

# POLICY ANALYSIS OF CIVIL INTEGRATION OF ETHNIC MINORITIES IN GEORGIA

BTKK – Policy Research Group  
Ethnic Minorities Program

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## Preface

*BTKK-Policy Research Group* prepared the “Policy Analysis of Civil Integration of Ethnic Minorities in Georgia” within the framework of Ethnic Minorities Program, with the financial support of the UK Department for International Development (DFID).

Studying the problems of ethnic minorities is one of the priority activity of *BTKK-Policy Research Group*. *BTKK-Policy Research Group* expresses hope that the studies produced within the framework of Ethnic Minorities Program will assist the decision-makers in Georgia in determining the policies and making decisions in the field of civil integration of ethnic minorities.

Currently, the national concept and action plan on tolerance and civil integration is being developed within the framework of the Council for Tolerance and Civil Integration, which unites representatives of governmental and non-governmental organizations. *BTKK-Policy Research Group* believes that it is most crucial at this very stage to analyze main challenges of civil integration and to offer recommendations to decision-makers for developing a long-term strategy.

The study consists of two parts: the first part analyzes main challenges of civil integration and offers recommendations for their solution. Second part analyzes legislative environment in respect of ethnic minorities in Georgia. Further, within the study framework, additional information is made available through annexes, which provide useful information to the decision-makers in the process of developing a long-term strategy.

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## **Part I - Main Challenges of Civil Integration**

### **Summary**

Present study aims to analyze main challenges of civil integration of ethnic minorities<sup>1</sup> in Georgia, identify chief priorities of civil integration policies for decision-makers, and propose recommendations for solution of existing problems. Moreover, the study will assist representatives of the authorities, civil society, ethnic minorities, and international organizations in better acknowledgement of problems related to civil integration and determination of a long-term strategy of civil integration.

Georgia is a multiethnic state and therefore civil integration of ethnic minorities is of special concern. The problem of civil integration became of concern since 1991, when Georgia gained independence. Against the background of conflicts emerged in the territories of Abkhazia and Former Autonomous District of South Ossetia, Georgia managed to avoid conflicts with other minorities. However, due to absence of state strategy in the field of civil integration of ethnic minorities and ineffective governance, relations with ethnic minorities periodically became tense, which decreased a degree of their participation in the processes ongoing in the country.

Since 2004, the Government of Georgia made certain steps towards civil integration of ethnic minorities. In 2005 the Parliament of Georgia ratified the Framework Convention for the Protection of National Minorities, and on 1 April 2007 the first state report on the status of national minorities was submitted to the Council of Europe.

Regardless of the fact that the Government's attention towards ethnic minorities significantly grew in recent years, serious problems still remain with respect to elaboration of a long-term civil integration policy, implementation of which would considerably assist in enhancement of democracy and effective governance in Georgia.

First part of the present study analyzes main problems in light of civil integration of ethnic minorities living compactly in Georgia, especially in Kvemo Kartli and Javakheti: command of state language and education, information isolation and media, political and civil participation, participation in economic life and development of infrastructure, and participation in cultural life of the country.

First part of the study ends with offering to decision-makers recommendations for solution of problems in the field of civil integration.

### **Introduction**

Georgia is a multiethnic state, where ethnic minorities constitute 16% of country's entire population. Their significant part is compactly settled in various districts of Georgia. Following dissolution of the Soviet Union, communicatory mechanisms existing among ethnic groups were disrupted, which distanced the compactly settled ethnic groups from the public-political and economic life of the newly independent state even further.

Low degree of civil integration of ethnic minorities led to the isolation of compactly settled ethnic groups. This, from its part, posed danger to democratic and dynamic development of the state. In the absence of civil integration policies, a gap in the relations between two parts of the society, prime

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<sup>1</sup> For the purpose of the study the term 'ethnic minorities' will be mainly used instead of 'national minorities', to characterize the groups that are not of Georgian origin, such as the Azerbaijanis, Armenians, etc.

nation – Georgians, and ethnic minorities (Azerbaijanis, Armenians, etc.) broadened even wider.

Recently the state made significant steps towards solution of problems in respect of civil integration. Yet, the atmosphere of distrust between ethnic minorities and the state established over years prevents the implementation of integration policies.

In light of integration of ethnic minorities, integration of compactly settled ethnic groups in Georgia is of special importance. Unlike dispersedly settled groups, in the absence of civil integration policies, they turned out to be the most isolated. From this perspective, minorities living in Kvemo Kartli and Samtskhe-Javakheti, respectively Azerbaijanis and Armenians deserve special attention from the state. Therefore, present study will mainly emphasize on solution of problems in Kvemo Kartli and Javakheti.

Today Azerbaijanis are the biggest ethnic minority of Georgia (6.5% of country's entire population) and their majority is settled in Kvemo Kartli. Next biggest ethnic minority are the Armenians, who make up 5.7% of country's entire population and live compactly in Samtskhe-Javakheti. Location of Kvemo Kartli and Samtskhe-Javakheti in bordering regions and low degree of integration of local population may, in light of tense political environment in the region and the frozen conflicts, give rise to the new confrontation.

Thus, undertaking in these regions important measures for formation of full-fledged Georgian citizens should be one of the priority tasks for the state. The state, which is obliged to protect all of its citizens regardless of ethnic belonging, will not develop democratically and harmonically without civil integration of ethnic minorities. In case this problem is unresolved or status quo is maintained, in ethnically mixed region of the Caucasus, where the interests of many states and political groups cross, there will be a constant probability of emerging danger.

Apart from the state, the following are interested in the success of civil integration policy:

- *Ethnic minorities living in Georgia*, who currently are in fact secondary citizens and do not fully participate in the country's public-political and economic life. In case of civil integration, they will realize their rights and possibilities more effectively.
- *Local non-governmental and international organizations*, which operate in the field of civil integration as independently, as well as through cooperation with the state structures. In the conditions of limited state resources and institutional gaps, their activities gain crucial importance.

Throughout the study process:

- In the first place the relevance of civil integration of ethnic minorities will be examined;
- Main challenges in the field of civil integration will be analyzed:
  - Command of state language and education;
  - Information isolation and media of ethnic minorities;
  - Political and civil participation;
  - Participation in economic life and development of infrastructure;
  - Participation in cultural life.
- Recommendations will be developed for resolving problems in the field of civil integration.

Studies carried out by Georgian and foreign authors on the field of civil integration and ethnic minorities, articles published in the Georgian and regional print media, reports of international and local non-governmental and governmental organizations, and interviews with representatives of non-

governmental organizations and relevant state structures working on the problems of civil integration and ethnic minorities from the state and non-governmental sectors will be used in the studying process.

## **Problem Description**

The issue of civil integration of ethnic minorities became of concern after dissolution of the Soviet Union, when as a result of Georgia gaining independence, ethnic groups turned out to be in the minority and radically different environment. Nationalistic rhetoric reigning in the country at the outset of 1990s fostered distrust between the Georgian and non-Georgian population. Announcement of Georgian as the state language, and loss of a dominant position by the Russian, which was a main language of communication among ethnic groups in the Soviet Union, has weakened relations among ethnic groups even further. These factors fostered isolation of ethnic minorities and in fact formed them into secondary citizens. From the perspective of stability and development, this became a serious obstacle preventing country's democratic and stable development.

### *Migratory Processes of Ethnic Minorities*

Ethnic composition of Georgian population witnessed serious changes following dissolution of the Soviet Union. If under the data of 1989 population census ethnic minorities constituted 30% of the country's population, 2002 census demonstrated that this number in Georgia (excluding territories of Abkhazia and the Tskhinvali Region) decreased to 16% (See Annex 1).

Emigration is a chief reason of decreasing number of ethnic minorities in Georgia. Harsh deterioration of socio-economic state and political environment in 1990s following dissolution of Soviet Union triggered the first wave of emigration. Emigration gained a mass character among country's entire population, as among Georgians, as well as representatives of ethnic minorities.

Discriminatory policy of political groups having come to power in Georgia after the dissolution of Soviet Union was also a significant factor leading to emigration of ethnic minorities at the outset of 1990s. Nationalist rhetoric of the authorities of President Zviad Gamsakhurdia was reflected in several occasions in oppression of representatives of ethnic minorities. A slogan "Georgia for the Georgians" became popular among the public, and non-Georgian population gained a "guest" status. Oppression had not gained a mass character; however, nationalist political organizations in various districts (Dmanisi, Borjomi, Tetritskaro, Gori, Akhagori, Lagodekhi, Mtskheta) forced mainly Azerbaijanis and Ossetians to leave/sell their houses and emigrate.

After the overthrow of Zviad Gamsakhurdia in 1992, a former leader of the Soviet Georgia and the former Minister of Foreign Affairs of the Soviet Union Eduard Shevardnadze came to power. He refused to continue with nationalist rhetoric, but this has not decreased the migratory activity rate among the ethnic minorities. Unemployment, deterioration of level of life, and impossibility to realize one's self became basic factors for emigration after Shevardnadze's coming to power.

Socio-economic type of factors appear to be chief reasons for emigration in recent years. Unemployment, deterioration of level of life, low level of realization of one's self, loss of trust in the nearest future, and a feeling of political instability are the most significant among these factors. So-called discriminatory factors have a less impact on emigrational attitudes: negative attitude of the authorities and population towards their ethnic origin, inability to develop their native tongue and culture, low level of satisfaction of religious feelings among the ethnic minority groups.

A vigorous wave of emigration from Georgia has already gone by and currently only a small portion of ethnic minorities leaves Georgia. Apart from this, there are factors preventing emigration of ethnic minorities, such as a high level of their integration in the Georgian society, lack of necessary financial funds for migration, or living in the mixed families.

### *Settlement of Ethnic Minorities*

There are two types of settlement of ethnic minorities in Georgia – dispersed and compact. Compact settlements are mainly in Kvemo Kartli and Samtskhe-Javakheti, where respectively the Azerbaijanis and Armenians mainly live. Compact settlements are met in other regions of Georgia as well, but these two regions are especially distinct from the perspective of a number of ethnic minorities and specific development of the regions during the transitional period (See Annexes 2, 3, and 4).

Azerbaijanis mainly live compactly in various regions of Georgia (Kakheti, Shida Kartli); however, majority of Azerbaijanis living in Georgia is settled in Kvemo Kartli. They constitute only 45% of entire population of Kvemo Kartli; yet, in four out of six districts they represent absolute or relative majority: Marneuli (83.1%), Dmanisi (66.7%), Bolnisi (66%), and Gardabani (43.7%).

Armenians constitute majority in the two districts of Samtskhe-Javakheti: Akhalkalaki (94%) and Ninotsminda (96%), and in Tsalka (55%) in Kvemo Kartli. Their big settlement is found also in Akhaltsikhe (36%), and they represent biggest ethnic minority in Tbilisi (8%).

## **Relevance of Civil Integration**

Formation of ethnic minorities as full-fledged citizens is a biggest challenge for stable development of countries that are newly independent and on the way to democratic development and building of state institutes. In case of isolation of ethnic minorities, districts compactly settled with them may become a source of danger for country's territorial integrity.

At the outset of 1990s, granting the autonomy status was viewed as one of the instruments for solution of problems of compactly settled ethnic minorities. Nevertheless, the effectiveness of autonomies for solving the problem was even more undermined in the South Caucasus region, where the conflicts emerged in 1990s in the autonomous units. Example of South Caucasian countries demonstrated that ethnic mobilization among ethnic minorities in multiethnic states mostly leads to cessation or demand for territorial autonomies. For instance, autonomies in Nagorny Karabakh, "South Ossetia", and Abkhazia did not prevent the conflicts, and even to the contrary, presence of state institutes in autonomous regions played a key role in the development of conflicts.

In the modern world, central governments as a rule everywhere go against demands for autonomy for several reasons: firstly, they fear that granting territorial autonomy to a minority group would be the first step towards final cessation of the region. Secondly, granting autonomy to one region may be perceived as discrimination against other groups and part of population. Thirdly, the autonomy increases a risk of involvement of a foreign state.

Owing to the events developed in Georgia in 1990s and the above-listed factors, the idea of autonomy is discredited among the Georgian political elite and the public. Even talks by representatives of ethnic minorities in Georgia on granting autonomy are assessed as a sign of separatism. Hence, we believe that granting the autonomy status to territory compactly settled with ethnic minorities in Georgia will not be an efficient means for solving the existing problem.



We find that pursuing policies of civil integration of ethnic minorities is the most efficient means for solving the problems that ethnic minorities face. Yet, it is notable that no universal pattern of problem solution exists and every state tries to turn representatives of minorities into full-fledged citizens individually and in light of its own history, culture, political and economic environment, and relations between the majority and minority. Based on current environment in Georgia and general experience gained in the world in this respect, we will attempt to offer recommendations to decision-makers for pursuing the policies of civil integration of ethnic minorities.

