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**Committee on the Elimination of Racial Discrimination**

**Reports submitted by States parties under article  
9 of the Convention**

**Fourth and fifth periodic report due in 2008**

**Georgia\*\***

[31 May 2010]

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\* This document contains the combined fourth and fifth periodic report of Georgia, due on 2 July 2006 and 2008 respectively. For the second and third periodic reports and the summary records of the meetings at which the Committee considered those reports, see documents CERD/C/461/Add.1 and CERD/C/SR. 1705 and 1706.

\*\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

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## Introduction

1. This is the combined fourth and fifth periodic report of the Government of Georgia on the implementation of International Convention on the Elimination of All Forms of Racial Discrimination, submitted under article 9 of the Convention. 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 which give effect to the provisions of the Convention. In particular, the report addresses the issues raised in the concluding observations of the Committee on the Elimination of Racial Discrimination

### I. General

2. Georgia is an ethnically, culturally, linguistically and religiously diverse country where particular attention of the government is required for the development of a national minority. The Constitution guarantees the rights of persons belonging to national minorities and prohibits discrimination, including on ethnic or religious grounds. In the aftermath of the “Rose Revolution”, full integration of all ethnic minorities in Georgia remains a continuous challenge for the current government.

#### A. Status of International Law and National Legal Framework

3. International treaties are an inseparable part of Georgian legislation. According to the Law of Georgia on “Normative Acts” (Article 19.1), an international treaty or agreement shall prevail over all other normative acts, except for the Constitution (or the Constitutional Law) and constitutional agreements. In accordance with Article 6 of the Constitution, Article 20(2) of the Law of Georgia on Normative Acts and Article 6 of the Law of Georgia on International Treaties an international treaty and agreement to which Georgia is Party, shall take precedence over national normative acts if it does not contradict with the Constitution of Georgia. The self-executive provisions of an international treaty are directly applicable in Georgia and do not require adoption of the conforming national normative act...

4. The principle of equality is implemented through several national legislative acts, namely, in the Constitution of Georgia; Criminal Code of Georgia (hereinafter CCG); Code of Criminal Procedure of Georgia (hereinafter CCPG); Civil Code of Georgia, Code of Civil Procedure of Georgia, General Administrative Code of Georgia. The list below includes other laws directly or indirectly related to the prohibition of discrimination on various grounds: Law on Political Unions of the Citizens; Law on Gatherings and Manifestations; Labor Code; Law on Broadcasting; Law on Public Education; Law on Higher Education; Law on Rights of the Patient; Law on Protection of Health; Law on Culture; Law on the Enforcement of Non-Custodial Punishment and Probation; Law of Georgia on Property Restitution and Compensation for the Victims of Conflict in the Former South Ossetian Autonomous District in the Territory of Georgia; Law on Fighting against Trafficking; Law on the Electric Communications; Law on Free Trade and Competition; Law on Barristers; Law on Private International Law; Law on Conflicts of Interests in Public Service and Corruption; Law on Social Protection of Persons with Disabilities.

## **B. International legal instruments relating to the human rights**

5. Basic principles of the Universal Declaration of Human Rights have been incorporated in the laws of Georgia. International agreements of paramount importance in protecting rights and freedoms of national minorities have been ratified by Georgia. Namely: Universal treaties - International Convention on the Suppression and Punishment of the Crime of Genocide; International Covenant on Civil and Political Rights; Additional Protocol to the International Covenant on Civil and Political rights; International Covenant on Economic, Social and Cultural Rights; Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; Additional Protocol to the Convention against Torture or other Cruel, Inhuman or Degrading Treatment or Punishment; International Convention Concerning Discrimination in Respect of Employment and Occupation; Employment Policy Convention; Convention on the Elimination of all Forms of Racial Discrimination; International Convention on the Suppression and Punishment of the Crime of Apartheid; Convention on the Political Rights of Women; Convention on the Elimination of all Forms of Discrimination against Women. Regional Treaties - European Cultural Convention; European Convention for the Protection of Human Rights and Fundamental Freedoms, including 4th, 6th, 7th and 12th Additional Protocols; European Convention for the prevention of Torture and Inhuman or Degrading Treatment or Punishment, including its first and second Additional Protocols; Framework Convention for the Protection of National Minorities.

## **C. State Institutions and other specialized bodies combating discrimination**

6. **Office of the State Minister for Reintegration** - The Office of the State Minister for Reintegration (OSMR) was created by the Decree of the Government of Georgia No.23, on 8<sup>th</sup> of February 2008. Mission statement of the Office for the Reintegration is to contribute to the restoration of territorial integrity of Georgia, reintegration of local inhabitants of Abkhazia and Tskhinvali Region/South Ossetia into unified state of Georgia and contribute to safe and dignified return of all refugees and internally displaced persons and their descendants. OSMR is tasked to promote civil integration of all ethnic minorities residing in Georgia and to coordinate relevant activities of state agencies and supervise implementation of National Concept for Tolerance and Civil Integration as well and it's Action Plan adopted by the Government of Georgia in May 2009. For this purpose, the inter-institutional Commission has been established by the Decree No13 of the State Minister for Reintegration on 3<sup>rd</sup> of July 2009. The Commission encompasses employees of the OSMR as well as relevant public servants and representatives of local and international organizations.

7. **Parliament of Georgia** - According to a decision of the Parliament of Georgia, the Committee for Human Rights and National Minorities was established in 1995 as a permanent body. In 2004, the area of responsibilities of this Committee widened to include civil integration, and was renamed as Human Rights and Civil Integration Committee (HRCIC). HRCIC works in two directions: human rights protection and civil integration. It aims to elaborate new legislative acts, develop existing ones and monitor their implementation. The purpose of HRCIC is to facilitate creation of a democratic society based on respect for human rights, as well as to improve the legal framework in the area of human rights and civil integration. It cooperates with representatives of national minorities, as well as international and non-governmental organizations working in human rights and civil integration sphere.

8. **Civil Integration and Tolerance Council** – On 13<sup>th</sup> of October 2005, Georgia ratified the Framework Convention for the Protection of National Minorities and the Government intensified its work on relevant state policy. In accordance with a Presidential Decree No.348, the Civil Integration and Tolerance Council (CITC) was created on 8<sup>th</sup> of

August 2005. It consists of representatives from the executive and legislature, the Office of the Public Defender, civil society organizations and national minorities. The functions of CITC are:

(a) To study and analyze existing international, governmental, social, and academic experience, programmes and initiatives, studies and opinions in the fields of tolerance and civil integration;

(b) Achievement of wide national consensus on tolerance and civil integration issues through ensuring active participation of every interested person and holding dialogue with political, social, ethnic and religious groups;

(c) Development of a civil participation mechanism for the National Integration Strategy and Action Plan;

(d) Development of schemes to provide political, financial, institutional, legal and expert resources for implementation of the National Integration Strategy and Action Plan;

(e) Analysis of current legislation of Georgia and development of a package of legal changes to improve existing gaps;

(f) Development of mechanisms to monitor implementation of activities stipulated in the National Integration Strategy and Action Plan and mechanisms to allow for appropriate responses to the changing environment.

CITC has developed National Concept for Tolerance and Civil Integration as well as its respective Action Plan adopted by the Government of Georgia in May 2009.

9. **Office of the Public Defender** - Office of the Public Defender (PDO) supervises the protection of human rights and freedoms on the territory of Georgia. The responsibilities of the Public Defender are defined by the Constitution of Georgia (Article 43) and the Organic Law on the Public Defender (dated 16<sup>th</sup> of May 1996). The Public Defender monitors protection of human rights and freedoms on the basis of submitted applications and appeals and upon his/her own initiative; PDO takes decisions upon review of the facts (Articles 12, 16). Based on verified evidence, the Public Defender makes recommendations to the bodies and/or relevant public authorities having infringed human rights for the reinstatement of the violated rights.

Tolerance Center supported by United Nation's Development Programme (UNDP) operates under the PDO. Tolerance Center coordinates two Councils - the Council of National Minorities (*hereinafter* CNM) and the Council of Religions (*hereinafter* CR).

10. CNM was found in 2005 and is supported by the European Centre for Minority Issues (ECMI)<sup>1</sup>. CNM includes eight minority organizations and its main function is to act as a platform for on-going dialogue and consultation between national minorities and governmental structures. CNM also aims at improving and supporting civil integration of national minorities, involving representatives of national minorities into the policy formation processes of the country and drafting recommendations on minority related issues; It is also authorized to react if minority rights are violated or/and conflicts occur; as well as supports national minorities in the preservation of the cultural heritage.

11. CR was established in 2005. CR is established on the basis of Memorandum concluded between the Public Defender and representatives of various confessions, where

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<sup>1</sup> The European Centre for Minority Issues (ECMI) is a non-partisan institution founded in 1996 by the Governments of the Kingdom of Denmark, the Federal Republic of Germany, and the German State of Schleswig-Holstein. ECMI field office in Georgia was established in 2003.

religions associations are unified voluntarily. The main goal of the CR is to facilitate creation of tolerant, just, equal, peaceful environment and civic integration of the representatives of religions and confessions existing within Georgia. For the purpose, CR promotes increasing participation of religious associations in social life and decision making process through multilateral dialogue. Currently 23 confessions and organizations are united under the CR.

