilisi-Ceyhan Oil Pipeline and the South Caucasus Gas Pipeline.

In 2011, the streets (Atoneli, Gogebashvili Guramishvili, Khmaladze, Kazbegi, Tsikhisdziri and Kharischirashvili) of the historical part of Akhaltsikhe (Rabat District) were granted the status of immovable cultural heritage. Also in 2011, by President Decree, the historical part of the city of Akhaltsikhe, Rabat District, was granted a grade of national significance.

In Georgia, the Status of the Monument of Cultural Heritage is granted to a building for its distinctive historical, cultural and architectural features and there is no differentiation according to its ethnic or religious belonging. Information about a building and its status can be found on the following web site [www.culture.gov.ge](http://www.culture.gov.ge).

Nowadays, many patterns of different national minorities have been registered as a cultural heritage, including Gregorian (Armenian) churches (50 churches of Tbilisi, Batumi, Kakheti, Bolnisi, Akhalkalaki and Ninotsminda), mosques (10 mosques of Tbilisi, Batumi, Adigeni and Khelvachauri), James (25 James in Chokhatauris, Kobuleti, Keda and Kulo), synagogues (5 synagogues in Tbilisi, Sukhumi, Tsageri and Oni).

Furthermore, the project considering stabilization-rehabilitation of the Oni Synagogue of the city of Oni was drafted in 2010 and rehabilitation works were carried out in 2011. Rehabilitation of the Tbilisi Armenian church Mognisi was projected in 2010 and strengthening works were carried out in 2011. Rehabilitation of Surbnishani and Norasheni churches was drafted 2010 and strengthening works were carried out in 2012.

## Education

According to the Law of Georgia on General Education, all students of Georgia are provided with free primary (I-VI grades), basic (VII-IX grades) and secondary (X-XII grades) education. Primary and basic education are obligatory and secondary education is optional. Teaching-learning processes are regulated by the National Curriculum approved for the academic years of 2011-2016; fulfilment of the curriculum is obligatory for all schools of Georgia.

The National Curriculum's underlying principle is a modern and outcome-based teaching. Its major educational concept is oriented on child's personal development. Its main goal is to equip students with solid, dynamic and functional education, which will respond to modern world's challenges and demands.

The National curriculum has the following objectives:

(a) To create opportunities for the student to be educated, in response to modern challenges to demonstrate his/her competences and develop necessary skills for learning;

(b) To develop the student's positive attitude towards learning;

(c) To create preconditions for further learning or for making the right choice in the labour market.

Subject to the Law of Georgia on General Education, the language of instruction in general educational institutions is Georgian and in the Autonomous Republic of Abkhazia, Georgian or Abkhazian (Article 4, sec. 1). In addition, there are schools/sectors for ethnic minorities in Georgia. In such educational institutions, teaching the state language (Georgian) as well as the native language (Azeri, Armenian and Russian) is compulsory.

Apart from this, on the basis of the same law, a school should support tolerance and mutual respect among students, teachers and parents, notwithstanding their social, ethnic, religious, linguistic and ideological identity. A school should also protect the individual and collective rights of minority group members to freely use their native language, maintain it and express their cultural identity, relying on the principle of equality (Article 13, sec. 7).

In order to ensure the above-mentioned constitutional rights of ethnic minority members, the Ministry of Education and Science of Georgia (MoES) carried out the following activities and tailored programmes, on the one hand, to retain their identity and, on the other hand, to support the process of teaching the official language to them:

The National Curriculum had been translated into minority groups' languages;

The standard and the programme for "Georgian as the second language" is approved for all I-XII grades according to the National Curriculum (chapter VII, Article 38, sec. g). The textbook in "Georgian as the Second Language" is already prepared and distributed (grades I-XII). The MoES still continues intensive work in this direction;

In 2011-2012, MoES with the support of the United Nations Children's Fund (UNICEF) implemented the project "Supporting Georgian Language Learning in Ethnic Minorities at Preschool Education Level" to increase school readiness in ethnic minority regions and improve the knowledge of the Georgian language among preschool age children;

The representatives of the Ministry hold regular meetings with the representatives of ethnic minority schools and stakeholder non-governmental organizations for the purpose of discussing and analysing the ethnic minority groups' problems in the general educational field. Considering the identified problems, the first draft document on language education policies to support the integration of ethnic minorities had been worked out, on the basis of which the strategy document is to be elaborated. (MES).