Civil integration implies environment where representatives of ethnic minorities effectively and freely participate in public life, state governance, and creation of material and cultural values. Success of integration policies will considerably increase a degree of activity of ethnic minorities in building of the democratic state.

Civil integration policy in Georgia should include basic trends, solution of which is decisive for the success of integration policy: for instance studying the state language and education-related issues, overcoming information isolation, ensuring participation of ethnic minorities in public-political life and economic activities, etc.

Each ethnic group living in Georgia experiences problems characteristic to it, and therefore this requires individual approaches when elaborating the integration policies. In the process of developing general priorities of civil integration and especially implementing the civil integration policies, specificities characteristic to individual ethnic groups have to be taken into account.

Since 1990s, steps made by the authorities towards integration of ethnic minorities did not go beyond declaratory statements. Authorities constantly appealed to the tolerance of Georgian society and absence of special problems of ethnic minorities. In reality, the authorities turned a blind eye to existing problems and through settlement with local elites and use of existing ties with Azerbaijani and Armenian authorities solved periodically emerging problems only temporarily.

Certain steps were made in the field of civil integration following the *Rose Revolution*. However, various governmental and non-governmental actors are involved in the solution of problems of ethnic minorities independently from each other and there is a lack of effective cooperation between various interested parties, which often leads to duplicated activities and unjustified waste of resources. Moreover, absence of systemic approach towards problems of civil integration and their solution makes the process of civil integration less efficient.

Thus, it is crucial for planning the civil integration policies to have a document, which would assist in identifying the priorities of integration policies and revealing factors that prevent its implementation. Present study is a very attempt to assist the decision-makers among the authorities and other actors of civil integration policies in the face of international and non-governmental organizations in getting familiar with problems characteristic to field of integration and providing recommendations for their solution.

## **Main Challenges of Civil Integration**

Civil integration policy in Georgia comprises several priorities. Identification of priorities requires analysis of sources of main problems in the field of civil integration, overview of contemporary challenges, and examination of ways of their solution and preventive factors.

## ***Command of State Language and Education***

Bad/poor command of the state language by ethnic minorities, especially compactly settled ethnic groups living in Kvemo Kartli and Javakheti, represents a most acute problem with respect to civil integration. This problem prevents ethnic minorities from participating in political and public life and decreases chances of their economic and professional success. This problem mostly predetermines existing situation in other fields as well. Therefore, achieving progress in studying the state language among ethnic minorities would considerably contribute to solution of other problems also.

During the Soviet years, Russian was a language of communication among ethnic groups living in Georgia. Soviet authorities facilitated the inculcation of the Russian language as the *lingua franca*. Proficiency in Russian language was a decisive factor for the career path, thus motivation to learn Georgian was low. Because of this factor, the Russians along with other ethnic groups including Georgians represented a significant number among students of the Russian-language schools functioning in Georgia.

After gaining of independence by Georgia, Russian language loses a function of a communication language on a daily basis. In the view of conditions where the Georgian youth seriously lacks motivation to learn Russian, and ethnic minorities still are not proficient in Georgian, a problem of communication among the ethnic groups has emerged. Exceptions in this regard are the urban areas only, where ethnic minorities have to deal with Georgian-speaking population on a daily basis at common or professional level and a level of their proficiency in Georgian is more or less satisfactory.

Unlike urban areas, the population practically does not speak Georgian in regions compactly settled with ethnic minorities. Since 1990s, in Kvemo Kartli and Javakheti, lack of or bad knowledge of Georgian language became a serious preventive factor for local population in participation in political and public life, thus diminishing chances for ethnic minorities during the transitional period to achieve professional and economic success in Georgia. Besides, lack of or bad knowledge of the state language raises doubts among Georgian population that ethnic minorities are not loyal towards the Georgian state, thus widening a gap between the ethnic Georgians being in majority and ethnic minorities and practically reducing degree of ethnic minorities' involvement in the state building process.

Lack of contacts with the Georgian-speaking population and several gaps existing in the education system in the 1990s have led to a low level of proficiency in Georgian in the Kvemo Kartli and Javakheti. These gaps are:

- Lack of qualified and bilingual Georgian language teachers in the non-Georgian language schools of the region.
- Lack of uniform and modern, methodic and scientific approach towards teaching a language.
- Textbooks based on complicated teaching standards and programs.
- Discussions of only ethnic history at the history lessons, when the role of other nations in formation of Georgia, as a multiethnic state, is not demonstrated.
- In case a child, who is a member of non-Orthodox confession, enters Georgian language school, problem arises, when the history of religion, and in fact only the history of Orthodox religion is taught.

The Ministry of Education and Science has already made steps towards several directions to overcome the described problems: qualified staff was sent within the framework of a special program to occupy vacant positions of teachers; a program is being implemented in Javakheti and Kvemo Kartli with the assistance of OSCE High Commissioner on National Minorities, which foresees changing and simplifying the standards and programs of the Georgian language, training of Georgian language teachers,

and development of special methodic textbooks for them; centers for preparing for uniform national exams became operational, where the students having graduated from non-Georgian language schools are intensively trained in the Georgian language and literature; during the transition period, it became possible to pass the general skill test in the Azerbaijani, Armenian, and Russian languages. Passing this test in Georgian language was an insurmountable obstacle for ethnic minority representatives.

### *Disadvantage of Current Policies*

Policy of the Ministry of Education and Science is oriented mainly on young generation and does not include older generation of ethnic minorities, thus maintaining status quo among representatives of this generation in respect of studying the state language. This will practically leave the majority of people from this generation as secondary citizens. Solution of this problem by the state will be hard to achieve practically due to several factors: less stimulus among older generation to learn Georgian language; difficulty in learning a new language by the older generation; lack of resources for opening state language learning centers massively for this category of people.

In a short-term period, until the learning process of the state language in non-Georgian language schools is improved, emigration of young generation to receive education will carry on. According to the tendency established during the transition period, Russian youth goes to Russian, Armenian – to Armenian, and Azerbaijani – to Azerbaijani higher education institutions to pursue studies further. In general, young generation having emigrated for educational purposes prefers to stay there. Consequently, the most perspective young generation from the ethnic minorities become potential emigrants due to lack of proficiency in the state language.

### *Assessment of State Policies*

#### *Efficiency*

Steps already taken by the Ministry of Education and Science towards solution of existing problems in the field will be efficient for improving the level of proficiency in state language among the ethnic minorities. Nevertheless, in light of the time required for studying a language, specific outputs will be delivered in several years only.

#### *Perception by the Population*

Implementation of the state language learning program, in the conditions of improper information coverage of program objectives and public servants unaware of ethnically sensitive issues, may be perceived in Kvemo Kartli and Javakheti as an attempt of assimilation, thus hindering the process of learning the state language by ethnic minorities.

#### *Political/Administrative Reasonability*

Georgian authorities positively assess the ongoing processes in the field and therefore any steps made in this direction will enjoy full support from the state.

#### *Cost-effectiveness*

Presented way of problem solution is not associated with extra expenses of the state budget, as the state budget already allocated funds for this direction, and the international donor organizations express full readiness to allocate material/financial resources for the education programs in Kvemo Kartli and Javakheti.

## ***Recommendations***

In order to improve the capacity of ethnic minority representatives to learn Georgian language and to steer the process successfully, it would be effective for various actors to carry out the following measures:

### *Government of Georgia:*

- Development of state programs in primary and secondary education institutions.
- Development of professional training programs.
- Preparation of ethnic minority representatives for uniform national exams.
- Conduct of information campaign for ethnic minorities on the state language learning program, which will undermine the existing perception among local population of the state policy, as the assimilatory policy.
- Assisting Georgians, especially in the places of compact settlement of ethnic minorities, in learning the languages of the minorities.

### *Non-governmental Organizations:*

- Development of professional training programs.
- Organization of alternative state language courses, especially in Kvemo Kartli and Javakheti.

### *Mass Media:*

- Popularization of languages of minorities, as a value.
- Popularization and promotion of private language learning programs.

### *International Organizations:*

- Support of the government, non-governmental sector, and mass media with financial, technical, and human resources in implementation of ongoing or planned programs aimed at learning the state language.

## ***Information Isolation and Media***

Lack of knowledge of state language has also fostered informative isolation of ethnic minorities during the transitional period. In addition, non-professional coverage of events in the Kvemo Kartli and Javakheti by the Georgian media had a serious impact on forming a negative attitude among Georgian public and ruling elite towards ethnic minorities. Everything this widened a gap between ethnic minorities and the rest of the society and formed a skeptic attitude among ethnic minorities towards Georgian-speaking media.

In the conditions of media pluralism emerging after dissolution of the Soviet Union, ethnic minorities chose mainly non-Georgian media means. Such a choice was preconditioned by lack of or bad knowledge of the state language by ethnic minorities. When ethnic minorities, especially ones compactly settled in Kvemo Kartli and Javakheti, do not speak Georgian and Georgian television channels broadcast in Georgian language, from the perspective of receiving information they became more dependant on the media means of neighboring countries (Russia, Azerbaijan, Armenia, Turkey). As a result, ethnic minorities are far well informed about developing events in neighboring countries and practically do not possess information about processes developing in Georgian capital and other regions.

Dependence on foreign media means periodically gives rise to political problems, as in the case of withdrawal of a Russian military base #62 of Akhalkalaki located in Javakheti, when Russian and Armenian media means often spoke about intention of Georgian authorities to replace Russians

with the NATO troops in Javakheti, and particularly with the Turkish military contingent. This was perceived by local Armenians as an attempt of their forced migration from Javakheti.

Printing media of ethnic minorities is weakly developed in Georgia, and central or local television channels in Kvemo Kartli and Javakheti have a low rating. Central television channels, despite high quality of coverage of areas settled with ethnic minorities, enjoy a small audience due to Georgian-language broadcasting. Furthermore, a majority of televisions is privately owned and a topic related to ethnic minorities becomes of concern to them only when rallies, confrontations between various ethnic groups, or notorious criminal facts take place in Kvemo Kartli and Javakheti. Often such facts are covered in a negative context for ethnic minorities and contain a language of ethnic animosity.

Minor steps in light of informing the ethnic minorities were made by the “Public Broadcaster”. In particular, since 2005 the “Public Broadcaster” prepares news program in languages of the minorities (in Abkhazian, Ossetian, Armenian, Azerbaijani, and Russian); however, due to non-efficiency of its broadcasting, these programs have a low rating among ethnic minorities. “Public Broadcaster” also broadcasts a weekly talk-show on the minority topic (“Italian Yard”). Situation has not changed in recent years with respect to the print media of minorities. The state still partly funds the Azerbaijani “Giurjistan”, Armenian “Vrastan”, and Russian “Svobodnaya Gruzija”; yet, the level of their efficiency is so low that they enjoy a low rating among ethnic minorities.

Progressive step is the Code of Internal Conduct adopted by “Public Broadcaster” in 2006, which specifically states that the Public Broadcaster” aims to “fully and fairly cover all peoples and cultures of Georgia, respect the rights of ethnic and religious minorities, and promote their development”. However, this Code does not entirely cover the Georgian media, which often applies the language of animosity, thus promoting establishment and strengthening of stereotyped and negative attitude towards ethnic minorities.

From the legal perspective, Article 16 of the Law on Broadcasting also establishes the duty of the “Public Broadcaster” to promote the development of country’s identity, spiritual values, and cultural diversity and to cover the programs about the minorities or prepared by them in the language of minorities under adequate proportions.

Apart from this, for the purpose of representing public interests and demands by the “Public Broadcaster”, eight public councils were set up, including the Council for Ethnic Minorities (established in 2006).

### *Disadvantage of Current Policies*

Without a doubt, preparation of news programs by the “Public Broadcaster” in the languages of minorities is a positive step, but inefficiency and a number of aired programs makes this step even more formal. Besides, in the era of commercialization of mass media it will be practically impossible to oblige commercial televisions to broadcast in the languages of minorities.

### *Assessment of Current Policies*

#### *Efficiency*

Steps made in this field only by the “Public Broadcaster” in respect of informing ethnic minorities in their native tongue and adopting the Code of Internal Conduct will be less efficient. Certain effect may be achieved only if a majority of mass media representatives undertakes similar steps.

### *Political/Administrative Reasonability*

In the face of “Public Broadcaster”, the state tries to a maximum extent to increase the frequency of broadcasting in the languages of ethnic minorities and to allocate more time to this subject-matter.