#### **D. Civil Integration Policy**

12. Since the ratification of the Framework Convention for the Protection of National Minorities in 2005, the Government of Georgia started to work on elaboration of the comprehensive state policy in the field of civil integration and protection of minority rights. As noted above in May, 2009, the Government adopted National Concept and Action Plan for Tolerance and Civil Integration. National Concept outlines six strategic directions: rule of law, education and state language, media and access to information, political integration and civil participation, social and regional integration, culture and the preservation of identity. In the drafting process of the Concept and Action Plan, every interested party, including civil society representatives had the opportunity to reflect their observations, submit proposals and have them discussed within the CITC. A Memorandum of Cooperation was signed between the CITC and the PDO/CNM. In accordance with the Action Plan, memorandum of cooperation will be signed between the PDO/CNM and the relevant line ministries as well. The memorandums are aimed to establish systems of cooperation and consultation, as well as greater participation of national minorities in the decision-making process on issues that affect their legitimate interests. Action Plan also envisages creation of regional councils in Kvemo Kartli, Samtskhe-Javakheti, Kakheti, Shida Kartli, Imereti and with the Government of the Autonomous Republic of Adjara. The regional councils will be composed of representatives from local national minority organizations and will have the power to receive first-hand information, submit opinions and be consulted on issues or decisions relevant to the rights of national minorities.

It is to be noted, that first report on implementation of the aforementioned Action Plan has already been published by the OSMR. Report covers period between May-December 2009 and underlines activities of state agencies in above noted 6 main directions.

## **II. Issues raised in the Concluding observations of the Committee in 2005**

### **A. Concluding Observations relating to article 2**

13. While noting the adoption of a detailed “plan of action to strengthen protection of the rights and freedoms of various population groups of Georgia for the period 2003-2005”, the Committee regrets that the draft legislation to protect minorities has not yet been adopted (art. 2).

**The Committee recommends that the State party provide detailed information on the implementation and results of the “plan of action to strengthen protection of the rights and freedoms of various population groups of Georgia for the period 2003-2005” and encourages the State party to adopt specific legislation to protect minorities.**

14. The “action plan to strengthen protection of rights and freedoms of various population groups of Georgia” was adopted on 4<sup>th</sup> of March 2003, by the Decree of the President of Georgia No 68. Under the Decree, the National Security Council of Georgia was tasked to monitor and supervise the implementation of the Action Plan and prepare annual reports thereof. Notably, after the Rose Revolution and consequent institutional changes, that took place aftermath, the Security Council was no more tasked to monitor and

report on ethnic minority related issues. Therefore, no annual report on the implementation of action plan was prepared. At the same time, the government paid due note to the fact that the issue required institutionalization of the issue. Therefore, on 8<sup>th</sup> of August 2005, the Civil Integration and Tolerance Council was created that took over the tasks from the National Security Council. CICT has been addressed in paragraph 8 of the present report.

#### **B. Concluding Observations relating to article 4**

15. While taking note of the introduction of section 1 of article 142 of the Criminal Code regarding acts of racial discrimination, the Committee raised its concern over the insufficiency of specific penal provisions implementing article 4 (a) and (b) of the Convention in the domestic legislation of the State party (CERD/C/GEO/CO/3\*, para. 11).

**The Committee recommends that the State party adopt legislation, in the light of its general recommendation XV, to ensure a full and adequate implementation of article 4 (a) and (b) of the Convention in its domestic legislation, in particular declaring an offence punishable by law the dissemination of ideas based on racial superiority or hatred and any assistance to racist activities, including financing, as well as declaring illegal organizations and propaganda activities which promote and incite racial discrimination and recognizing, as an offence punishable by law, participation in such organizations or activities.**

#### **Reply:**

16. According to the Constitution of Georgia, Article 14 “everyone is free by birth and is equal before the law regardless of race, color, language, sex, religion, political and other opinions, national, ethnic and social belonging, origin, property and title, place of residence.” The abovementioned constitutional principle is safeguarded by Article 142 of CCG. On 6 June 2003, the new Article 142<sup>1</sup> came into effect, criminalizing any action or omission committed for the purpose of instigating animosity or conflict based 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.

17. Article 4 of the Convention requires states to condemn organizations promoting discrimination; in this respect, Article 142<sup>1</sup> of CCG is relevant, having general character it criminalizes racial discrimination for any physical or legal person. As regards, the liability of the legal entity following legal provisions are relevant: Article 25 of Civil Code stipulates that a legal person is entitled to engage in any activity which is not prohibited under Georgian legislation; it further prescribes civil responsibility of the non-commercial organizations for any illegal activity (article 33, Civil Code). In addition article 14 of the Law on Enterprise addresses civil liability of the commercial organizations, resulting in the liquidation of the said entities.

18. Racial, religious, national or ethnic grounds are regarded as aggravating circumstances under Criminal Code of Georgia in connection with such serious crimes as premeditated murder (article 109), deliberate infliction of grievous bodily harm (article 117), assault (article 126), disrespect to the deceased (article 258), torture (Article 144<sup>1</sup> and degrading or inhuman treatment (Article 144<sup>3</sup> )

**The table below demonstrates the differences between the penalties of the crimes and those motivated by racial discrimination:**

<i>Crime</i>	<i>General punishment</i>	<i>When motivated with bias as aggravating circumstance</i>
Murder	imprisonment for 7-15 years	imprisonment for 13-17 years
Deliberate	imprisonment for 3-5 years	imprisonment for 7-9 years

infliction of grievous bodily harm		
Assault	imprisonment for 1-3 years	imprisonment for 4-6 years
Disrespect to Deceased	fine, or community work, or corrective labor, or imprisonment up to 1 year	restriction of freedom up to 3 years, or imprisonment up to 3 years.
Torture	fine, or imprisonment for 7-10 years	imprisonment for 9-15 years or deprivation of the right to occupy a position or pursue a particular activity up to five years
Degrading or inhuman treatment	fine, or restriction of liberty up to 3 years or imprisonment for 2-5 years	fine or imprisonment for 4-6 years, or deprivation of the right to occupy a position or pursue a particular activity up to five years

19. In 2003, amendment to the provision on crime against humanity (Article 408) of the CCG introduced elements of racism and intolerance which were lacking before<sup>2</sup>. Moreover, the racial element is also included in the definition of the crime of genocide<sup>3</sup>.

#### C. Concluding Observations relating to article 5

20. While welcoming the information provided on the situation on several minorities of the State party, the Committee regrets the lack of detailed information on the situation of some vulnerable minority groups, in particular the Roma, and their enjoyment of all human rights (CERD/C/GEO/CO/3\*, para 12).

**The Committee recommends that the State party include detailed information in its next periodic report on the situation of all minority groups, including the most vulnerable ones and in particular the Roma, and in this connection, draws the attention of the State party to its general recommendation XXVII on discrimination against Roma.**

#### Reply:

21. During the second half of year 2008 and beginning of year 2009, the ECMI conducted a survey that provides information on the dwelling places of Roma in Georgia,

<sup>2</sup> According to article 408 (Crime against Humanity) of the CCG: "Any of the following acts when committed as part of a widespread or systematic attack directed against civilian population or persons, as such: 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".

<sup>3</sup> According to article 407 (Genocide) of the CCG 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 transfer of a child from one ethnic group to another."

demographic data, social structure of the community as well as social, economic and other challenges faced by Roma community<sup>4</sup>. Namely, Roma community in Georgia numbers approximately 1000 persons, including Moldovan settlement in Tbilisi and small community living in Kutaisi; they all follow the Roma way of life. The total number does not include Roma residing in Abkhazia, Georgia<sup>5</sup>. For detailed information see the Table No.1.

Settlement	Gachiani - Gardabani district	Leninoka - Dedoplistskaro district	Lilo settlement - Near Tbilisi	Samgori district - Tbilisi	Kutaisi	Kobuleti	Batumi	Telavi
No. of families	16	11	3	17	6	17	3	3
No. of individuals	122	73	31	196	45	85	14	24
No. of adults	45	29	14	138	18	25	5	4
No. of children	77	44	17	58	27	60	9	20
No. of adults with documents	23	29	9	138	18	21	2	0
No. of children with documents	29	41	9	58	27	59	0	0
No. of school age children	18	16	12	15	10	14	5	15
No. of children attending school	5	9	0	0	10	3	0	0
Type of income	Beg, petty trade	Agriculture, beg, petty trade	Petty trade	Petty trade, beg	Petty trade, beg	Petty trade	Petty trade, beg	Beg
Housing type	Self-owned houses	Self-owned houses	Temporary shelters and tents	Rented houses and apartments	Self-owned houses and apartments	Self-owned houses	Rented houses	Temporary shelters
Electricity	Yes, low voltage	Yes	Yes	Yes	Yes	Yes	Yes	Yes

<sup>4</sup> A Way Out? Initial Steps Towards Addressing Romani Issues in Georgia by Giorgi Sordia, ECMI Issue Brief No. 21, May (2009) see the research at the official webpage of ECMI: [http://www.ecmigeorgia.org/works/issue\\_briefs/brief\\_21.pdf](http://www.ecmigeorgia.org/works/issue_briefs/brief_21.pdf)

<sup>5</sup> Georgian Government is unable to provide information in this regard, since it is unable to exercise control of the occupied territories;