Human rights in general educational institutions of Georgia are taught through the social science group subjects. The mentioned group unites the following contiguous subjects: History, Geography, Civic Education, Civil Defence and Security. Through social sciences subjects, students are getting familiar with the basics of human rights, international frameworks of human rights protection, mechanisms and instruments for protecting human rights in Georgia and in the world. In this regard, the following topics and issues are reflected in the National Curriculum:

Respecting a man's life, virtue and rights;

Empathy and care;

Patriotism;

Principles and civic courage;

Good faith and hard work;

Equality;

Tolerance;

Professionalism;

Justice and respect of law;

Understanding safe/healthy manner of life;

Inviolability of human life and its healthcare;

Respect to homeland and its heroes.

Teaching the above-mentioned subjects has a crucial importance in strengthening civic competences among the students and establishing civic culture in society.

Article 10 of paragraph 8 of the decree of the Minister of Education and Science of Georgia on Approval of the Textbooks for the General Educational Institutions (N 30/n 15 February 2011) serves to prohibit and eliminate any kind of discrimination, including racial. Specifically, the Article states that school textbooks (content, design) shall not contain any elements of discrimination, including racial, ethnic, social, etc.

MoES has been carrying out a systematic and cohesive policy of state language teaching for minorities in order to remedy the existing challenge — a lack of sufficient knowledge of the Georgian language by minority groups. In tackling the problem of fluency in the Georgian language, it must be noted that National Center for Teacher Professional Development (TPDC) under the Ministry,



implements two programmes, “Georgian as a Second Language” and “Georgian Language for Future Success”. The first programme sends qualified Georgian language specialists to ethnic minority regions to deliver classes, teach the Georgian language to students, teachers and community members, carry out various extracurricular activities, organize summer camps and exchange programmes, etc. The “Georgian Language for Future Success” programme sends volunteer co-teachers of all subjects to ethnic minority regions. Within the TPDC programme “Georgian Language for Future Success”, textbooks for all grade students in Georgian as a second language had been developed and distributed free of charge to all ethnic minority schools in Georgia, based on requests submitted by the schools. Development of textbooks for all XII grades took quite some time, more than a year, since these were the first series of books of this type. Sets of textbooks included students book, students workbook, teacher’s guide, audio recording of texts in Georgian language. There was an increase in the number of Georgian language teachers sent to the regions and additional hours allotted for learning Georgian, as well as specific programmes aimed at minorities called “Georgian Language for Future Success” and “Georgian as a Second Language programme”.

The Zurab Zhvania School of Public Administration (ZZSPA) under MoES delivers special Georgian language and administration training programmes for non-Georgian speaking government officials residing in the regions populated by ethnic minority groups. In December 2013, the Ministry of Education and Science hired a consultant to assess current progress at the Zurab Zhvania School of Public Administration and its regional training centers (Language Houses) and to develop a set of recommendations for the future development of the School and its regional training centers. As the result of this task, the consultant presented the findings on the current progress and developed the strategic vision document for the future development of the School in order to achieve a smooth and sustainable operation of this institution. The Action Plan and draft for the updated bylaw was developed as well. In January 2014, the School started the revision and upgrade of the School policies and regulations including bylaws, organizational structure, operation manuals and instructions. In April 2014, the Basic course of Georgian as the Second Language was delivered to 8 regional training centers. In May — December 2014, the Kutaisi School is expected to deliver the trainings in Public Administration for up to 400 representatives from the targeted ethnic minority and high mountainous regions of Georgia, employed by municipal administrations, municipal agencies, regional resources centers of the Ministry of Education and Science.

As to the statistics of previous years, in 2010, the school organized a 3-month-long training programme Capacity-Building for Representatives of Local Self-Governance Bodies for 11 public servants; a 3-month-long training programme Basic Qualification Enhancement Programme of Representatives of Local Self-Governance Bodies for 10 public servants.

In 2011-2012, 73 Azerbaijani and 75 Armenian school principals were trained through a 12-month-long programme that envisaged intensive instruction of Georgia language to this target group. Up to 800 non-Georgians (mostly teachers) undertook a 9-month long training course in the basics of Georgian language in the regional centers of the School.

Detailed information on a) the number of non-Georgian schools according to the language of instruction; b) the number of non-Georgian schoolchildren according to the language of instruction and regions; c) the number of teachers of Georgian as a second language (at non-Georgian schools) according to the language of instruction and regions and d) the number of teachers of native language at non-Georgian schools according to language of instruction and regions during the 2013-14 school year is provided in Annex III.