### *Cost-effectiveness*

The state budget covers the financial aspect of broadcasting in the languages of ethnic minorities by the “Public Broadcaster”. In a short-term perspective, it is possible to receive logistical assistance from international organizations, which express readiness at the first stage to render assistance to the state in broadcasting in the languages of minorities and improving the quality of broadcasting.

### ***Recommendations***

The following measures may be undertaken with respect to overcoming informative isolation and covering ethnic minority topics by the media:

#### *Public Broadcaster:*

- Increase time-keeping and number of news programs in the languages of minorities and preparation of programs of various formats.
- Increase involvement of minorities in public debates aired on TV programs.

#### *Commercial Mass Media:*

- Increase involvement of minorities in public debates aired on TV programs.
- Involvement of ethnic minorities in broadcast of stories concerning them.
- Coverage in the news of not only negative events occurring in Kvemo Kartli and Javakheti, but of positive processes as well.
- Broadcasting information on minorities and generally on regions in talk-shows and special programs.
- Preparation of programs and newspaper columns in the languages of minorities in the places of compact settlement of ethnic minorities (Samtskhe-Javakheti, Kvemo Kartli, Kakheti) and regional mass media (regional television, radio, newspapers).

#### *Non-governmental Organizations:*

- Implementation of media monitoring and publication of a monthly study on coverage of the topic of ethnic minorities by the mass media.
- Regular publication of facts of use by the mass media of the language of ethnic animosity.

#### *International Organizations:*

- Promoting the development of regional mass media.

### ***Political and Civil Participation***

Since 1990s, degree of participation of ethnic minorities in public-political life during a transitional period is quite low. Those individuals or organizations that are exceptions in this regard, from the perspective of forming policies in various fields exert certain influence at a regional level only. Their role in the process of making important decisions by central authorities is insignificant.

Several factors predetermine a low degree of participation of ethnic minorities in the public-political life: it is more difficult to find a job in the public office due to lack of or bad knowledge of the state language, where cases are processed in Georgian; ethnic minorities are distinct for their political

passiveness and weak political mobilization; during the post-Soviet period, a vicious tradition has been established in the areas compactly settled with ethnic minorities to support pro-authorities political groups in the elections; after the 1990s, professional cadres from ethnic minorities are massively emigrating.

Public organizations of Kvemo Kartli and Javakheti were exclusively active in Georgia's public-political life in the first half of 1990s. Against the background of nationalism reigning in the country at the outset of 1990s and ethnic conflicts developing in the South Caucasus, organizations established under ethnic profile became popular in Kvemo Kartli and Javakheti. Demands to grant autonomous status to Kvemo Kartli and Javakheti were invigorated as well.

The "Javakhk" movement, established in Javakheti on ethnic grounds demanded a protection of cultural heritage of the Armenians and teaching of history of Armenia and other subjects in the Javakheti-based schools. During the post-Gamsakhurdia period, this movement became further organized and oriented on protection of rights of the Javakheti-based Armenians. Nowadays local organizations "Javakhk" and "Virk" periodically raise their voices to demand autonomy within Georgia, but their influence in recent years has significantly diminished. This was also predetermined by the closure in Akhalkalaki of a Russian military base, which played a key role in supporting the separatist and anti-government slogans in the region. Policies pursued by the authorities having come to power after the *Rose Revolution* also played a key role, which aims at integrating the minorities.

Demands of the autonomy status were less vigorous in Kvemo Kartli. In the beginning of 1990s, in Kvemo Kartli, and particularly in the Marneuli and Bolnisi districts several facts of confrontation between the Georgian and Azerbaijani populations occurred. There was no bloodshed following a confrontation, but the Azerbaijanis living in Bolnisi had to leave the town. Against this background, nationalist groups operating in Kvemo Kartli voiced out demands to set up the "Borchalo<sup>2</sup> Autonomy" in the territory of Kvemo Kartli districts settled with the Azerbaijanis. Owing to the ethnic conflicts initiated in "South Ossetia" and Abkhazia, autonomous units of Georgia at the outset of 1990s, the authorities tried to hush the situation in Kvemo Kartli to a maximum extent.

Throughout the transitional period, degree of representation of ethnic minorities in the government agencies, political parties, or non-governmental organizations is low. Presence of representatives of ethnic minorities in the country's supreme legislative body is perceived as a tool of the authorities to demonstrate country's multi-ethnicity. Mainly the ruling parties offer the representatives of ethnic minorities guaranteed places on the party lists or support them less vigorously in the majoritarian districts.

Since 1992, a smallest number of ethnic minorities was represented in the Parliament of 1992-95 calling. Afterwards this number significantly increased in the Parliaments of 1995-99 and 1999-2004 callings. In the Parliament of 2004-2008 calling their number decreased to nine, which can be explained by a political competition, when allocating places to representatives of ethnic minorities on the party lists turned into a luxurious undertaking. Compared to the Parliament of a previous calling, a number of ethnic minority representatives reduced to six, one of the reasons being a reduction of total number of MPs to 150. An absolute majority of representatives of ethnic minorities ended up in the Parliament as a result of the authorities' support in either proportional or majoritarian elections.

Due to lack of proficiency in the state language, a degree of parliamentary activity of MPs from Kvemo Kartli and Javakheti is very low. Their activities are more a formal attempt to demonstrate that ethnic minorities are involved in the political life. Society is not informed about their activities,

<sup>2</sup> Borchalo is a historic region in Kvemo Kartli. Title comes from the Turkmen tribe Borchalu, settled by Shah-Abas in the Debedi Gorge in the beginning of XVII century.

as they either do not attend the sessions or due to lack of or bad knowledge of language do not deliver speeches at the parliamentary sessions. Activities of ethnic minority MPs are mainly confined to greeting the visits of country's leadership to Kvemo Kartli and Javakheti and visiting Armenia and Azerbaijan together with the parliamentary delegations.

From the elections perspective, during the post-Soviet period a vicious tradition has been established in Kvemo Kartli and Javakheti to support pro-authorities political groups in the elections. In Kvemo Kartli and Javakheti, the pro-government political groups as a rule receive guaranteed number of votes, and the opposition political groups do not practically conduct election campaigns in these regions. Situation has more or less changed after the Parliamentary elections of November 2003, when the opposition parties also conduct pre-election campaigns, although with less success.

Since 1990s, participation of ethnic minorities in the elections is viewed as expression of loyalty towards the state. Therefore, they always supported the pro-government political groups. Apart from this, lack of or bad knowledge of the state language and existence of ballots only in Georgian makes manipulating with their votes a simple process. Owing to the mentioned factors the most serious violations were noted in Kvemo Kartli and Javakheti.

In the areas of dispersed settlements, ethnic minorities are almost not represented in the self-governance agencies. Compact settlement areas are an exception. For instance in Javakheti, mostly Armenians occupy the offices, whereas in Kvemo Kartli the Azerbaijani holding a high-level office is a rarity. Unlike the Azerbaijanis, Armenians are more active and organized in the public-political life and respectively hold both elective and appointing offices at the regional level.

Degree of participation of ethnic minorities in the political parties and especially in the opposition parties is low. Representatives of ethnic minorities are practically not nominated for high party positions. Following the *Rose Revolution*, ethnically Kabardian, Ossetian, and Jew were appointed in the government as ministers for a certain period. Traditionally the authorities try to observe balance mainly between the Azerbaijanis and the Armenians.<sup>3</sup>

In recent period, regardless of activated role of non-governmental organizations, their influence in the civil sector is still weak. Their pro-activeness is more noticeable at the regional level, in Javakheti and Kvemo Kartli. Activities of organizations founded by representatives of ethnic minorities serve mainly preservation of language, culture, and traditions of their own ethnic groups. Only in the recent period were they activated in respect of participation of ethnic minorities in the political processes, when the union of ethnic minority organizations "Public Movement – Multination Georgia" conducted active monitoring during the election period in the regions settled with ethnic minorities.

Improvement of situation in the field largely depends on the progress achieved in mastering the state language. Based on the fact that the state language learning program is designed mainly for the secondary schools, employment in the public service of ethnic minority public servants in command of the state language is more a long-term perspective. In this regard, state's attempt to fund the studies of students from Kvemo Kartli and Javakheti at Zurab Zhvania Public Administration School in Kutaisi is laudable; however, their employment still remains a problem following the graduation.

Since 2004, the state draws more attention to education and information campaigns in light of the elections. Since 2004, following every elections the state in the face of the Central Election Commission actively works on the translation of election materials in the languages of ethnic minorities (election materials for the 2008 parliamentary elections were translated into Azerbaijani,

<sup>3</sup> In various periods of time, deputies of the Ministers of Energy and Economic Development were Azerbaijani and Armenian.



Armenian, Russian, and Ossetian languages) and training of election commission members in Kvemo Kartli and Javakheti.

Achieving progress in participation of ethnic minorities in political and civil life will be impossible without a political will of the state. In case this challenge is not addressed, political nihilism in Kvemo Kartli and Javakheti may become irrevocable and undermine the loyalty among ethnic minorities towards the state, finally becoming a source of instability in the region.

### ***Assessment of State Policies***

#### *Efficiency*

Situation in this field may improve only in a long-term perspective. Nonetheless, in case of a political will of the state, stimulation of appointment of ethnic minority representatives in public service at local governance level and of their involvement in decision-making process will play a role of the catalyst in their integration.

#### *Political/Administrative Reasonability*

The authorities are willing to involve ethnic minority representatives in state governance; however, a problem may arise due to concealed discrimination against ethnic minorities by individual representatives of the authorities at a local level.

#### *Cost-effectiveness*

Solution of described problems requires a political will to be expressed by the political leadership of the state. Financial resources should be mainly spent on professional training of ethnic minority cadres and educational activities among the population.

### ***Recommendations***

Involvement of ethnic minorities in public-political processes of the country largely depends on a political will of the state. Achievement of full integration of ethnic minorities in this field depends on solution of other factors as well. For instance, it will be impossible to be fully involved in the country's public-political life without proficiency in the state language and in the conditions of not being informed. Hence, achieving success in this field is more a long-term perspective and solution of this problem may be undertaken gradually.

#### *Government of Georgia:*

- Encouragement of ethnic minority representatives by appointing them in the legislative, executive, and judicial structures.
- Employment of ethnic minority representatives in law-enforcement agencies, especially in Kvemo Kartli and Javakheti, as prevention of illegal acts committed by ethnic minority representatives by law-enforcement structures made up mostly of Georgians is perceived as ethnic discrimination. Following their employment, such accusations and prejudices will fade away.
- Employment of professional citizens of Azerbaijani origin in the public sector at a local level in Kvemo Kartli, who are at least in average command of the state language. Their employment will stimulate many Azerbaijanis to learn the state language, and the population will be less prejudiced against the discriminatory policy of the state in the public sector, thus increasing a trust between the Azerbaijanis and the state.

- For the purpose of promoting political activities, carrying out educational activities among the pupils, teachers, public servants, and local non-governmental organizations.
- Strengthening the consulting role of ethnic minority organizations in the work of local self-governance bodies.

*Political Parties:*

- Involvement of ethnic minority representatives in the activities of political parties.
- Coverage of ethnic minority issues by the agendas of the political parties.
- Conduct of election campaigns in Kvemo Kartli and Javakheti not only on negative aspects.
- Translation of programs of political parties and pre-election materials in the languages of ethnic minorities.

*Non-governmental Organizations:*

- Lobbying the solution of public-political type of problems of ethnic minorities.
- Fostering relations between local self-governance bodies and ethnic minority organizations in Kvemo Kartli and Javakheti.
- Monitoring of facts of discriminatory policy in the public service. Notwithstanding the encouragement of appointments of ethnic minority representatives, certain problems may arise at central or local levels due to individual officials pursuing discriminatory policies against ethnic minorities. Therefore, it is crucial to monitor the practice of discriminatory policies in the public service.

*International Organizations:*

- Supporting the implementation of programs conducted by NGOs and government agencies oriented on rising political culture among ethnic minority representatives.

***Participation in Economic Life and Development of Infrastructure***

Ethnic conflicts, political instability, and breakdown of traditional economic ties between the Soviet Republics emerging after dissolution of the Soviet Union led to a collapse of economic life all over the country, including Kvemo Kartli and Javakheti. In the 1990s economic infrastructure was practically completely destroyed, enterprises were shut down, communications went out of order, and serious problems emerged in the power supplies.

Regardless of socio-economic problems emerging in the country in the 1990s, Kvemo Kartli and Javakheti populations managed to create a more self-sustainable economy compared to other regions of Georgia. On account of exporting agricultural products to internal markets of Georgia, especially in Tbilisi, as well as in neighboring Armenia, Azerbaijan, and Russia, it became more or less possible to maintain traditional fields of agriculture in these regions.