Running water	No, source 200m away	No, source in village	No, source in settlement	Yes	Yes	Yes	Yes	Yes
Branch affiliation	Vlakh	Vlakh	Vlakh, Krim	Krim	Krim	Krim	Krim	Vlakh
Clan affiliation	Butka, Plashun, Melenki, Manki, Temriuk	Harbuz, Nalihach, Palenki	Mekoria, Kalachi	Choradaes, Petalidis, Jujukea, Bubuliades	Choradaes, Petalidis, Jujukea, Bubuliades	Choradaes, Petalidis, Jujukea, Bubuliades	N/A	N/A
Origin	Ukrain, Russia	Ukrain, Russia	Ukrain, Russia	Ukrain, Russia	Russia and Ukrain	Russia	Russia	Ukrain
Religion	Orthodox	Orthodox	Orthodox, Muslim	Muslim, Orthodox	Orthodox, Muslim	Evangelical, Orthodox, Muslim	Muslim	Orthodox
Native language	Romani	Romani	Romani	Romani	Romani	Romani	Romani	Romani
Second language	Russian	Russian	Russian, Georgian	Russian, Georgian	Russian, Georgian	Russian	Russian	Russian
Areas of movement and trading	Gachiani-Lilo-Samgori-Dedoplistskaro	Dedoplistskaro-Lilo-Gachiani	Lilo-Samgori-Dedoplistskaro	Samgori-Kutaisi-Telavi	Kutaisi-Samgori-Kobuleti	Kobuleti-Batumi-Kutaisi	Batumi-Kutaisi	Telavi-Dedoplistskaro

22. As noted in the table the level of school enrollment among Roma is extremely low, as only a few children are registered in schools. According to the said survey, Parents' reluctance is identified as a major reason for the low level of school enrollment of Roma children. Roma parents themselves explain their decision by the fact that children are sent to trade or beg as additional or main source of income for the family; in other instances parents prefer their children to stay home and perform household duties<sup>6</sup>. To address the abovementioned and other similar challenges, the programme "Community Action" is being implemented by the MoES in cooperation with a British organization "Children's High Level Group". Programme assists to develop truthful values, sense of responsibility toward the country and to raise motivation among vulnerable students. The community activities within the programme aim at the integration and socialization of socially vulnerable children, children deprived parental care as well as children with special needs, IDP students, Meskhetians forcefully exiled from Georgia during the Soviet Union and national minority students. Within the framework of the programme (in collaboration with the schools) several Roma children were enrolled in general educational institutions in Kutaisi and Rustavi. In addition, Roma students were provided with necessary clothes and received support in terms of preparation of the documents required for school enrollment. Ten Roma school graduates have been involved in the community activities in 2009 along with other students.

23. Government addresses challenges related to lack of relevant identification documents and residential registration among Roma population through special projects

<sup>6</sup> Id. at pp 11-12.

being implemented by Civil Registry Agency of the Ministry of Justice of Georgia (hereinafter CRA) in Leninovka, Samgori, Kutaisi and Kobuleti<sup>7</sup>.

24. Almost all Roma settlements in Georgia are located in a multiethnic environment, where Roma maintain permanent relations with persons belonging to various ethnic groups; for example, with Georgians and Russians in Leninovka; with Azeris in Gachiani; with Georgians, Armenians and Azeris in Samgori; and mostly with Georgians in Kutaisi and Kobuleti. According to the interviews conducted under the said survey, Roma do not have any problems with persons belonging to any of these ethnic groups<sup>8</sup>.

#### **D. Concluding Observations relating to article 5**

25. The Committee notes the absence of legislation regarding the status of languages, the lack of sufficient knowledge of Georgian language by minority groups and of effective measures to remedy this situation as well as to increase the use of ethnic minority languages in the public administration (CERD/C/GEO/CO/3\*, para. 13):

**The Committee recommends that the State party adopt legislation on the status of languages as well as effective measures to improve the knowledge of the Georgia language amongst minority groups and to increase the use of ethnic minority languages in the public administration.**

#### **Reply:**

26. Apart from the general prohibition of any discrimination against students<sup>9</sup>, the Ministry of Education and Science (MoES) has elaborated a long standing practice of specialized programmes aimed to promote tolerance policy in educational system.

#### *Teaching of the Georgian Language and Integration*

27. MoES has been carrying out systematic and cohesive policy of state language teaching for minorities in order to remedy existing challenge - lack of sufficient knowledge of the Georgian language by minority groups. During the last 5 years, numerous state programmes have been implemented by the Ministry in order to enhance opportunities to learn the Georgian language at all levels of education (pre-school, general education and adult education). Notably, in 2009 MoES has approved Georgian Language Programme, which envisages implementation of the sub-programme "Enhancement of the Georgian Language Teaching and Learning at Pre-School Level in Regions Populated by Minority Communities". The very purpose of the sub-programme is to improve Georgian language skills among children through quality language programmes for pre-school students. Establishment of pre-schools education centers is planned in 6 selected local schools in Kvemo Kartli and Samtskhe Javakheti. Apart from material and technical base required for teachers and students, the sub-programme includes development of a manual for parental education. Some other measures taken include:

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<sup>7</sup> Notably, the registration of Roma population was conducted by mobile groups of Civil Registry Agency of the Ministry of Justice of Georgia in the Roma settlements.

<sup>8</sup> Supra note 4, at p. 12.

<sup>9</sup> Law of Georgia on General Education, article 7, "Everyone shall have the right to receive education and the right to free choice of a form of education", article 13 - "Either form of discrimination shall not be allowed at the school ... 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."

(a) Development of a package of textbooks (Tavtavi) and implementing new standards of teaching/learning Georgian as a second language in line with the competency levels proposed by the CoE's "European Language Portfolio" and the "Common European Framework of Reference for Languages Teaching, Learning and Assessment".

(b) Implementation of the project "Georgian as a Second Language" by National Curriculum and Assessment Center (NCAC) in 2007, developing new curriculum for Georgian as a second language.

(c) Implementation of the project "State Language Teaching and Learning Programme for Minority Schools" in 2008, allowing all ethnic minority students of second grade to receive the textbook "Let's Learn Georgian".

(d) Establishment of "Language Houses" in Akhalkalaki and Ninotsminda (places densely populated by Armenians) in 2007. The centers offer Georgian language course for public servants, teachers, military personnel, social workers, and representatives of other social groups. Only in 2008, the centers served 682 attendees. Moreover, similar "Language Houses" were established in Dmanisi and Bolnisi Districts (places densely populated by minorities) in November, 2009. Language Houses served almost 100 attendees since the opening. In addition, the Zurab Zhvania School of Public Administration delivers a special state language programme for minorities who work as public servants in regions. Only in 2006-2008, the school was attended by 133 Azeri and 124 Armenian students.

28. Another important aspect is the improvement of teachers' qualification in minority schools through the state programmes such as "Qualified Georgian Language School Teachers in Regions Densely Populated by Ethnic Minorities" "Professional Development Programme for Georgian Language Teachers in Minority Schools", "Let's learn Georgian" and "Teach for Georgia". In addition, a policy paper and Action Plan for 2009-2014 on "National Minorities' Integration through Multilingual Education" has been elaborated with the support of OSCE/HCNM. MoES has piloted multilingual education programme in 40 non-Georgian public schools.

#### *Access to Higher Education*

29. In order to promote access to higher education, special programmes have been elaborated aimed to promote enrolment of minority students in institutions of higher education. Preparation Course for Non-Georgian Students in Georgian Language and General Aptitude Tests has been developed in 2008. It assists minority students in their preparation for the admission examination as well as improves their language performance and general aptitude tests. Due to legislative changes adopted, applicants are able to take admission examinations in their native languages. All abovementioned efforts positively influenced enrolment rate of minority students in the higher educational institutions as noted in table below:

Access to Higher Education						
	Registered		Admitted		State fellowship	
	2007	2008	2007	2008	2007	2008
Samtsxe-Javakheti	1,069	572	213	443	116	136
Kvemo Kartili	2,636	1,554	855	1008	458	553

30. Recent amendments to the Law of Georgia "On the Higher Education" established positive quota for those educational institutions which accept students on the basis of examination in general aptitudes, conducted in Azeri, Armenian, Ossetian and Abkhazian

languages. Namely, institutions are obliged to announce minimum quota for national minorities, that will be 5% for Armenians, 5% for Azeris, 1% for Ossetians, 1% for Abkhazians from the total number of places offered.

#### *Use of Minority Languages*

31. Besides promoting Georgian as a second language, authorities implement policy aimed to strengthen knowledge of native language among minorities. Particular attention is paid to translation of textbooks in minority languages and improvement of teachers' skills. Among 2 300 general educational institutions, there are 409 non-Georgian schools: 140 Armenian schools, 124 – Azeri, 142 Russian schools and 3 Ossetian.

32. Following the introduction of the new national curriculum in 2006, textbooks have been translated into minority languages. The following activities are worth mentioning:

(a) Journal "Teacher" being translated into Armenian and Azeri languages by Teachers Professional Development Center (TPDC) and NGO "Center for Civil Integration and Intercultural Relations" and distributed.

(b) Newspaper "Dialogue" for teachers, parents and students being translated into Azeri and Armenian languages.

(c) Methodological textbooks "Theories of Teaching and Development" as well as "Teaching and Assessment" have been translated into Armenian and Azeri languages.

(d) Sub-programme „Improving Availability of Textbooks for Non-Georgian Students" provides minorities with the textbooks of the History of Georgia, Geography and Civic Education that are translated into their native languages.