Small and medium business was a main source of income for a majority of Kvemo Kartli Azerbaijanis during a transitional period. Since 1990s, Azerbaijanis received income mainly by importing home appliances and other goods from Azerbaijan and selling these on wholesale markets. Import of goods in Georgia was chiefly related to corrupt bargains with the state structures, which during a transitional period turned into a “traditional” economic activity.

As a result of processes developed after the *Rose Revolution*, Kvemo Kartli population encountered new economic challenges. Closure of the Sadakhlo wholesale market of regional importance located in the Georgian-Azerbaijani-Armenian adjacent territory, which was accused of trading with smuggled goods and tax evasion, caused a great harm to small and medium business in Kvemo Kartli. Trading with smuggled goods was seriously harmed also by placing the economic activities in the legal

framework, owing to which import of goods from Azerbaijan became less profitable.

As a result of impeded “traditional” economic activities, population drew its attention to the agricultural lands, which turned into an economic and political problem in Kvemo Kartli after the 1990s. Due to non-awareness of legislation adopted in 1990s, a big portion of the land was taken by large lessees, and a majority of the population was left without lands. Therefore, over the years the population had to sub-lease land parcels from the large lessors for comparatively high prices. Moreover, existing legislation pronounced a 21km border line area as an exclusive zone<sup>4</sup>, occupied by non-profitable military agricultural enterprises. Local Azerbaijanis viewed existing system of land distribution as a discriminatory policy against them.

A process of land distribution to local population in Kvemo Kartli was launched after the *Rose Revolution*. Nonetheless, after the trading with smuggled goods ceased, agriculture acquired a key importance and insufficiency of allocated land parcels does not ensure full economic activities of local population.

Land distribution process implemented currently by the state gives rise to a problem with respect to the law. After promulgation of the Law on the Ownership of Agricultural Land in the 1990s, legally or as a result of corruption deals, several individuals leased hundreds of hectares of land. Today, taking away these land parcels from the large lessees may be possible only if the fact of illegal privatization of land is proved or the large lessees give up the land on their own will, which will not be mandatory for them to fulfill.

Unlike Kvemo Kartli that is located near the capital of Georgia, Javakheti, which is located in a high mountainous zone and is called “Siberia of Georgia” due to a harsh climate conditions, was completely detached from other regions of Georgia. Employees of the Russian military base located in Akhalkalaki or foreign markets were the main customers of agricultural goods produced in Javakheti. In the conditions of corruption existing on Georgia’s highways, trading on internal markets of Georgia was not profitable for the Javakheti population, due to which the economic ties between Javakheti and the rest Georgia significantly weakened.

After final closure of the Russian military base in 2007, part of the Javakheti population was left without jobs and sale market for agricultural products, which created harsh problems in a short-term period. Yet, the program foreseeing purchase of local agricultural products for the Georgian army and the launch of implementation of the infrastructure development projects speeded up the process of re-integration of Javakheti into Georgia’s economic sphere. Elimination of corruption on Georgian highways and implementation of infrastructure and road rehabilitation large-scale programs in Javakheti play a key role in this as well. Within the framework of the project of *Millennium Challenge Georgia Fund*, road and transport network will be fully restored by 2011 in Samtskhe-Javakheti, which will considerably reduce the distance and time for getting to the capital and regions of Georgia. Apart from this, Baku-Tbilisi-Kars railway route will cross Javakheti, thus significantly enlivening the economic life in the region.

Since 2008, within the scope of gasification of Georgian regions, restoration or building the new gas main lines was launched in Javakheti and Kvemo Kartli. In the coming years this will solve the gas supply problems of the population. Development of infrastructure of these regions will undermine their isolation in the coming years and transform local population into active participants of the country’s economic life.

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4 Currently this restriction is revoked.

## *Assessment of Current Policies*

### *Efficiency*

Measures stimulating economic activities and rehabilitation of infrastructure will considerably improve the economic state of population in Kvemo Kartli and Javakheti. However, gross intrusion in the economic processes by the state may bring forth reverse effects, or a special attention drawn to these regions may cause dissatisfaction of population of Georgia's other regions.

### *Political/Administrative Reasonability*

Authorities are interested in dynamic development of economic processes in Kvemo Kartli and Javakheti, as involvement of ethnic minorities in the economic life of the country is an important step made towards overcoming their isolation. Solution of economic problems will automatically foster the solution of other problems of civil integration process of ethnic minorities.

### *Cost-effectiveness*

State budget already allocated funds for economic development and infrastructure rehabilitation in Kvemo Kartli and Javakheti. International projects are also being implemented in these regions, where other states and international organizations are also involved along with Georgia. Similar cooperation, which will not only turn the districts settled with ethnic minorities into regions of state importance, will also make Kvemo Kartli and Javakheti the significant actors of Georgia's economic life.

## *Recommendations*

Economic integration of the Kvemo Kartli and Javakheti population and rehabilitation of infrastructure will have a crucial impact on the success of the integration process, which will then precondition/promote social and cultural involvement of ethnic minorities. In parallel to measures undertaken by the state and donor organizations from the infrastructure development standpoint, in a short-term perspective it is reasonable to undertake the following:

### *Government of Georgia:*

- Imposing certain benefits in a long-term perspective for development of agricultural fields in Kvemo Kartli and Javakheti and trans-border trade will improve not only the state of local population, but the economic relations between Georgia-Azerbaijan and Georgia-Armenia.
- Implementation of state procurement programs for agricultural products during the transition stage in Kvemo Kartli and Javakheti.
- Within the framework of cheap credit program, issuing low interest credits for implementing projects in Kvemo Kartli and Javakheti, especially in the agricultural field.
- In accord with the Azerbaijani and Armenian parties, implementation of joint projects of Azerbaijani/Armenian and Georgian businessmen in Kvemo Kartli and Javakheti.
- Setting up free economic zone in the trans-border zones.
- Promotion of economic ties with the Georgian language regions of Kvemo Kartli and Javakheti.
- Conduct of information campaign on the need to combat illicit trade, so that the fight of the state against illegal economic activities is not perceived as discrimination on ethnic grounds.

### *Non-governmental Organizations:*

- Consulting/informing local population in Kvemo Kartli and Javakheti on ongoing legislative changes in the economic sphere and starting up the small business.

### *International Organizations:*

- Supporting the government and non-governmental organizations with financial, technical, and human resources in implementation of programs aimed at bolstering ethnic minority participation in the economic life.

### ***Participation in Cultural Life of the Country***

As a result of the grave socio-economic and politically unstable environment in the country in 1990s, cultural life of ethnic minorities faced serious problems, which created danger to preservation of their identity. During the Soviet period, activities of cultural institutions were entirely funded by the state. After the cutting in state funding and introduction of a new system of funding of cultural institutions, a degree of participation of ethnic minorities in the cultural life considerably decreased. Similar problems emerged countrywide. In the conditions of scarce funding, private donations were the only way of survival. In case of ethnic minorities, financial and technical assistance was mainly rendered by the governmental or private sectors of the neighboring states, which satisfied the demands only to a minimum extent.

Tbilisi Petros Adamian State Dramatic Armenian Theatre, Tbilisi State Dramatic Azerbaijani Theatre, and the Alexander Griboedov Tbilisi State Academic Russian Dramatic Theatre are the most important hearths of the culture of ethnic minorities in Georgia. In 1990s, theatres experienced financial, technical, and personnel-related problems due to emigration of cultural workers.

In recent years the state made certain steps to promote participation of ethnic minorities in country's cultural life and their cultural activities by funding theatres of ethnic minorities and rendering them technical assistance. Festivals or other cultural events with the participation of ethnic minorities are a rarity yet. National/religious events of ethnic minorities are mainly celebrated by the ethnic minority organizations and assistance received from the historic homeland.

Programs that would strengthen cultural ties among various ethnic groups living in Georgia, especially the Georgians and ethnic minorities, are not in fact being implemented. In this respect, exceptions are the "patriotic camps" – holiday camps for the youth. Lack of cultural ties fosters evolution of negative stereotypes of ethnic minorities.

Belonging of historical monuments represents an acute problem since 1990s. Demand of the Armenian-Gregorian church to transfer historical monuments located in the territory of Georgia has triggered tense relations between the Georgian and Armenian churches in recent years. Ongoing dispute around this issue, against the background of different interpretations, creates certain problems for the process of integration of Armenians living in Georgia.

### ***Assessment of Current Policies***

#### *Efficiency*

The state funds cultural institutions of ethnic minorities, but in the conditions of commercialization of culture, only the state support will hinder the participation of ethnic minorities in cultural life.

#### *Political/Administrative Reasonability*

In the conditions of limited funding for cultural life of ethnic minorities, the authorities are interested in receiving alternative funding, which will promote preservation of identity of ethnic minorities and foster their formation in full-fledged citizens of the country.

#### *Cost-effectiveness*

Financial and material assistance of the state in preservation of cultural identity of ethnic minorities will stimulate private donations, which overall will preserve and develop the cultural hearths of ethnic minorities.

### ***Recommendations***

#### *Government of Georgia:*

- Organization of annual festivals with participation of ethnic minorities in Tbilisi and regions settled with ethnic minorities.
- Coverage of culture of ethnic minorities and contribution to the cultural life of Georgia in the school textbooks.
- Getting ethnic minorities, especially in Kvemo Kartli and Javakheti, familiar with the Georgian culture.
- Promoting tours of artistic groups of Kvemo Kartli and Javakheti in other regions of Georgia and vice versa.

#### *Mass Media:*

- Coverage of information on the culture of ethnic minorities and contribution to the cultural life of Georgia.
- Preparation of TV programs on the cultural life of ethnic minorities and their role in the life of the country.
- Recognition and acknowledgement by the public of the culture and values of ethnic minorities, as a part of Georgia's cultural heritage.

#### *Non-governmental Organizations:*

- Participation in implementation of state programs in the cultural sphere.

#### *International Organizations:*

- Support of cultural programs of the Georgian government and non-governmental organizations during the transition stage, both financially and by providing recommendations, concerning international experience gained in the sphere of cultural relations among the ethnic groups.

## **Conclusion**

Georgia belongs to a category of states where development of civil integration policies and their consistent implementation is of a key importance for country's stable and democratic development. Cataclysms emerged in the 1990s predetermined a low degree of participation of a considerable part of the country's population, in the face of ethnic minorities, in the economic, public-political, or cultural life of the country. As a result, ethnic minorities, especially the Azerbaijanis and Armenians living compactly in Kvemo Kartli and Javakheti, turned into secondary citizens.

In recent years the state undertook specific measures in various fields of civil integration of ethnic minorities, but such measures were more of a spontaneous nature and there is no systemic approach towards the entire process of civil integration. Currently, within the framework of the Council for Tolerance and Civil Integration, the national concept and action plan for tolerance and civil integration are being developed with the participation of representatives of the state and non-governmental sectors. Throughout the preparatory process of these documents, we find the studies similar to the present one important for providing the decision-makers with adequate information for identifying main challenges of the field of civil integration and with assistance in defining the action plan by proposing concrete recommendations.