(e) National Examinations Center (NEC) conducts school Olympiads in Georgian, Azeri, Armenian and Russian languages from 2009.

#### **E. Concluding Observations relating to article 5**

33. The Committee notes that the representation of the different ethnic communities of the population of the State party in State institutions and in the public administration is disproportionately low, which leads to their reduced participation in public life (CERD/C/GEO/CO/3\* para. 14).

**The Committee recommends that the State party include further information in its next periodic report regarding the ethnic composition of State institutions and of the public administration and adopt practical measures to ensure that ethnic minorities are represented in the public administration and in those institutions, and to enhance their participation in public life, including the elaboration of cultural and educational policies relating to them.**

#### **Reply:**

34. Special cultural policies aimed to promote and assist national minorities have been run by the Ministry of Culture, Monument Protection and Sports of Georgia (hereinafter MCMPS). Namely, cultural institutions from the respective minorities receive financial support, allowing them to perform various cultural activities (e.g. Davit Baazov State Historic-Ethnographical Museum of Georgian Jews, the Centre for Georgian Cultural Relationships Caucasian House, the Mirza-Fathali Akhundov Museum of Azerbaijani Culture, the Centre of Russian Culture in Georgia, Tbilisi State Armenian and Azerbaijani theaters). In addition Tbilisi Municipality developed Theater Art Development Assistance Programme that financially assists theaters of local importance (e.g. Griboedov State Academic Russian Drama Theater). Outside the capital, similar assistance is provided by the local governmental institutions; namely, the local government maintains libraries on

minority languages (25 Armenian, 15 Azerbaijani, 14 mixed and 5 Ossetian), as well as numerous craft schools, music schools and clubs. In addition, MCMPS provides care to all pantheons in Tbilisi, including the Pantheon of Armenian Writers and Public Figures.

35. The cornerstone of educational policy is envisaged in the National Curriculum which obliges educational institutions to promote involvement of all students in educational process regardless of their mental or physical ability and social, ethnic, religious, linguistic or ideological belongings. In order to assist school teachers in following aforementioned educational policy, the MOES translated and disseminated CoE textbook “Religious Diversity and Intercultural Education”. In addition the Caucasus Institute for Peace, Democracy and Development is developing textbook “The History of World Religions” for senior students. The purpose of such textbooks is to develop tolerance and respect for other religions among young generation.

36. Georgian state institutions while appointing candidates on the relevant positions do not collect information regarding their ethnicity or religious affiliation, therefore it is difficult to provide statistical information regarding involvement of minorities in public administration; though it is should be underlined that minority representation is particularly high in the regions densely resided by minorities: for example in Ninotsminda and Akhalkalaki Districts (up to 86%) and Tsalka District (up to 55%). In addition representatives of national minorities are employed at OSMR. Namely, the majority of staff members of the Division of National/Ethnic Minority Issues and Division of Civil Integration of the OSMR are representatives of national minorities in Georgia.

37. Notably, the Ministry of Internal Affairs (MoIA) perceives that ethnic minorities represent the added value for the police due to their understanding of local interests and traditions. Therefore any candidate having inadequate master of Georgian language is offered language courses on both stages: before and after acceptance in Police Academy.

38. Particular attention is being paid to the enhancement of political participation and equal voting rights for national minorities in Georgia. For this particular matter, in 2009 the Central Election Commission of Georgia (CECG) with assistance of international organizations prepares voting bulletins as well as relevant documentation in minority languages (Russian, Ossetian, Armenian and Azeri). In addition, audio and video advertisement prepared in Azeri and Armenian languages are being placed in regional televisions aired in minority settled regions.

#### **F. Concluding Observations relating to article 5**

39. While acknowledging the commitment of the State party to repatriate and integrate Meskhetians who were expelled from Georgia in 1944 as well as the recent establishment of a State Commission on the Repatriation of Meskhetians, the Committee notes with concern that no specific measures have yet been taken to address the issue (CERD/C/GEO/CO/3\*, para. 15).

**The Committee recommends that the State party include detailed information in its next periodic report on the situation of Meskhetians and take the appropriate measures to facilitate their return and their acquisition of Georgian citizenship, including the adoption of necessary framework legislation to this effect, which has been under drafting since 1999.**

#### **Reply:**

40. On 11<sup>th</sup> of July 2007, the Law of Georgia 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 has been adopted. The law refers to the forcefully displaced persons (FDPs)<sup>10</sup> and provides legal basis for the repatriation of FDPs as well as of their direct descendants. The status of repatriate grants a person right to receive Georgian citizenship under the procedure established by the Organic Law of Georgia “On Citizenship of Georgia”. The Ministry of Refugees and Accommodation of Georgia (MRA) is empowered to consider the applications for obtaining status of repatriate.

41. The deadline for submission of applications for persons seeking status of repatriate initially was January 1, 2009. On the basis of recommendations of various international organizations, Georgian government extended deadline twice: until July 1, 2009 and then until January 1, 2010. In addition, to address needs of Meskhetian population, the amendments have been made to the Law in December 2009 which simplified repatriation procedure.

42. It is to be noted, that some international organizations expressed concern regarding the risk of statelessness of persons after the receiving repatriate status. To avoid statelessness, the provision<sup>11</sup> requiring a person obtaining repatriate status to refuse the citizenship of other country was abolished. Furthermore, the government of Georgia has been tasked to elaborate regulation “On simplified procedure for granting citizenship of Georgia to persons having obtained status of repatriate” that would strengthen guarantees for elimination of risk of statelessness.

43. According to the existing statistics, 5806 persons filed application to MRA to acquire the status of the repatriate. Majority of applicants live in the Republic of Azerbaijan, while the rest of them are from Ukraine, Republic of Kazakhstan, the United States, etc.

44. In order to provide smooth integration of FDPs in Georgian society, the public awareness campaigns have been led by the government, NGOs and donor organizations. These measures include development of guiding brochures on procedures and applications in three languages (Russian, English and Azeri) and their dissemination among Meskhetian population by ECMI.

45. In addition, association “Toleranti” implements projects focusing on the integration of Meskhetian repatriates, assistance through informational and consultation centre, provision of summer schools and Georgian language courses. The same organization established twenty-four-hour “hot line” service for FDPs. Moreover, four documentary films about FDPs repatriates have been filmed and broadcasted by the Georgian Public Broadcaster. An informational book “Eminent Children of Meskheti” was published in Georgian and Russian languages and later distributed among FDPs population.

#### **G. Concluding Observations relating to article 5**

46. The Committee regrets the lack of information in the State party report on the fundamental rights of non-citizens temporarily or permanently residing in Georgia, regarding the effective enjoyment, without discrimination, of the rights mentioned in article 5 of the Convention (CERD/C/GEO/CO/3\*, para. 16).

**Drawing the attention of the State party to its general recommendation XXX on discrimination against non-citizens, the Committee recommends that the State party**

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<sup>10</sup> FDPs were sent into exile from former Soviet Socialist Republic of Georgia to other former Soviet Republics by Decree No. 6279 cc of the Security Committee of the USSR in 1944.

<sup>11</sup> No.2204 amendment of December 1, 2009 to the Law of Georgia 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.

**ensure the effective enjoyment, without discrimination, of the rights mentioned in article 5 of the Convention, in particular their access to justice and right to health.**

**Reply:**

47. Equality before justice represents constitutional principle in Georgia and is envisaged by various legislative acts. In order to strengthen the constitutional guarantee, a new Law on Free Legal Aid has been adopted by the Parliament of Georgia in July 2007, which guarantees free legal aid without discrimination. The aim of the law is to establish social-oriented legal aid system for promoting effective enjoyment of right to access to justice in criminal, civil and administrative proceedings. Legal aid covers legal consultation and drafting of legal documentation for all, while the court representation in criminal cases is available for residents of Georgia below the poverty line<sup>12</sup> and compulsory legal assistance (in criminal cases as determined by the CCPG) for residents of Georgia as well as aliens. Legal Aid Service in Georgia is carried out by 10 legal aid bureaus (including bureau in Kvemo Kartli, which is densely populated by the Azeri minority) and by 2 consulting centers. Notably, the Criminal Justice Reform Action Plan envisages establishment of additional regional offices in Samtskhe-Javakheti region (for 2011-2013 years) in line with the interests of ethnic minority population. As of March 2010, with assistance of UNDP, the office of the Akhaltsikhe Legal Aid Bureau is being refurbished.

48. Regarding the right to health, it is notable, that provision of health protection without discrimination is stipulated in relevant legislative acts<sup>13</sup>. In 2009, several state health care programmes were adopted by the Order of the Minister of Labor, Health and Social Affairs of Georgia<sup>14</sup> that apply on equal level to citizens and non-citizens, i.e. aliens permanently residing in Georgia. Namely:

- Programme “On the Provision of Population with Specific Medicines”
- State programme “On Healing of Children and Juveniles from Hemophilia”
- State programme “On Psychiatric Service”
- State programme “On Medical Test for Military Recruits”
- State programme “On the Physical Service”
- State programme “On Medical Insurance of Population below the Poverty Line”.