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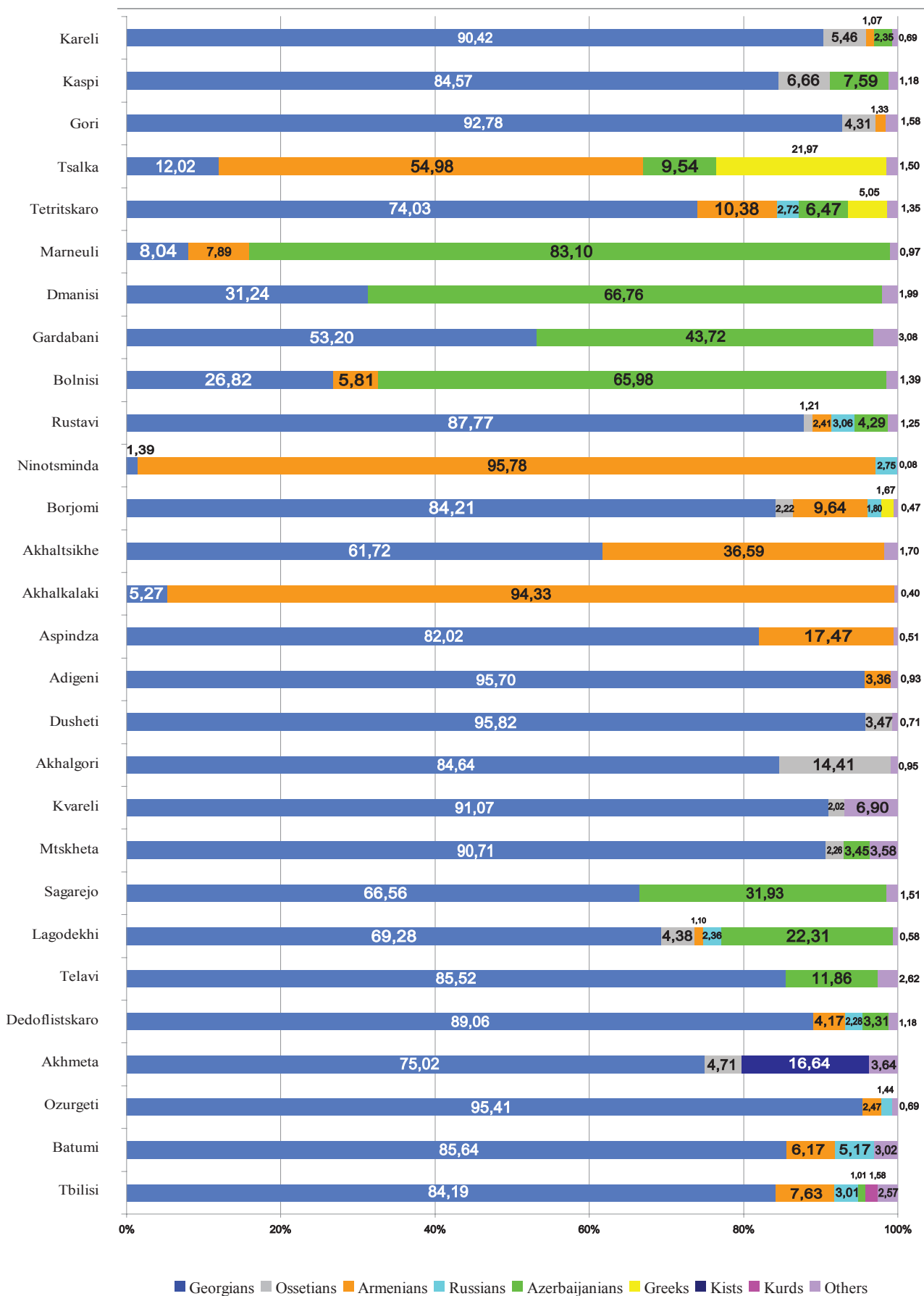
**Permanent population of Georgia according to their ethnicity**  
(Results of 1989 and 2002 population census)\*

	2002	1989	Population growth rate		Share in whole population (percentage)	
			±	%	2002	1989
a	1	2	3	4	5	6
<b>Total Population</b>	<b>4371535</b>	<b>5400841</b>	<b>-1029306</b>	<b>80,9</b>	<b>100.0</b>	<b>100.0</b>
Including:						
Georgians	3661173	3787393	-126220	96,7	83,8	70,1
Azerbaijanians	284761	307556	-22795	92,6	6,5	5,7
Armenians	248929	437211	-188282	56,9	5,7	8,1
Russians	67671	341172	-273501	19,8	1,5	6,3
Ossetians	38028	164055	-126027	23,2	0,9	3,0
Abkhazians	3527	95853	-92326	3,7	0,1	1,8
Ezids	18329	0	18329		0,4	
Greeks	15166	100324	-85158	15,1	0,3	1,9
Kists	7110	0	7110		0,2	0,0
Ukrainians	7039	52443	-45404	13,4	0,2	1,0
Germans	651	1546	-895	42,1	0.0	0.0
Belorussians	542	8595	-8053	6,3	0.0	0,2
Poles	870	2014	-1144	43,2	0.0	0.0
Kurds**	2514	33331	-30817	7,5	0,1	0,6
Lituanians	134	977	-843	13,7	0.0	0.0
Bulgarians	138	671	-533	20,6	0.0	0.0
Jews	3772	24720	-20948	15,3	0,1	0,5
Roma	472	1744	-1272	27,1	0.0	0.0
Lezgins	44	720	-676	6,1	0.0	0.0
Estonians	59	2316	-2257	2,5	0.0	0.0
Latvianians	91	530	-439	17,2	0.0	0.0
Avarians	1996	4230	-2234	47,2	0.1	0,1
Assyrians	3299	6206	-2907	53,2	0.1	0,1
Laks	210	426	-216	49,3	0.0	0,0
Udis	203	93	110	218,3	0.0	0,0
Cheks	46	101	-55	45,5	0.0	0,0

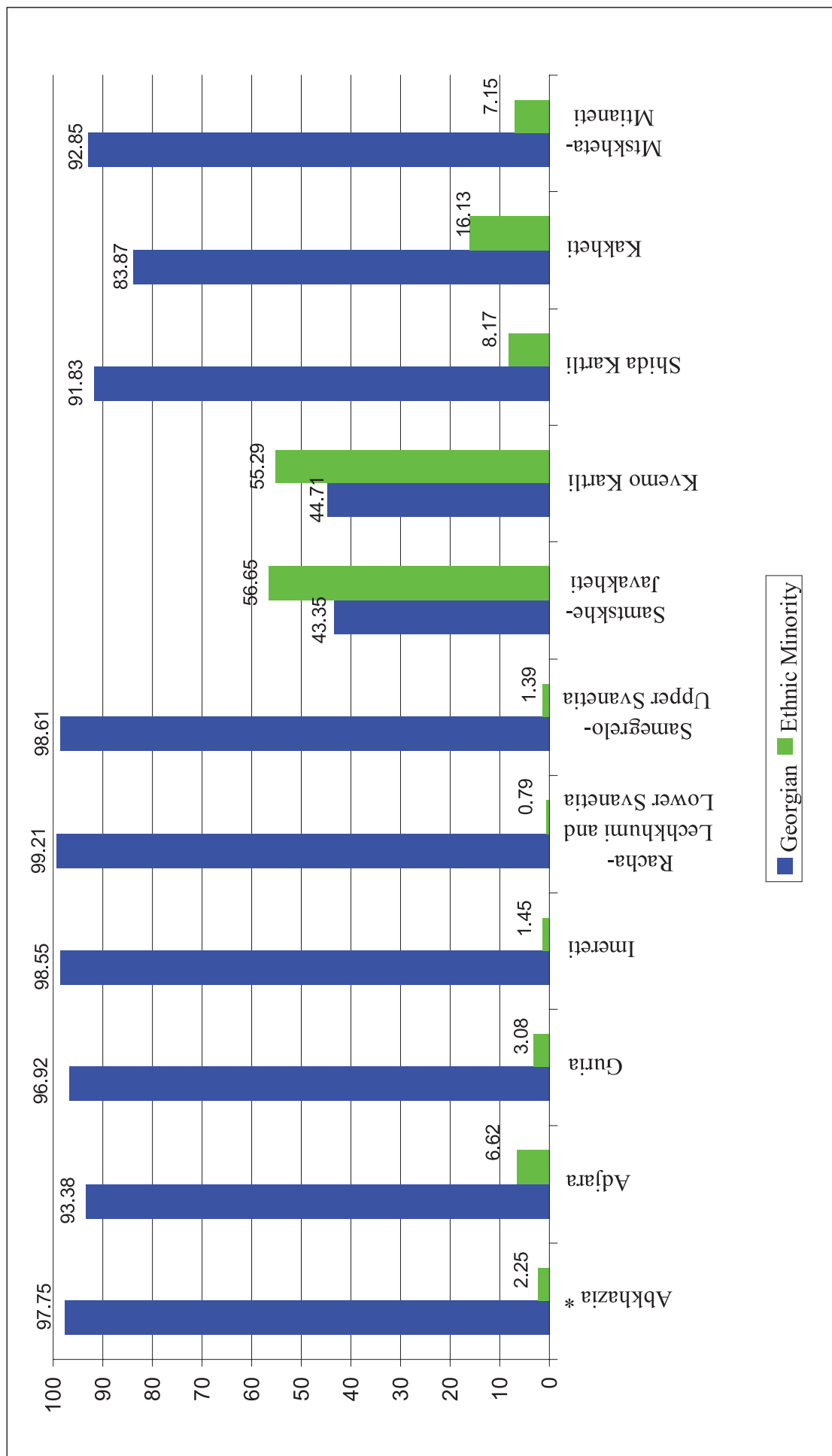
\*State Department of Statistics of Georgia.

\*\* During census of 1989, ethnicity "Kurds" included ethnicity "Ezids".





The chart shows ethnic composition of Georgia's regions, where any ethnic minority exceeds minimum 1% of local population. (Data provided by the State Department of Statistics of Georgia.)



The chart shows percentage-based distribution of population in the regions of Georgia between majority and total ethnic minority. ((Data provided by the State Department of Statistics of Georgia.)

\* On a territory controlled by central government of Georgia (Upper Abkhazia)

Distribution of permanent population based on their ethnicity  
according to administrative-territorial units (areas), cities and regions\*

Regions	Total population	Ethnic groups:										
		Georgians	Abkhazians	Ossetians	Armenians	Russians	Azerbaijanians	Greeks	Ukrainians	Kists	Ezids	
<b>Georgia – Total</b>	<b>4371535</b>	<b>3661173</b>	<b>3527</b>	<b>38028</b>	<b>248929</b>	<b>67671</b>	<b>284761</b>	<b>15166</b>	<b>7039</b>	<b>7110</b>	<b>18329</b>	
Tbilisi municipality	1081679	910712	471	10268	82586	32580	10942	3792	3328	73	17116	
Abkhazian AR - (Kodori Velly)	1956	1912	9	2	1	23	6	-	2	-	-	
Adjara AR	376016	351132	1558	208	8848	9073	542	2168	1056	8	76	
Batumi (city)	121806	104313	800	142	7517	6300	301	587	770	8	69	
Keda	20024	19958	15	2	8	26	7	-	3	-	-	
Kobuleti	88063	83367	50	36	958	1692	79	1487	176	-	7	
Shuakhevi	21850	21796	25	5	5	14	1	1	2	-	-	
Khelvachauri	90843	88321	645	19	355	1029	151	91	103	-	-	
Khulo	33430	33377	23	4	5	12	3	2	2	-	-	
<b>Guria</b>	<b>143357</b>	<b>138942</b>	<b>78</b>	<b>152</b>	<b>2134</b>	<b>1558</b>	<b>91</b>	<b>49</b>	<b>194</b>	<b>2</b>	<b>23</b>	
Lanchkhuti	40507	39868	7	33	160	345	33	18	28	-	-	
Ozurgeti	78760	75142	59	103	1944	1133	55	29	159	2	23	
Chokhatauri	24090	23932	12	16	30	80	3	2	7	-	-	
<b>Imereti</b>	<b>699666</b>	<b>689490</b>	<b>388</b>	<b>639</b>	<b>1890</b>	<b>4924</b>	<b>274</b>	<b>242</b>	<b>636</b>	<b>-</b>	<b>56</b>	
Kutaisi (city)	185965	181465	92	245	613	2223	132	127	293	-	52	
Tkibuli	31132	30656	29	35	41	282	6	10	40	-	-	
Tskaltubo	73889	72885	48	58	130	576	55	16	73	-	2	
Chiatura	56341	55802	17		217	190	10	40	20	-	-	
Bagdadi	29235	29073	7	10	22	91	5	1	7	-	-	

\*State Department of Statistics of Georgia.