**H. Concluding Observations relating to article 5**

49. While noting the new legal measures adopted regarding refugees, the Committee remains concerned that some refugees and asylum seekers of particular ethnicities have been forcibly returned to countries where there are substantial grounds for believing that they may suffer serious human rights violations (CERD/C/GEO/CO/3\*, para. 17):

**The Committee recommends that the State party provide detailed information on the situation of refugees and asylum-seekers, on the legal protection provided to them including their rights to legal assistance and judicial appeal against deportation orders, and on the legal basis for deportation. The Committee also urges the State party to ensure, in accordance with article 5 (b) of the Convention, that no refugees**

<sup>12</sup> For the representation of a person in criminal cases, the person shall meet the requirements of financial test, i.e. those persons who are registered in the Unified Database of Socially Vulnerable Families and their rating score is 70,000 or less, in certain category of cases 100,000 or less.

<sup>13</sup> For instance, No.1139 Law of Georgia on the Health Protection, dated from December 10, 1997.

<sup>14</sup> 25.03.09 Order of the Minister of Labor, Health and Social Affairs of Georgia “On the Design of Public Health Programmes for 2009 Year”.

**are forcibly returned to a country where there are substantial grounds for believing that they may suffer serious human rights violations. The Committee encourages the State party to ratify the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.**

**Reply:**

50. In 2005, the Parliament of Georgia adopted the Law of Georgia “On the Status of Aliens” that regulates aliens’ entry, stay in, transit and leaving in Georgia and defines the rights and responsibilities of aliens, as well as the deportation procedures<sup>15</sup>. In particular, Article 53 of the Law establishes grounds for deportation of aliens. For example, an alien may be deported from Georgia in cases where he/she has illegally entered Georgia; there are no longer legal grounds to justify his/her further stay in Georgia; his/her residence in Georgia contradicts the interests of national security and public order and etc. It is to be noted that Law prohibits deportation of persons, if he/she is persecuted for political beliefs, or activities not deemed as a crime by Georgian legislation; where he/she is chased for the protection of human rights and peace, for progressive social, political, scientific and other activities; and if the life or health of such person will be threatened.

51. The Government of Georgia would like to note that during the reporting period there has been no single fact of expulsion, deportation, return, or any other act of removal or rejection of aliens to the country where their physical or moral integrity would have been endangered. In 2001 Georgia has extradited Russian citizens of Chechen origin wanted by the Russian law Enforcement organs. Thirteen persons of Chechen origin subject to extradition filed a complaint to the European Court of Human Rights. Out of 13 persons subject to extradition, only four were actually extradited to Russia. The European Court found Georgia in breach of its obligations under the European Convention on Human Rights and Fundamental Freedoms<sup>16</sup>. Since then, Georgia made significant legislative amendments, such as the precise procedure for the appeal of the decision of the Chief Prosecutor on extradition within the court system, clear obligation to inform the detainee regarding the ongoing extradition procedure, etc. Moreover, Georgia has duly executed the said judgment both in terms of individual and general measures. Namely, Georgia has paid compensation to the victims, annulled the Decree of the Deputy Prosecutor-General on extradition with respect of 9 fugitives still waiting for the surrender and improved the legislative basis for extradition. Moreover, in line with the international standards (including General Recommendation XXII), the CCG has been amended in July 2006 explicitly prohibiting extradition of the persons with political asylum or refugee status.

*Legal protection of refugees and asylum seekers*

52. Due to the recent amendments to Georgian legislation<sup>17</sup>, refugees have been granted travel documents as envisaged by 1951 Refugee Convention. The travel document allows refugees to travel throughout the territory of Georgia as well as to third/foreign country.

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<sup>15</sup> In addition, No.401 Decree of the President of Georgia of June 28, 2006 “On the Adoption of the Statute on the Rules of Deportation of Aliens from Georgia” explicitly prescribes the deportation procedure.

<sup>16</sup> See *Shamayev and other v. Georgia and Russia*, App. No:36378/02, 12 April 2005.

<sup>17</sup> March 21, 2008 amendment (No.5973) to the Law of Georgia on the Rules of Registry of Citizens of Georgia and Aliens Residing in Georgia and Issuing Personal Identification Cards (Residence Permits) and Passports of Citizen of Georgia.

Statistics of persons with refugee status in Georgia (According to 2009)

Country	Quantity
Turkey	1
Russia	856
Iraq	5
Turkmenistan	2
Iran	1
Tajikistan	2
<b>Total</b>	<b>867</b>

53. Major group of refugees in Georgia are of Chechen origin. In order to address their needs, the Government is working on durable solutions for their problems. Currently, MRA together with international institutions is implementing project “Registration and Naturalization of birth of refugees for improving access to their social services and protection”. Among other issues, project aims to assist refugees in obtaining citizenship of Georgia; projects implemented with the financial support of the UN and Norwegian Refugee Council aim at promoting civil integration of Chechen refugees in Georgia<sup>18</sup>.

54. Having identified the shortcomings of the 1998 Law on Refugees, the government of Georgia elaborated new draft law on “Refugees and Temporary Asylum Seekers”. The draft law widens the scope of granting refugee status, establishes clear procedure for granting asylum and etc. MRA benefited from the expertise of the Office of the United Nations High Commissioner for Refugees in 2009 and is the final draft of the Law will be submitted to the Parliament of Georgia in the nearest future.

#### **I. Concluding Observation Related to Article 5**

55. Religious questions are of relevance to the Committee when they are linked with issues of ethnicity and racial discrimination. In this connection, and while acknowledging the effort made by the State party to fight ethno-religious violence, the Committee remains concerned about the situation of ethno-religious minorities, such as the Yezidi-Kurds (CERD/C/GEO/3\*, para. 18).

**The Committee recommends that the State party include detailed information in its next periodic report on the situation of ethno-religious minorities, and that it adopt the bill on freedom of conscience and religion designed to protect those minorities against discrimination and, in particular, against acts of violence.**

#### **Reply:**

56. Freedom of religion is a constitutional right and is protected by the Law.<sup>19</sup> Georgian legislation criminalizes illegal interference into performance of religious rights including interference in the performance of worship or other religious rights or customs by violence or threat of violence or by insulting religious feelings of a believer or a minister of religion

<sup>18</sup> For instance, in 2006-08 Norwegian Refugee Council implemented 48 income-generating projects with the budget of 350226 GEL.

<sup>19</sup> According to article 19 of the Constitution of Georgia: “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.”

(see article 155 of CCG). Moreover, the persecution for religious denomination, faith or belief is also criminalized under Article 156 of CCG. These two articles serve as a legal safeguard against discrimination of religious minorities.

57. Important intervention has been undertaken on the school level to prevent religious discrimination among students. According to the National Curriculum adopted in 2006, the history of religions is an elective course. Teaching of history of religions is a part of social sciences and includes teaching of origin/formation of religions, the role of a religion in a society, various religions of the world, etc. Most importantly, the state bans schools from administering any religious ritual or ceremony and using any religious symbols except for education purposes.

58. Professional Code of Ethics for Teachers obliges teachers to establish environment conducive to the fully-fledged development of students' individual personalities and protection of their rights and freedoms. The Code reaffirms the role of teachers to propagate rights-based values and principles as well as forbids discrimination of students based on ethnic origin or religious background.

#### J. Concluding Observation Related to Article 5

59. Poverty is a human rights issue and a factor which impedes the full enjoyment by all, including vulnerable minority groups, of those rights. The Committee is concerned about the extreme poverty in which part of the population of the State party lives and its effects on the most vulnerable minority groups for the enjoyment of their human rights and regrets that the State party's programme to reduce poverty and stimulate economic growth has not yet been adopted (CERD/C/GEO/CO/3\*, para. 19):

**The Committee recommends that the State party include information in its next periodic report on its economic situation, in particular regarding minorities, and adopt all the necessary measures to reduce poverty, especially regarding the most vulnerable minority groups, and stimulate economic growth, including the adoption of a national plan to this effect.**

#### Reply:

60. The reduction of poverty in Georgia is one of the main priorities for the Government of Georgia. One of the most important undertakings is the establishment of Millennium Challenge Georgia Fund. The budget of the Fund is USD 395, 3 million. Fund aims to reduce poverty and promote economic development in the regions of Georgia. Its implementation facilitates rehabilitation of infrastructure and development of enterprises.

61. In order to address the challenges existing among ethnic minorities, following projects have been implemented under the auspices of Millennium Challenge Programme: Energy infrastructure rehabilitation project - Restoration of damaged North-South Pipe line; The Project envisages the rehabilitation of 22 sites. The total budget is USD 49.5 million. Accordingly, energy security and reliability of the energy supply to Georgia will increase Gas supply to power stations and make industrial sector more reliable. Samtskhe-Javakheti road rehabilitation project (budget – USD 203,515,000 million) - this is a large-scale project aimed to restore the road and transport network in Samtskhe Javakheti and Kvemo-Kartli regions. The rehabilitation of the road would facilitate connection of those two regions settled with ethnic minorities with other parts of Georgia. Agribusiness development project (budget – USD 15,250,000 million) - envisages disbursement of grants on the co-financing and competitive basis for the development of primary production, establishment of farm service centers, value-adding enterprises and value chains in every region of Georgia. The project facilitates agribusiness development and creation of new jobs for ethnic minorities as well.

## K. Concluding Observation Related to Article 5

62. The Committee is concerned by allegations of arbitrary arrests and detention, excessive use of force by law enforcement officials, and ill-treatment in police custody of members of minority groups and non-citizens, and about the lack of investigation of those cases (CEDR/C/GEO/CO/3\*, para 20):

**The Committee recommends that the State party take appropriate measures to eradicate all forms of ill-treatment by law enforcement officials and ensure prompt, thorough, independent and impartial investigations into all allegations of ill-treatment, especially of members of ethnic groups and non-citizens; perpetrators should be prosecuted and punished, and victims granted compensation.**

### Reply:

#### *Legislative Framework*

63. In 2005, legislative changes have been introduced in the CCG, Article 144<sup>1</sup> Torture; 144<sup>2</sup> threatening with torture; 144<sup>3</sup> inhuman and degrading treatment were introduced. Article 144<sup>1</sup> defines torture as following: “an act of torture is subjecting a person, his/her relatives or financially or otherwise dependant persons to such conditions, treatment or punishment, which by their nature, intensity or duration cause severe physical or mental pain or suffering, and have the purpose of obtaining information, evidence or a confession, to intimidate, coerce or punish a person for an act she/he or a third party committed or is/are suspected of having committed”. Moreover higher sanction is provided, namely from 12 to 17 years of deprivation of liberty (compared to 7 to 10 years), for the same crime when it is committed by state official, or by a person with the equal status - article 144<sup>1</sup>(2) (a) or under one’s official capacity - article 144<sup>1</sup>(2) (b). Article 144<sup>2</sup> prohibits threatening with torture; sanction is fine or deprivation of liberty up to 2 years. Article 144<sup>3</sup> prohibits inhuman and degrading treatment or punishment, higher sanction is provided, namely from 4 to 6 years of deprivation of liberty, when committed by state official or person with the equal status – article 144<sup>3</sup> (2) (a) or under one’s official capacity – article 144<sup>3</sup> (2) (b).

#### *Institutional Development*

64. Human rights protection and monitoring units have been created at the law enforcement agencies, namely at MoIA, Office of the Chief Prosecutor of Georgia (hereinafter OCPG), and the Ministry of Corrections and Legal Assistance. One of the main duties of the said units is to implement the internal monitoring of human rights protection system and to supervise compliance with national and international human rights standards. These units represent an effective tool for speedy and adequate redress to both individual and systemic challenges.

65. Besides the Human Rights Units, the Inter-agency Coordinating Council against Torture, Inhuman, Cruel or Degrading Treatment or Punishment, was created by the Presidential Decree No.369 on 20<sup>th</sup> of June 2007. The members of the Council are high government officials as well as the representatives of international and non-governmental organizations and independent experts. The Council is tasked to monitor and implement annual action plans against torture, inhuman, cruel and degrading treatment or punishment.

#### *Compensation for Torture Victims*

66. Procedure for obtaining compensation for Torture Victims is envisaged by the Civil Code of Georgia. Pursuant to the Civil Code, in cases of bodily injury or harm inflicted on a person’s health, the victim may claim damages. In addition article 1005 of the Code provides for state liability in cases of the harm caused by its employee by intent or gross negligence. In 2009 compensation for torture victim was granted in one case; namely in

2007, Tbilisi Court of Appeals Chamber of Criminal Cases sentenced two former MoIA employees to 7 and 8 years of imprisonment for the crime of torture committed in 2003. In 2009, according to the decision of the Court, the MoIA and perpetrators paid compensation in sum of 9000 GEL to the victim.

*Capacity Building of Law- Enforcement Agencies*

67. Additional safeguard from ill-treatment is manual on use of force adopted by MoIA. The MoIA's Police Academy, in cooperation with the governments of the US, France, as well as international organizations elaborated manual on use of force. The course covers the issues of handling aggressive suspects, use of minimum necessary force, escalation of force in response to violence/resistance, human rights related to the use of coercion, use of firearms and the cases of absolute necessity. In parallel, the training module for students enrolled at the Police Academy has been developed. The Manual is being taught as a part of a mandatory basic course, and is an important addition to the topic of human rights. This subject comprises 15% of the whole course.

**L. Concluding Observation Related to Article 6**

68. While noting the existence of an Ombudsman, the Committee regrets the insufficiency of detailed information regarding the independence, competencies and effectiveness of this institution (CERD/C/GEO/CO/3\*, para. 21):

**The Committee recommends that the State party provide in its next periodic report detailed information on the independence, competencies and effective results of the activities of the Ombudsman. Furthermore, the Committee encourages the State party to strengthen this institution and provide it with adequate resources so as to allow it to function as an independent national human rights institution, in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (General Assembly resolution 48/134).**

**Reply:**

69. The Office of the Public Defender of Georgia (PDO) was created in line with Paris Principles by Organic Law No.230, dated 16<sup>th</sup> of May 1996. Public Defender is independent in exercising his/her functions. The Public Defender is elected for 5 years by the Parliament and is accountable before the Parliament of Georgia<sup>20</sup>. The mandate of the PDO is wide and covers broad list of human rights and freedoms. Particular emphasis is paid to the human rights monitoring functions of the Office and its authority to inquire in the individual complaints (on the basis of applications and appeals as well as to his/her own initiative).<sup>21</sup> In particular, the PDO carries out on regular basis monitoring of all places of deprivation of liberty throughout Georgia<sup>22</sup> Public Defender makes recommendations to the bodies or relevant state institutions having infringed human rights for the reinstatement of the violated rights and every six months presents reports to the Parliament of Georgia on the human rights situation in Georgia<sup>23</sup>

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<sup>20</sup> Supra not 17, article 6 (2);

<sup>21</sup> Organic Law of Georgia on the Public Defender of Georgia, articles 12 and 13;

<sup>22</sup> Ibid. article 19 (2);

<sup>23</sup> Ibid. article 19 (2);

70. Recently, due to legislative amendments<sup>24</sup> the PDO has been nominated as the National Preventive Mechanism under Optional Protocol to the Convention Against Torture<sup>25</sup>

71. It is noteworthy to mention, that apart CNM and CR, the PDO has established Center of Children's Rights in 2001 and Center for Disability Rights in 2008.

#### M. Concluding Observation Related to Articles 6 and 7

72. While noting with appreciation that the Convention may be invoked directly before the national courts, the Committee notes the lack of information on complaints of racial discrimination, the absence of court cases regarding racial discrimination in the State party and the need for further dissemination of the Convention amongst State authorities (CERD/C/GEO/CO/3\*, para.22):

**The Committee recommends that the State party ensure that the lack of court cases on racial discrimination is not the result of victims' lack of awareness of their rights or limited financial means, individuals' lack of confidence in the police and judicial authorities, or the authorities' lack of attention or sensitivity to cases of racial discrimination. The Committee urges that the State party ensure that appropriate provisions are available in national legislation regarding effective protection and remedies against violation of the Convention and disseminate to the public information on the legal remedies available against those violations as widely as possible. Further, the Committee also recommends that the State party take measures to sensitize police and judicial officers about the Convention.**

#### Reply:

##### *Public Awareness*

73. With respect to awareness of victims' rights on ethnic minority's legal issues, the Tolerance Center under PDO has been entrusted with the task to provide assistance to any person concerned as well as facilitate consultations and dialogue between national minorities and the Government. In 2009, CNM published brochures containing information on minority issues and activities of the CNM. As for the CNM mandate please view paragraph 9.

74. In parallel, the Legal Aid Service of Georgia pays due note to consultation of national minorities on their rights through its Bureaus and Consultation Centers. Recently the Legal Aid Service has established a bureau in Samtskhe-Javakheti region while the Consultation Center would be opened in Akhalkalaki for consultation purposes for ethnic minorities residing in the region.

75. At the same time, Government understands that information regarding new legislative initiatives should be publicly available for national minorities. One of such novelties is newly adopted Criminal Procedure Code of Georgia that would enter into force in October 2010. In this regard, the Legal Aid Service has already planned to carry out proper public awareness campaign and publish informational brochures in Azeri, Armenian

<sup>24</sup> Amendment of July 16, 2009 (No.1462) to the Organic Law of Georgia on the Public Defender of Georgia.

<sup>25</sup> Detailed information is available on the website of the UNCHR as the PDO has submitted the report to the Subcommittee on the Prevention of Torture that describes both legislative and institutional measures undertaken by the Government of Georgia with respect to fight against torture and other cruel, inhuman and Degrading Treatment:  
<http://www2.ohchr.org/english/bodies/cat/opcat/mechanisms.htm>

and Russian languages. The brochures will assist ethnic minorities to be informed about their legal rights/obligations and gain information on legal remedies available in Georgia criminal legislation.

*Professional Trainings of Law Enforcement Officials*

76. While combating discrimination, special attention is paid to the training of relevant officials in the field of human rights. The aim of such trainings is not merely to raise qualification of law-enforcers, but also to increase their commitment and sensitivity for human rights. For example, the Basic Preparation Course in police academy dedicates 10 academic hours to human rights, whereas the special attention is devoted to the qualification of racist offences i.e. the range of crimes committed on the grounds of race are also covered under other courses as well. The students of the Academy also undergo training on the methods of investigation of crimes motivated with racial discrimination. It should be further noted that the Academy teaches as a separate subjects “The Police Code of Ethics” and “Public Oriented Police”, which covers “the relations with national, racial and religious minorities” i.e. the factors to be considered when dealing with national, racial and religious minorities, the ways to avoid the stereotype assumptions, problems when dealing with offences in regions settled by national, racial and religious minorities.