Regions	Total population	Ethnic groups:										
		Georgians	Abkhazians	Ossetians	Armenians	Russians	Azerbaijanians	Greeks	Ukrainians	Kists	Ezids	
Vani	34464	34279	24	13	8	96	18	9	9	-	-	
Zestafoni	76208	75412	53	56	141	370	7	6	72	-	-	
Terjola	45496	45220	29	13	38	150	4	1	15	-	-	
Samtredia	60456	58883	33	39	615	635	24	22	80	-	-	
Sachkhere	46846	46591	11	117	20	84	-	5	8	-	1	
Kharagauli	27885	27728	7	22	20	85	8	2	5	-	-	
Khoni	31749	31496	38	9	25	142	5	3	14	-	1	
<b>Kakheti</b>	407182	341503	175	6109	3789	3844	40036	285	222	6997	495	
Akhmeta	41641	31237	10	1961	100	134	152	6	6	6928	2	
Gurjaani	72618	71148	32	463	484	350	58	16	36	-	6	
Dedoplistskaro	30811	27441	8	102	1286	701	1019	153	21	6	5	
Telavi	70589	60370	38	412	460	381	8373	20	63	58	357	
Lagodekhi	51066	35376	15	2239	561	1204	11392	16	48	-	25	
Sagarejo	59212	39409	21	125	231	377	18907	27	21	4	33	
Signagi	43587	42226	26	45	419	539	118	16	15	-	60	
Kvareli	37658	34296	25	762	248	158	17	31	12	1	7	
<b>Mtckheta-Mtianeti</b>	125443	116476	60	3977	532	757	2248	163	143	5	96	
Akhalgori	7703	6520	6	1110	37	20	2	2	1	-	1	
Dusheti	33636	32229	31	1167	43	103	5	19	18	3	-	
Tianeti	14014	13777	3	147	20	37	4	13	6	-	1	
Mtckheta	64829	58808	20	1464	427	583	2236	129	113	1	94	
Kazbegi	5261	5142	-	89	5	14	1	-	5	1	-	
<b>Racha-Lechkhumi and Lower Svaneti</b>	50969	50565	36	121	28	109	47	8	16	-	-	
Ambrolauri	16079	15991	10	6	9	46	-	3	8	-	-	
Oni	9277	9093	7	108	13	19	4	1	2	-	-	

Regions	Total population	Ethnic groups:											
		Georgians	Abkhazians	Ossetians	Armenians	Russians	Azerbaijanians	Greeks	Ukrainians	Kists	Ezids		
Teageri	16622	16539	10	5	6	29	22	4	4	-	-		
Lentekhi	8991	8942	9	2	-	15	21	-	2	-	-		
<b>Samegrelo-Upper Svaneti</b>	466100	459614	423	163	476	4163	142	86	528	-	2		
Zugdidi	167760	166039	172	44	90	1142	47	13	109	-	-		
Abasha	28707	28474	32	14	11	124	10	-	15	-	-		
Martvili	44627	44399	37	8	16	131	8	6	14	-	-		
Senaki	52112	51532	36	19	92	263	10	5	41	-	-		
Chkorotcku	30124	29895	36	2	30	127	1	1	20	-	-		
Tsalendjikha	40133	39764	42	5	26	224	7	7	42	-	-		
Khobi	41240	40929	29	6	6	216	16	1	21	-	-		
Mestia	14248	14168	12	3	11	52	-	-	1	-	-		
Poti (city)	47149	44414	27	62	194	1884	43	53	265	-	2		
<b>Samtchke-Javakheti</b>	207598	89995	42	822	113347	2230	59	740	162	-	1		
Adigeni	20752	19860	13	28	698	101	17	7	20	-	-		
Aspindza	13010	10671	4	9	2273	34	-	8	5	-	-		
Akhalkalaki	60975	3214	3	10	57516	157	3	51	14	-	-		
Akhaltzikhe	46134	28473	12	52	16879	410	13	129	42	-	-		
Borjomi	32422	27301	10	719	3124	585	24	540	75	-	1		
Ninotsminda	34305	476	-	-	32857	943	2	5	6	-	-		
<b>Kvemo Kartli</b>	497530	222450	183	2184	31777	6464	224606	7415	527	22	463		
Rustavi (city)	116384	102151	44	1410	2809	3563	4993	257	395	15	293		
Bolnisi	74301	19926	35	80	4316	414	49026	438	14	-	-		
Gardabani	114348	60832	48	412	1060	994	49993	236	65	6	162		
Dmanisi	28034	8759	9	12	147	156	18716	218	7	-	-		
Marneuli	118221	9503	29	47	9329	523	98245	396	29	1	6		

Regions	Total population	Ethnic groups:									
		Georgians	Abkhazians	Ossetians	Armenians	Russians	Azerbaijanians	Greeks	Ukrainians	Kists	Ezids
Tetritskaro	25354	18769	16	205	2632	689	1641	1281	14	-	-
Tsalka	20888	2510	2	18	11484	125	1992	4589	3	-	2
<b>Shida Kartli</b>	314039	288382	104	13383	3521	1946	5768	218	225	3	1
Gori	148686	137957	45	6405	1972	1136	607	97	123	-	-
Kaspi	52217	44162	13	3479	254	271	3962	27	35	-	-
Kareli	50422	45593	25	2755	542	217	1183	52	21	-	-
Khashuri	62714	60670	21	744	753	322	16	42	46	3	1

## Part II - Ethnic Minorities and Legislative Environment

### Introduction

Present study aims to analyze legislative base of Georgia in field of protection of ethnic minorities. By examining relevant normative acts, the study (1) determines legal status of ethnic minorities in legal sphere of Georgia; (2) analyzes fundamental rights and freedoms of ethnic minorities under Georgian legislation; (3) examines mandate and effectiveness of executive or other kind of state structures set up for protection of ethnic minority rights; and (4) identifies major problems in realization and protection of rights and freedoms of ethnic minorities and proposes ways for solving them.

Parallel to the Constitution of Georgia and other normative acts, the study examines international treaties regulating protection of human rights, including minority rights, which are ratified by Georgia. Reason for this is Article 6 of the Constitution of Georgia, pursuant to which international agreements and treaties in compliance with the Constitution of Georgia are an integral part of country's domestic legislation.<sup>5</sup> Recent legislative initiatives and strategic type of documents introduced by the Georgian authorities in the field of protection of ethnic minorities will be reviewed as well. Based on all of the mentioned, major tendencies characteristic to protection of rights and freedoms of ethnic minorities at legislative level currently will be outlined.

### Ethnic Minorities - Legal Status

In absence of universal, internationally agreed and recognized definition of a 'minority' it is difficult to judge about legal status of ethnic minorities. As of today, it was impossible to agree on a universal definition as within the UN, as well as within OSCE and CoE framework. However, as the UN Human Rights Committee notes, existence of a minority is a matter of fact and not definition:

Existence of an ethnic/national, religious, or linguistic minority in a given country does not depend on a decision of this country, but requires presence of objective criteria.<sup>6</sup>

Georgia's approach to protection of minorities' rights, similar to many European states, reflects the above-mentioned legal gap. In particular, there are no so-called special laws in Georgia regulating status or protection of rights of this or that minority. Nor does Georgian legislation stipulate a uniform definition of 'minorities'. Resolution of the Parliament of Georgia on Ratification of Framework Convention for the Protection of National Minorities introduced a definition of "national minorities". Namely, pursuant to the Resolution:

when interpreting a term 'national minorities', Georgia is guided by the criteria given below and believes that a group of persons may be granted a national minority status only, if

- its members are citizens of Georgia;
- they differ from majority of population by their own linguistic, cultural, and ethnic identity;
- they live in the territory of Georgia for a long time;
- they are compactly settled in the territory of Georgia.<sup>7</sup>

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<sup>5</sup> Constitution of Georgia, Article 6.2; Law of Georgia on Normative Acts, Articles 19.1 and 20.2; Law of Georgia on International Treaties, Article 6.

<sup>6</sup> UN Human Rights Committee, General Commentary #23, Paragraph 5.2.

<sup>7</sup> Resolution of Parliament of Georgia on Ratification of Framework Convention for the Protection of National Minorities, #1938-IIs, 13 October 2005.

Nevertheless, it should be noted that on one hand this definition is not binding from the point of international law, since it was not reflected in the ratification instrument of the Framework Convention on National Minorities (“Framework Convention”), and on the other hand Georgia has recognized uncertainty of the above-mentioned definition with respect to international law and plans to revise it in the nearest future.<sup>8</sup>

As already noted above, in Georgia there is no special law on the status or rights of minorities. Therefore, Article 14 of the Constitution of Georgia, which contains a universally recognized principle of prohibition of discrimination, should be regarded as a cornerstone of protection of ethnic minorities. In particular,

Everyone is free by birth and is equal before law regardless of race, color, language, sex, religion, political and other opinions, national, ethnic, and social belonging, origin, property and title, place of residence.<sup>9</sup>

In light of determining the legal status of ethnic minorities, Article 38 of the Constitution of Georgia attracts particular attention, which may be somehow regarded as recognition of existence of minorities in the territory of Georgia. Pursuant to the Article,

Citizens of Georgia shall be equal in social, economic, cultural and political life irrespective of their national, ethnic, religious or linguistic belonging. In accordance with universally recognized principles and rules of international law, they shall have the right to develop freely, without any discrimination and interference, their culture, to use their mother tongue in private and in public.<sup>10</sup>

Principle of equality before the law is properly reflected in domestic legislation of Georgia. In particular, norms prohibiting discrimination are dispersed in various laws of Georgia, including Article 2.3 of the Labor Code, Article 6 of the Law of Georgia on Culture, Article 6 of the Law of Georgia on Health Care, Article 8 of the Law of Georgia on General Education, Articles 2(h) and 16 of the Law of Georgia on Higher Education, etc. However, in the context of protection of ethnic minorities, one circumstance should be emphasized: Georgia, as a party to major international human rights treaties, is obliged not only to strengthen the principle of prohibition of discrimination at domestic level, but also to undertake concrete legal measures aimed at realization of universally recognized rights of ethnic minorities.

Provided below is a brief overview of international obligations undertaken by Georgia in protection of ethnic minorities’ rights, as well as the analysis of measures taken at legislative level in Georgia with a purpose of implementing these obligations.

### ***International Agreements Ratified by Georgia***

As of today, Georgia is a State party to all major international human rights treaties.<sup>11</sup> In the context of protection of ethnic minorities, particularly significant is the so-called Framework Convention that Georgia ratified on 22 December 2005.

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<sup>8</sup> First report of Georgia prepared pursuant to the first paragraph of Article 25 of the European Framework Convention for the Protection of National Minorities, 30 March 2007, Paragraph 2-3.

<sup>9</sup> Constitution of Georgia, Article 14.

<sup>10</sup> Constitution of Georgia, Article 38.1.

<sup>11</sup> Please see: [www.parliament.ge](http://www.parliament.ge)



Framework Convention, which was adopted within the Council of Europe framework and which entered into effect in 1998, introduces minimum standards of protection of ethnic minorities, and its ratification has become a necessary pre-requisite for affiliating in Council of Europe, including for Georgia. Georgia, as a member state of the Framework Convention, undertook an obligation to ensure equality of ethnic minorities before the law. Further, Georgia undertook to implement a number of positive measures to ensure the rights of ethnic minorities, such as preservation and development of main elements of identity - culture, language, religion, and traditions, freedom of expression including formation and application of mass media means, right to use a minority language in private and in public, right to set up private educational and professional institutions of minorities, right to education in the minority language, etc.

In addition to the above-mentioned Convention, Georgia is a member state to a number of other human rights treaties, proper implementation of which is a safeguard of protection of rights and freedoms of ethnic minorities in the country. Namely, Georgia is a party to International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights, which, besides a general norm prohibiting discrimination, contains a specific norm regulating minority rights. Further, Georgia is a member state to Convention on the Prevention and Punishment of the Crime of Genocide, International Convention on the Elimination of all Forms of Racial Discrimination, International Convention on the Suppression and Punishment of the Crime of Apartheid, Protocol No. 12 to the European Convention on Human Rights, Convention concerning Discrimination in respect of Employment and Occupation, European Cultural Convention, European Charter of Local Self-Government, revised European Social Charter, and many other international agreements.

One fact draws special attention with respect to protection of ethnic minorities: so far, Georgia has not ratified either the European Charter for Regional or Minority Languages, or the Additional Protocol to the Convention on Cybercrime. The latter criminalizes acts of racist and xenophobic nature committed through computer systems.

Accordingly, apart from the above-mentioned exceptions, Georgia has recognized a binding force of major international standards applicable to protection of ethnic minority rights. Nevertheless, another question is to what extent did Georgia manage to implement these obligatory principles properly throughout its domestic legislation.

## **Main Normative Acts Regulating Rights and Freedoms of Ethnic Minorities**

Present section analyzes legislative acts regulating protection of basic rights of ethnic minorities in Georgia. Emphasis will be made on the right of ethnic minorities to (1) preserve and develop their own identity, especially culture and language; (2) receive education in mother tongue; and (3) participate in public and political life of a country. In addition, regulation of universally recognized principle of prohibition of racial discrimination and use of hate speech under criminal legislation of Georgia will be examined.

### ***Preservation and Development of Identity***

As already noted, Article 38 of the Constitution of Georgia ensures the right of citizens of Georgia, including the right of ethnic minorities, to develop freely, without any discrimination and interference, their culture, to use their mother tongue in private and public in accordance with universally recognized principles and rules of international law.

Article 10 of the Law of Georgia on Culture secures the right to protect cultural identity of every person. Intrusion into creative process, censoring of creative activities, and prohibition of dissemination of a creative work shall be prohibited except in circumstances, when this infringes upon human rights and incites national, religious, and racial hatred.<sup>12</sup>

In context of ethnic minorities, issue of writing the names and surnames is of special importance. The Law of Georgia on Registration of Civil Acts establishes that the rules for pronunciation in respective language when writing foreign names and surnames should be observed to a maximum extent. Often there are practical problems, when sounds not existing in Georgian language need to be replaced with Georgian letters. Civil Registry Agency plans to regulate this issue at a legislative level. In addition, registration of persons without surnames was also of concern in context of ethnic minorities. In March 2008, amendments were adopted to the Law on Registration of Civil Acts, which sets out detailed procedure for determining surnames. In particular, Article 105<sup>1</sup> established that a person may be granted direct lineal ascendant surname; however, if this is impossible, person will be granted a surname derived from his/her or his/her direct lineal ascendant relative's name, with or without preferred ending for him/her.