Since its initiation up to now, 2 743 police officers have undergone the trainings:

No.	Name of the Course	Year	Number of Participants
1	Basic Preparation Course of District Inspectors	2008	952
2	Basic Preparation Course of Patrol Police	2008	73
3	Retraining Course of the Officers	2008	74
4	Basic Preparation Course of District Inspectors	2007	986
5	Basic Preparation Course of Patrol Police	2007	173
6	Retraining Course of the Officers	2007	97
7	Basic Preparation Course of District Inspectors	2006	163
8	Basic Preparation Course of Patrol Police	2006	225
	Total:		2 743

77. Training Centre of the Ministry of Justice of Georgia (hereinafter MoJ) conducts advanced training programmes for prosecutors. The training curriculum besides various issues, envisages trainings in Human Rights, including minority rights. On 25-27 April 2009, seminars on the prohibition of discrimination on various types of crimes were conducted, namely: prohibition of racial and ethnical discrimination, prohibition of religious discrimination and etc. In total – 75 prosecutors and investigators participated in the said seminar conducted by CoE experts.

*Code of Ethics*

78. Codes of Ethics exist in the OCPG and MoIA which establish certain standards of conduct particularly relevant to the public interest. The purposes of the Code are: to establish higher standards of conduct to support the process of strengthening the responsibility of the officers and establishing principles of equity; to enhance the exercise of just, effective, impartial and professional fulfillment of their duties; to improve unconditional and effective enforcement of justice; to enhance unconditional observance of the law by the officers; to protect human rights in accordance with universally recognized standards. The Code of Ethics pays particular attention to the prohibition of discrimination. Specific provisions stipulate that officers shall facilitate the process of elimination of all forms of discrimination.

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

#### A. Article 2

79. No provision in national legislation or an institution condones racial discrimination in Georgia, as this would go against the fundamental human rights principle recognized in article 14 of the Constitution of Georgia and all other respective laws. In the preceding paragraphs an account has been given to the various positive efforts taken by Georgia in relation to fight against discrimination, including but not limited to the National Concept on Integration and its Action Plan. It shall be stressed, that Georgia as a state as well as its government has neither supported nor instigated any measures involving racial discrimination. On various accounts, Georgia has stressed its unequivocal position regarding acts of racial discrimination, xenophobia and related intolerance<sup>26</sup>.

#### B. Article 3

80. Georgia notes that racial segregation or apartheid has never been practiced in Georgia. There are no descent-based communities in Georgia. Moreover, Georgia has accessed to the International Convention on the Suppression and Punishment of the Crime of Apartheid on 11 March 2005. Pursuant to the Article IV of the mentioned 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, the new definition of the crimes against humanity has been introduced to the CCG<sup>27</sup>. Notably, article 411 (Violation of norms of International Humanitarian Law)<sup>28</sup> of the CCG, also includes the crime of apartheid.

#### C. Article 4

81. For the list of crimes having racial discrimination as an aggravating circumstance see paragraphs 14, 15 and 16.

82. On April 1, 2008, Georgia signed the Council of Europe Convention on Cybercrime. This Convention provides additional safeguards while criminalizing acts of a racist and xenophobic nature committed through computer systems. Currently, relevant state authorities are working on the national legal framework relevant for the implementation of the aforementioned treaty.

#### D. Article 5

83. **Georgian legislation includes following type of anti-discriminatory clauses:**

(a) **Law on Political Unions of the Citizens, Article 3** - "creation and operation of the political unions is based on the principle of equality of political unions before the law."

<sup>26</sup> See for example the Contribution of the Government of Georgia to the Report of the Secretary General on the implementation of the General Assembly Resolution A/61/149 of 19 December 2006, entitled "Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation and follow-up to the Durban Declaration and Programme of Action".

<sup>27</sup> Supra note 1.

<sup>28</sup> According to paragraph "k" of article 411 (1) of the CCG, violation of norms of international humanitarian law during interstate or internal armed conflicts, namely, apartheid or other inhuman act based on the racial discrimination is punishable from 10 to 15 years of imprisonment.

(b) **General Administrative Code, Article 4(1)** - “everyone shall be equal before the law and administrative agency”.

(c) **Civil Code of Georgia Article 1** - “private, family and property relations based on the equality of persons”.

(d) **Labor Code, Article 2(3)** - “discrimination of any kind as to race, color, language, ethnic and social belonging, nationality, origin, property and position, residence, age, gender, sexual orientation, limited capability, membership of religious or any other union, marital status, political or other opinions are prohibited in employment relationship”.

(e) **Law on Broadcasting, Article 16** - “the Public Service Broadcaster shall broadcast a relevant proportion of programmes prepared by minority groups, in their language. Moreover, Public Broadcaster shall reflect ethnic, cultural, linguistic, religious, age and gender diversity in programmes”. The same Law obliges community broadcasting license holder to ensure participation of members of the community it serves and ensure minority opinions are broadcasted. According to article 331 of the same Law, “no less than 25% of budget of Public Broadcasting shall be used for the TV programmes on ethnic minorities’ language”.

(f) **Law on General Education, Article 13(2& 3)** - “any kind of discrimination is prohibited during the entry into schools” and “Using of the study process in a public school for the purposes of religious indoctrination, proselytism and forced assimilation shall not be allowed”.

(g) **Law on High Education, Article 3(1)** - “prohibition of any kind of discrimination, including academic, religious or ethnic belonging”.

(h) **Law on Rights of the Patient, Article 6(1)** - “discrimination of any kind as to race, color, language, ethnic and social belonging, genetic inheritance nationality, origin, property and position, residence, age, gender, sexual orientation, limited capability, membership of religious or any other union, marital status, political or other opinions is prohibited”.

(i) **Law on Protection of Health, Article 6** - “discrimination of any kind as to race, color, language, ethnic and social belonging, nationality, origin, property and position, residence, age, gender, sexual orientation, limited capability, membership of religious or any other union, marital status, political or other opinions is prohibited”.

(j) **Law on Culture, Article 6** - “Georgian citizens are equal in cultural life regardless of national, ethnic, religious or language belonging”.

(k) **Law of Georgia on the Enforcement of Non-Custodial Sentences and Probation, Article 6 (2)** - “the employee of the National Agency of Probation 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”.

(l) **Law on Fighting against Trafficking, Article 5 (2)** - “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”.

(m) **Law on the Electric Communications, Article 32** establishes non-discriminative measures while conducting activities related to the electric communication cells and means.

(n) **Law on Free Trade and Competition; Article 3** - the aim of the Law is “to eliminate the discriminative barriers for public and private entities”.

(o) **Law on Barristers; Article 3** establishes the equality of barristers and forbids all forms of their discrimination.

(p) **Law on Private International Law, Article 38** - “choice of applicable law is void if it contradicts to the imperative norms related to the protection of employees from discrimination”.

(q) **Law on Social Protection of Persons with Disabilities, Article 1 (2)** - “discrimination against persons with disabilities is forbidden and punishable by Law”<sup>29</sup>.

(r) **Law on the Police, Article 4 (2)** - “the police shall protect human rights and freedoms regardless of nationality, property, race, social and ethnic belonging, gender, age, education, language and religion, political or other opinions”.

(s) **Law on the Professional Education, Article 7** - “everybody has the right to get professional education in order to gain the knowledge and skills that are essential for professional activities”.

#### *Concerning Stateless Persons*

84. In line with the Law of Georgia “On Social Assistance” that applies to stateless persons permanently residing in Georgia, the Government of Georgia designed the programme “On Social Assistance” via Decree in 2006, that grants social aid without discrimination on the basis of race, sex and national and ethnic belonging.

#### *Migration Policy*

85. Recently, MRA in collaboration with international (IOM, DRC, ICMPD) as well as local organizations initiated its work on migration management policy. In 2007, MRA and DRC signed MOU on the joint management of EU supported programme “ENEAS” that aims to ‘establish the durable mechanisms for reintegration (of returnees) in Georgia’.

86. Consultations between the MRA and International Organization of Migration (IOM) have been completed, according to which information-consultation centers of the International Organization of Migration were subordinated to the Ministry. Currently, consultation centers are functioning in Tbilisi, Kutaisi, Gori and Zugdidi. The aim of centers are to raise social awareness about migration issues and to foster integration of returned migrants to their home countries, as well as to consult potential migrants in the destination countries before their departure to prevent them from becoming victims of trafficking.

87. The new EU initiative on “Mobility Partnership” bears great significance in fostering legal migration and preventing illegal migration. The Partnership aims at broad, structured and intensified cooperation in the area of migration between the EU and Georgia. It involves a large number of cooperation projects to strengthen Georgia's capacity in the area of migration together with the EU Member States.

#### *Naturalization*

88. Amendments to the Organic Law of Georgia “On the Citizenship of Georgia” significantly simplified the naturalization procedure in 2008. Notably, under the previous formulation the law (article 26) required the person to reside in the territory of Georgia for

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<sup>29</sup> Also article 142<sup>2</sup> of the Criminal Code of Georgia envisages sanction for the refusing disabled persons to implement rights granted to them under national laws and international instruments on the bases of their disability, which resulted in violation of their rights.

ten years to obtain citizenship of Georgia. Following amendments, the procedures for aliens married to the Georgian citizen.

89. The Government of Georgia would like to note, that since January 2009, citizenship related matter has been delegated to the competence of the CRA<sup>30</sup>. Recently, the timeframe for application and decision making has been reduced from 6 months up to 3 months.