The Law on General Education contains a number of various provisions aimed at preserving the identity of ethnic minorities. For instance, Article 13.2 establishes that it shall be prohibited to use the education process in public schools for achieving mandatory assimilation. Pursuant to Article 13.6, a school is obliged to observe and promote tolerance and mutual respect among students, parents, and teachers irrespective of their social, ethnic, religious, linguistic, or ideological belonging. Article 13.7 sets out individual or collective right of minority members to freely use mother tongue, preserve and express their cultural belonging, etc.

Article 16 of the Law of Georgia on Public Broadcasting obliges Public Broadcaster to promote development of country's identity, spiritual values, and cultural diversity and to broadcast in respective proportions programs in minorities' language about the minorities and prepared by the minorities. This norm is reflected in the Code of Internal Conduct of Public Broadcaster as well.<sup>13</sup> Namely, the Code stipulates that the Public Broadcaster aims to

fully and fairly cover all peoples and cultures living in Georgia, respect the rights of ethnic and religious minorities, and promote their development.

In the same context, the Law on Freedom of Speech and Expression is significant, as it treats the right to talk in any language and the right to use any script as a part of freedom of expression.<sup>14</sup>

### ***Right to Use Native Language***

Four fundamental aspects of protection of linguistic rights of ethnic minorities may be noted: (1) status of minorities' languages; (2) right and possibility of ethnic minority representatives to use their language in state administrative and court institutions; (3) role of minorities' languages in educational process, i.e. to what extent can representatives of ethnic minorities receive education in their own language; and (4) availability of mass media in the minorities' language.<sup>15</sup>

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<sup>12</sup> Law of Georgia on Culture, Article 9.

<sup>13</sup> Code of Internal Conduct of Public Broadcaster, December 2006. Please see: [http://www.gpb.ge/angarishi\\_3.php?lang=geo&lm\\_id=3&sub\\_id=4](http://www.gpb.ge/angarishi_3.php?lang=geo&lm_id=3&sub_id=4)

<sup>14</sup> Law of Georgia on Freedom of Speech and Expression, Article 3(g).

<sup>15</sup> Use of language with respect to field of education will be examined separately.

The state language of Georgia is Georgian, and in Abkhazia - also Abkhazian.<sup>16</sup> No other language in Georgia bears the official status.

Constitution of Georgia provides for the right of ethnic minorities to use their mother tongue both privately and publicly. Various laws regulate this issue in detail in relation to respective spheres.

For instance, pursuant to Article 85.2 of the Constitution of Georgia, legal proceedings in the Georgian courts are conducted in the state language, and an individual not having a command of the state language shall be provided with an interpreter. The Organic Law on Common Courts contains an identical norm, which in addition stipulates that interpreting services shall be reimbursed from the state budget.<sup>17</sup> Similar principle is guaranteed also by the civil and criminal procedural legislation. Civil Procedure Code states that legal proceedings shall be conducted in Georgian, and in case an individual is not in command of Georgian, s/he shall be assigned an interpreter.<sup>18</sup> Criminal Procedure Code of Georgia stipulates as well that a defendant, suspect, or any other party to the proceedings not in command of language of legal proceedings shall be assigned an interpreter, and investigatory and court documents shall be translated for him/her. At that, interpreters participating in criminal proceedings are paid for their services from the state budget.<sup>19</sup>

Similar to legal proceedings, administrative proceedings are also conducted in state language<sup>20</sup>, including in local self-government agencies.<sup>21</sup> The Law of Georgia on Public Service contains a similar norm: “Public service in Georgia is exercised in Georgian, and in Abkhazia - also in Abkhazian”.<sup>22</sup> Second part of this norm deserves particular attention, according to which service in local self-government institutions is exercised pursuant to the Law on State Language. Remarkably, the Law on State Language has not been adopted until today.

Under Article 73.4 of the General Administrative Code of Georgia, if the application or any other document presented by a person is not in the state language, a person shall present a notarized translation of the document within the term defined by an administrative agency. Importantly, allocation of extra time shall not be regarded as violation of fixed deadlines for submitting a document.<sup>23</sup> Representatives of ethnic minorities believe that existence of such a norm at local level complicates relations with local agencies. Addressing administrative agencies in Georgian, and understanding laws, other official documents or responses from administrative agencies is a problem, as it has a direct impact on possibility of minorities to protect their rights.<sup>24</sup>

Position of international organizations in this respect is of huge interest. Committee on Elimination of Racial Discrimination finds that it is necessary for the native languages of minorities to be used more actively at the level of local administrative agencies.<sup>25</sup> UN Human Rights Committee provides an identical recommendation. In particular, the Committee finds that it is necessary to grant ethnic minorities with the right to use mother tongues in relations with representatives of local governance and administrations.<sup>26</sup>

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16 Constitution of Georgia, Article 8.

17 Organic Law of Georgia on Common Courts, Article 10.

18 Civil Procedure Code of Georgia, Article 9.4.

19 Criminal Procedure Code of Georgia, Articles 17, 94, and 297.

20 General Administrative Code of Georgia, Article 14.

21 Organic Law of Georgia on Local Self-governance, Article 16.

22 Law of Georgia on Public Service, Article 12.

23 General Administrative Code of Georgia, Article 73.5-6.

24 Yerkir, *The Ethnic Armenian Minority of Georgia*, 17 September 2007, at p.7.

25 Committee on Elimination of Racial Discrimination, *Conclusion on Georgia*, CERD/C/GEO/CO/3, 27 March 2007, Paragraph 13.

26 UN Human Rights Committee, *Conclusion on Georgia*, CCPR/C/GEO/CO/3, 15 November 2007, Paragraph 17.

Electoral legislation provides also for possible application of minority languages in the context of elections. Namely, Article 51.1 of the Electoral Code of Georgia stipulates that when needed, ballots should be printed in language that the local population commands.

### ***Right to Education***

Law of Georgia on General Education foresees the right of citizens of Georgia in command of different mother tongue to receive full general education in their native tongue. Particularly, pursuant to Article 4.3 of the Law,

citizens of Georgia, for who Georgia is not a mother tongue, enjoy the right to receive full general education in their mother tongue, in accordance with the national education plan and rules established under the law. It shall be mandatory to teach state language in such general educational institution [...].

Article 7.1 of the Law provides accordingly for the obligation of the state to

secure for every student the right to receive general education in state or native language as close to his/her place of residence as possible.

Remarkably, in all general educational institutions a number of subjects, including Georgian language and literature, history of Georgia, Georgian geography, and other social sciences should be subject to mandatory teaching in Georgian language.<sup>27</sup> The Law envisaged a transition period up to 2010-2011 in order to implement this novelty.<sup>28</sup> Notably, this provision does not exclude the right of minorities to study their language, history, and culture in a mother tongue.

With respect to general education it should be noted also that under the Provision on Certification of Education Received in the form of External Studies, a student may receive education in the form of external studies in Georgian, Russian, Armenian, or Azerbaijani languages.<sup>29</sup> External students undertaking exams in Russian, Armenian, or Azerbaijani languages, have to pass the exam in Georgian language and literature in light of relevant educational program.

Pursuant to Article 4 of the Law of Georgia on Higher Education, “in higher educational institutions studies shall be undertaken in Georgian, and in Abkhazia – also in Abkhazian”. Part 2 of the same Article establishes that “teaching in another language, except for individual learning courses, shall be permitted, provided that this is foreseen under international agreement or is agreed with the Ministry of Education and Science of Georgia”.

One of the problematic provisions of the Law on Higher Education envisages a mandatory exam in Georgian language during the uniform national exams.<sup>30</sup> In light of poor command of state language in regions compactly settled with ethnic minorities, this provision may be regarded as one of the forms of indirect discrimination. In particular, from the perspective of outcomes, this norm may lead to discriminatorily low representation of ethnic minorities in higher education institutions.

Remarkably, amendment was adopted in July 2005 to the Provision for Conducting Uniform National Exams, according to which university entrants intending to pursue studies at Russian, Armenian, or

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<sup>27</sup> Law of Georgia on General Education, Article 5.

<sup>28</sup> Law of Georgia on General Education, Article 58.

<sup>29</sup> Provision on Certification of Education Received in the form of External Studies, Order #155 (2007), Article 4.4.

<sup>30</sup> Law of Georgia on Higher Education, Article 89; Provision for Conducting Uniform National Exams, Order #127 (2005), Article 5.2.

Azerbaijani sectors of higher educational institutions, were granted the right to undertake the exam in Georgian language and literature through a simplified test.<sup>31</sup> Nevertheless, amendments made to the Provision in 2006 revoked this norm. Under the same amendments, representative of ethnic minorities were granted another benefit. Namely, university entrants were granted the right to undertake exams in general skills, mathematics, history of Georgia and social sciences, as well as in natural sciences, in Georgian or Russian languages.<sup>32</sup> Most importantly, this benefit is in effect irrespective of language that the university entrant intends to pursue studies in.

In light of the right to education, another right of ethnic minorities draws attention; particularly, the right to establish educational institutions as a legal entity of private law, for which they should obtain the license for conducting general, higher, primary, and/or high educational activities in compliance with the rules established under legislation of Georgia.<sup>33</sup>

Based on all mentioned above, the following may be concluded: there are signs of so-called indirect discrimination against ethnic minorities in the field of education. This implies a situation where essentially neutral norm is not subject to easy fulfillment by certain categories – in this case by ethnic minorities – thus placing others in advantageous position.<sup>34</sup> At a first glance, effective legislation places every citizen of Georgia in equal conditions in relation to realization of the right to education. Yet, requirement of mandatory and qualified command of Georgian language in a number of occasions, from the perspective of outcomes, exercises a discriminatory impact on ethnic minorities. In light of massively poor command of state language, ethnic minorities are not in equal position compared to the rest of population.

### ***Participation in Public and Political Life of the Country***

Georgian legislation does not set up any obvious barriers for ethnic minorities to participate in public or political life of a country. At the same time, legislation does not foresee development of special schemes with respect to electoral quotas, proportional representation of ethnic groups in public service, or promotion of careers of minority representatives.

In light of general anti-discrimination norms, Article 25 of the Constitution of Georgia should be noted, which foresees the right to public assembly without prior permission. This norm is further expanded under the Law of Georgia on Assemblies and Manifestations, which prohibits assemblies and manifestations that, along with other banned objectives, incite national, ethnic, religious, or social hatred.<sup>35</sup>

Article 26 of the Constitution contains an identical norm, which, on one hand recognizes the right of every citizen to form and join public associations, and on the other hand prohibits setting up and operating political and public associations aimed at inciting national, ethnic, religious, or social hatred.

Article 115 of the General Administrative Code of Georgia envisages public examination of issues of concern to public at large, which also implies the right of citizens to participate in such examination and present their own views.<sup>36</sup>

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31 Order #337 of the Minister of Education and Science of Georgia on Adoption of Amendments and Supplements to the Provision for Conducting Uniform National Exams, (2005), Article 7.2.

32 Provision for Conducting Uniform National Exams, Order #127 (2005), Article 5.7.

33 Law of Georgia about Licensing of Activities of Educational and Pedagogic Institutions, Article 5.

34 European Commission against Racism and Intolerance, *General Policy Recommendation #7 on National Legislation on Fight against Racism and Racial Discrimination*, CRI (2003) 8, 13 December 2002, Paragraph 1(c).

35 Law of Georgia on Assemblies and Manifestations, Article 4.2.

36 General Administrative Code of Georgia, Article 115.

Owing to the fact that majority of ethnic minorities is compactly settled in various regions of Georgia, it is reasonable to differentiate their involvement in public or political life of country at two – central and local – levels.

Law of Georgia on Local Self-governance and respective provisions of the General Administrative Code envisage various forms of participation of citizens in decision-making process at local level without any discrimination.

Pursuant to Article 2 of the Law of Georgia on Local Self-governance, everyone shall have the right to elect or be elected in a local self-governance body, as well as to hold any position if s/he meets the requirements of Georgian legislation.<sup>37</sup> Several major problems should be identified in relation to this norm.