90. Upon Presidential decision, Georgian (dual) citizenship may also be granted to a citizen of another country who has made significant contribution to Georgia and the world by his/her scientific or social activities, or has a profession and qualifications which are of importance to Georgia and interests of the country.<sup>31</sup>

#### Acquisition of Georgian Citizenship by Naturalization

2007	96
2008	141
2009	93
Total	330

#### Granting Georgian Citizenship by the President of Georgia

2007	5563
2008	6291
2009	3756
Total	15610

### E. Article 6

91. Combating violation of human rights based on racial, religious or other motives is the priority for the law-enforcement bodies of Georgia. Statistics of every crime committed within the territory of Georgia are gathered by the Information and Analytical Departments of the MoIA and the MoJ. Furthermore, the Human Rights Unit of the OCPG monitors cases related to violation of equality, racial discrimination, and interference with performing religious rights, persecution and interference. As regards crimes committed on the religious grounds, during 2007-2009 years, 44 cases of alleged crimes were reported to the law enforcement bodies of Georgia.

92. In accordance with the CCPG, investigations for the crimes stipulated in articles 142 (violation of equality between persons) and Article 142<sup>1</sup> (racial discrimination) are carried out by the MoIA, while procedural oversight of the investigation is carried out by the OCPG.

93. The government of Georgia facilitates fast and effective investigation of the crimes committed, and has to this effect introduced subsequent amendments to the CCPG. According to Article 261 of the CCPG, upon obtaining information on the crime, the investigator shall commence preliminary investigation within the limits of his/her functions. The basis for commencing preliminary investigation is any information about the crime provided by any natural or legal person, central or local self-governance agency, public

<sup>30</sup> Amendment (No.16 dated from 23.01.2009) to the Order of the Minister of Justice of Georgia on the adoption of the statute of the Legal Entity of the Public Law - Civil Registry Agency of the Ministry of Justice of Georgia (No.209 dated from 30.01.2006).

<sup>31</sup> Article 27 of the Organic Law of Georgia on Citizenship;

official, detective, by the convict, or by mass media, or information discovered during an investigation. Therefore, legislative amendments and administrative measures taken by the Government of Georgia significantly contribute to combating racially motivated crimes.

## F. Article 7

### *Educational Policy*

94. The Government of Georgia acknowledges that civil integration of national minorities cannot be achieved without implementing comprehensive and non-discriminative educational policy towards national minorities. Apart from the general education programmes listed above, the MoES in collaboration with partners has organized following projects:

(a) **Child Tolerance Educational Programme**<sup>32</sup> implemented by “Save the Children” and National Curriculum and Assessment Center. The programme aims to develop tolerance, cooperation and conflict settlement skills and formation of human values in children. The programme is designed for practicing academic innovations and diverse educational environment. It is intended for children aged between 9-11 (IV-V classes), their teachers, parents and tutors.

(b) **School Partnership Programme**<sup>33</sup> aimed to integrate students and teachers in civic society as well as develop partnership among Georgian and non-Georgian schools.

(c) **Programme “Let’s Live Together”** has been supported by the British Council with the assistance of CoE. It aims at fostering tolerance and intercultural dialogue in Europe. Throughout the programme young people (including ethnic minorities from Georgia) participated in workshops, discussions and games and they shared their experiences of growing up in, and living with, conflict and its legacy. They also acquired new skills on negotiation and mediation.

(d) **Intercultural Dialogue through Education** is the joint initiative of the CoE and MoES as it promotes respect towards cultural multiplicity and sharing of best experience regarding intercultural dialogue between educational institutions. Recently (in 2009) Georgia hosted third international seminar on “Culture and Religion: developing critical vision and communication skills through curriculum”.

### *Improving learning environment*

95. Since 2006, particular attention is being paid to the improvement of learning environment through rehabilitation of the school within the “Iakob Gogebashvili” mega programme; By the end of 2009, 60 schools in Samtskhe-Javakheti and 39 schools in Kvemo Kartli region have been rehabilitated. Within the framework of another state programme “Irmis Nakhtomi” 120 Azeri and 140 Armenian schools were provided with 1,299 and 1,015 computers respectively.

### *Culture*

96. Since 2004, the MCMPS runs programme “On the Support of Cultural Center for Ethnic Minorities” that aims to protect, develop and promote the culture of the ethnic minorities of Georgia and support their subsequent integration in cultural space of Georgia.

<sup>32</sup> The programme had been implemented in 2002-2006.

<sup>33</sup> The programme had been implemented in 2004-2007.

97. This project is carried out by the LEPL Davit Baazov Historical and Ethnographical Jewish Georgian Museum, the center of Georgian Cultural Relations - “Caucasian House”, LEPL Mirza-fatali Akhundov Azeri Cultural Center, LELP Petros Adamian Armenian Theatre of Tbilisi and LELP Azeri Theatre of Tbilisi. These cultural entities help to retain cultural multiplicity of ethnic minorities, to develop intercultural relations and to protect human rights and freedoms, including the right of expression.

In addition, following amateur theatres, libraries and clubs function in compactly settled districts:

	<i>music school</i>	<i>painting school</i>	<i>library</i>	<i>social club</i>
Kvareli	1			
Akhalkalaki	1	1	2 Armenian	4 10 Armenian
Ninotsminda	1		18 Armenian	2 18 Armenian
Marneuli	1		11 Azeri 4 Armenian	4
Tsalka	1		1 Armenian	1
Gori - Eredvi	1		5 Ossetian	
Gardabani			1 Azeri 14 Joint	1
Bolnisi			2 Azeri	
Dmanisi			1 Azeri	

#### *Media*

98. Under the Law on Broadcasting the Georgian Public Broadcaster (GPB) is obliged to reflect ethnic, cultural, linguistic and religious diversity in its programmes and also air programmes in minority languages. According to recent changes to the Law, no less than 25% of the programme budget of the GPB must be allocated for the programmes in minority languages. Notably, GPB news programmes are aired once per week in 5 minority languages - Abkhazian, Ossetian, Armenian, Azeri and Russian. The weekly talk-show the “Italiuri Ezo” (Italian Yard) is devoted to civil integration of minorities, ranging from women’s rights and higher education to art and music. Since 2009, the talk show is being aired in changed format with a new title “Our Yard”. In 2008, GPB has prepared nine documentary films, which tell the story of nine national minorities (Armenians, Azeri, Jewish, Greeks, Kurds, Qists, Judies, Ukrainians, Ossetians) living in Georgia. The Public Radio also airs daily news programmes in five minority languages – Abkhazian, Ossetian, Russian, Azeri and Armenian. It also broadcasts analytical programme in Russian, weekly informational radio-bridge Tbilisi-Baku and programme called “Our Georgia” that particularly focuses on the history of ethnic and religious minorities, their traditions and culture. Since January 2010 a new TV channel “First Caucasian” was created within GPB for Russian speaking community, which covers not only Georgia but entire Caucasus. Channel airs information about on-going events in the region, cultural heritage of people living in Caucasus, their peaceful co-existence and future development perspectives for the promotion of peace and development within the region.

The Ministry of Culture supports development of the print media in minority languages though publishing Armenian newspaper “Vrastani”, Azeri newspaper “Gurjistan” and Russian newspaper “Svobodnaia Gruzia”.

99. Apart from GPB, local broadcasters air programmes in minority languages; for instance “TV Specter” covering both Javakheti and Kvemo Kartli regions” broadcasts in Russian and Armenian, “Parvana TV” and “ATV 12” broadcast in Armenian. “TV Marneuli” is available in Kvemo Kartli broadcasting both in Georgian and Azeri languages. “TV Alania” broadcasts in the Russian language and covers Tbilisi and other regions, including Tskhinvali region/South Ossetia, Georgia.

100. In March 2009, Georgian National Communications Commission has adopted a Code of Conduct for Broadcasters. The Code addresses the issue of observing diversity, quality and tolerance by broadcasters. The Code explicitly stipulates that broadcasters should seek to avoid making inaccurate or misleading claims promoting stereotypes; identifying people unnecessarily by their ethnic or religious background or making unsupported allegations that may further encourage discrimination or violence. Moreover, since January 1, 2010, Media Development Foundation conducts monitoring of coverage of national and religious minority related issues in Georgian-language media. Said project is implemented within the UNAG<sup>34</sup> and EPF<sup>35</sup> program “National Integration and Tolerance in Georgia” with the financial support of the USAID.

101. In cyber space [www.diversity.ge](http://www.diversity.ge) is the first electronic web-site in Georgia that is fully devoted to and covers array of issues related to ethnic minorities. The web-site is trilingual and provides its services in Georgian, Russian and English languages. It aims to raise awareness on ethnic minority related processes in the country, their history and culture, promote integration and tolerance and encourage wider public engagement in these processes.

#### **G. Article 22**

102. Government of Georgia informs the Committee on Elimination of Racial Discrimination that it has instituted an inter-state application before the International Court of Justice against the Russian Federation for the breach of the 1965 Convention on Elimination of All Forms of Racial Discrimination on 12<sup>th</sup> of August 2008<sup>36</sup>.

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<sup>34</sup> United Nations Association in Georgia;

<sup>35</sup> Eurasian Cooperation Foundation;

<sup>36</sup> <http://www.icj-cij.org/docket/index.php?p1=3&p2=3&k=4d&case=140&code=GR&p3=6> ;