Firstly, as a result of reforming the system of local self-governance in 2005, powers and a decision-making process were centralized, reflected primarily in cancellation of a lowest unit of local self-governance – a community. Out of 1100 Sakrebulo (local councils) that existed in Georgia, only 69 are operational today. Apart from this, local executive bodies are not elected directly. Gamgebeli (or a mayor respectively) is elected by the Sakrebulo, and President's representative is appointed directly by the President. Accordingly, even in case of adequate representation in local self-government, the right of local population, including ethnic minorities, to participate *effectively* in political life of a country, will not be secured properly.

Secondly, under the legislation of Georgia, it is mandatory for potential employees of central or local authorities to be in proper command of state language. In particular, the Law of Georgia on Public Service provides for command of state language, as one of the mandatory preconditions for hiring in public service,<sup>38</sup> including servants of local self-governance.<sup>39</sup> As noted above, proper command of Georgian language is a rather acute problem for a majority of ethnic minorities settled in the regions. Accordingly, this norm foreseen under the law creates a hidden hurdle for ethnic minorities to be involved in a decision-making process at a local level. Existing situation is aggravated more due to the fact that Sakrebulo or other local agencies operating in regions settled with ethnic minorities are considerably limited from the point of human and financial resources.

It may be concluded from the all mentioned above, that existing system of local self-governance does not exercise a positive impact on redistribution of powers between the center and regions and on building a trust towards agencies exercising local policies. This doubles the difficulties in regions compactly settled with ethnic minorities in the conditions of linguistic barrier and special isolation.

Article 6 of the Organic Law of Georgia on Political Associations of Citizens attracts particular attention in light of involvement of ethnic minorities at a central level, as it prohibits creation of a party by regional or territorial principle. From the outset, the Article aimed at preventing the possibility of provoking separatism in the country, with major emphasis on the Kvemo Kartli and Javakheti regions settled with ethnic minorities.

International governmental and non-governmental organizations urge Georgian authorities to revoke the abovementioned norm. In line with the standards of European Court of Human Rights, any requirement in relation to registration of a political party must be necessary in a democratic society

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<sup>37</sup> Law of Georgia on Local Self-governance, Article 2.

<sup>38</sup> Law of Georgia on Public Service, Article 15.

<sup>39</sup> Law of Georgia on Public Service, Article 16.

and proportionate to an achieved goal.<sup>40</sup> Prohibition of creation of a party by regional or territorial principle may be characterized in a Georgian context as proportionate to a lawful objective, and namely in respect of prevention of separatism. However, a sideline effect that this limitation has on universally recognized right of ethnic minorities – to effective participation in a political life of a country – has to be taken into consideration.

### ***Prohibition of Discrimination and Intolerance: Use of Hate Speech***

Article 142 of the Criminal Code of Georgia criminalizes infringement upon equality of persons. In particular, infringement upon equality of individuals due to, *inter alia*, race, national or ethnic belonging, which has essentially violated human rights, shall be punished.

Further, Article 142<sup>1</sup> envisages racial discrimination, as an act “committed for instilling national or racial hatred or discord, and humiliating national honor and dignity”. “Direct or indirect restriction of human rights due to race, color, social belonging, national or ethnic origin, or granting advantages to a person under the same parameters” is qualified also as racial discrimination.

Remarkably, a motive of racial, religious, national, or ethnic intolerance is qualified as an aggravating circumstance for a number of crimes.<sup>41</sup> Regardless of the abovementioned, international organizations find a principle of prohibition of racial discrimination and intolerance under Georgian legislation as deficient due to the following aspects:

- Georgian legislation does not criminalize propagation of ideas provoking racial supremacy and hatred.<sup>42</sup>
- Criminal Code does not envisage promotion of racist activities, including financing, as a separate crime. Membership and propagating activities of illegal organizations that provoke racial discrimination and intolerance are not criminalized either.<sup>43</sup>
- Recommendation developed by the UN Committee on Elimination of Racial Discrimination, according to which a racist motive should be an aggravating circumstance for all committed crimes, is not properly reflected in Georgia’s criminal legislation.<sup>44</sup>

Special attention should be drawn to regulation of use of so-called hate speech under Georgian legislation. Currently the European Court of Human Rights has straightforwardly recognized full incompliance of dissemination of ideas and information expressing racial, ethnic, religious, or any other intolerance and discrimination with applicable international human rights standards. Most importantly, restriction of the use hate speech must be applicable, irrespective of whether the latter inflicted real harm or reached the addressees. Georgian legislation is not familiar with the principle described above.

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40 European Commission for Democracy through Law (Venice Commission), *Guidelines and Explanatory Report on Legislation Concerning Political Parties: Several Specific Topics*, CDL-AD (2004)007, 2004, page 3; European Convention on Human Rights, Articles 10 and 11.

41 Criminal Code of Georgia, Articles 109(d), 117(d), 126(g), and 258(3.b).

42 Committee on Elimination of Racial Discrimination, *Conclusion on Georgia*, CERD/C/GEO/CO/3, 27 March 2007, Paragraph 11.

43 Committee on Elimination of Racial Discrimination, *Conclusion on Georgia*, CERD/C/GEO/CO/3, 27 March 2007, Paragraph 11.

44 European Commission against Racism and Intolerance, *General Policy Recommendation #7 on National Legislation on Fight against Racism and Racial Discrimination*, CRI (2003) 8, 13 December 2002, Paragraph 21.

## Protection Mechanisms of Ethnic Minorities

Several state agencies were set up in Georgia since 2004 aimed at protecting the ethnic minorities' rights: State Minister for Civil Integration and the President's Advisor in Civil Integration Issues.<sup>45</sup> Parliamentary Committee for Human Rights and Civil Integration examines ethnic minority related issues in the Parliament of Georgia. Council for Ethnic Minorities was also set up at the Office of Public Defender of Georgia.

Notably, despite a number of these agencies, international organizations urge Georgia to set up a specialized independent body focusing on combating racism and racial discrimination and minority related issues. In the opinion of the European Commission against Racism and Intolerance, to-be-created body should be fully independent, respectively authorized, and equipped with necessary human and financial resources so that it properly supports groups of concern.<sup>46</sup>

Office of the State Minister for Civil Integration was set up in December 2004 based on Resolution #135 of the Government of Georgia. Function of the State Minister was to develop state strategy on civil integration, elaboration of programs on protection of ethnic minorities living in Georgia and of draft laws on civil integration issues, coordination of measures undertaken in this field by the state or donors, etc. The position of the State Minister was abolished in January 2008 and was substituted by the President's Advisor in Civil Integration Issues. President's Advisor was assigned to develop civil integration strategy and action plan together with the Council for Tolerance and Civil Integration set up in 2005.<sup>47</sup>

Council for Tolerance and Civil Integration is responsible for elaboration of national integration policy in Georgia. The Council is composed of representatives from state structures (Ministry of Internal Affairs, Ministries of Finance and Justice, Public Defender), Public Broadcaster, and non-governmental organizations. Presidential Decree #282 issued in April 2008 renewed a composition of the Council and assigned the latter to present major directions of draft national concept on tolerance and civil integration and action plan until 31 October 2008.<sup>48</sup>

Parliamentary Committee for Human Rights and Civil Integration of the Parliament of Georgia represents one of the chief mechanisms of protection of minorities' rights by the legislative authority of Georgia. Among other issues, the Committee aims to improve legislative base in the field of human rights and civil integration and to bring it in compliance with international standards. Notably, in 2006 the Committee prepared a draft concept on protection and integration of national minorities in Georgia.<sup>49</sup> Nevertheless, until now neither the Parliament nor any other state structure has substantially examined this concept.

Public Defender plays a special significant role in protection of rights of ethnic minorities. The latter supervises protection of human rights and freedoms in the territory of Georgia and is fully independent in exercising its powers.<sup>50</sup> The Department of Freedom and Equality subordinated to the Department of Investigation and Monitoring examines discrimination-related issues in the Office of Public Defender of Georgia. Apart from this, a specialized center - Council for Ethnic Minorities - was founded on 16 December 2005 at the Public Defender's Office, which aims at improved

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45 A position with similar purpose and powers existed structurally prior to 2003 also.

46 European Commission against Racism and Intolerance, *Second Report on Georgia*, CRI (2007) 2, 30 June 2006, Paragraph 30.

47 Decree of President of Georgia #639, 8 August 2005.

48 30 April 2008 Decree #282 of the President of Georgia on making amendments to the 8 August 2005 Decree #639 of the President of Georgia on Elaboration of National Concept and Action Plan on Tolerance and Civil Integration.

49 Please see: [http://www.parliament.ge/files/603\\_8078\\_262392\\_koncefc.pdf](http://www.parliament.ge/files/603_8078_262392_koncefc.pdf)

50 Constitution of Georgia, Article 43; Organic Law of Georgia on Public Defender, Article 4.



protection of ethnic minorities' rights and civil integration. Council for Ethnic Minorities unites over 80 non-governmental organizations and closely cooperates with various state structures, including the Council for Tolerance and Civil Integration.

Powers and competence of state structures operating in the field of protection of ethnic minorities is not clearly delimited. Duplication of their functions and improper inter-agency coordination lead to less effective activities of each agency taken separately, as well as to inconsistent state policies in respect of protection of minorities. International organizations are harsh in assessing current situation in Georgia from this perspective.<sup>51</sup>

## Conclusion

Legislation of Georgia is not *a priori* discriminatory towards ethnic minorities. Legislative base of the country does not set up clearly preventive conditions from the point of realization of recognized rights and freedoms of ethnic minorities. However, a number of other factors including poor command of state language, isolation from public and political life of the country, non-availability of mass media, and many others precondition indirect discrimination of ethnic minority representatives.

Under contemporary standard of international law, a cornerstone of protection of minority rights is not only equality before the law, but also promotion of ethnic minorities to effectively exercise their rights and freedoms, and implementation of positive measures to ensure genuine equality.<sup>52</sup> As the Framework Convention states,

The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.<sup>53</sup>

Analysis of respective legislative acts of Georgia demonstrated that Georgian authorities do not currently fulfill undertaken legal obligation to secure full and effective realization of rights by ethnic minorities through the so-called positive discrimination. In this respect, assessment of the Council for Ethnic Minorities operating at Public Defender's Office is worth noting, according to which "state policies in relation to national minorities are not sufficiently defined, consistent, effective, and secured with adequate resources, and there is a scarce legislative base".<sup>54</sup> Several recommendation-type conclusions may be drawn with respect to the very legislative base:

1. Based on specificity of Georgia, it is reasonable to develop target-oriented legislation aimed at effective protection of ethnic minorities' rights. Majority of international organizations consents to the need to adopt a law on ethnic minorities in Georgia.<sup>55</sup> Moreover, Committee on Elimination of Racial Discrimination finds that it is necessary also to adopt a law on the status of languages.<sup>56</sup> Council for Ethnic Minorities operating at Public Defender's Office fully accepts the above-

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51 European Commission against Racism and Intolerance, *Second Report on Georgia*, CRI (2007)2, 30 June 2006.

52 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities, Article 1.

53 Framework Convention on National Minorities, Article 4.2.

54 Ethnic Minorities Council at the Public Defender's Office, "*Recommendations on Implementation of Council of Europe Convention on Protection of National Minorities*" in Georgia, 2007, Paragraph 4.1.

55 Committee on Elimination of Racial Discrimination, *Conclusion on Georgia*, CERD/C/GEO/CO/3, 27 March 2007, Paragraph 10.

56 Committee on Elimination of Racial Discrimination, *Conclusion on Georgia*, CERD/C/GEO/CO/3, 27 March 2007, Paragraph 13.

mentioned position. Namely, the Council recommends to adopt the law on protection of ethnic minorities, which will foster the protection of minorities' rights and their civil integration.<sup>57</sup>

2. Georgia should ratify the European Charter for Regional or Minority Languages. This will be one of the most significant steps towards recognition of number of linguistic rights of minorities and further provision of adequate regulations. Georgia should also ratify the Additional Protocol to the Convention on Cybercrime.
3. Georgian authorities should ensure effective participation of representatives of ethnic minorities in decision-making process concerning the minorities. This right is guaranteed, among others, under the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities, which stipulates that persons belonging to minorities enjoy the right to effectively participate in making decisions related to them at both regional and local levels.<sup>58</sup>
4. Special legislative base should be developed so that representatives of ethnic minorities have the possibility of applying mother tongue along with the state language when interacting with state agencies at a local level. This right is guaranteed under Article 10.2 of the Framework Convention, which stipulates that

In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavor to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.

In context of Georgia, above-mentioned principle may be implemented during a transition period, until the problem of adequate command of state language in regions compactly settled with ethnic minorities is solved, i.e. until elimination of a "real need". Notably, in case Georgia ratifies the European Charter for Regional or Minority Languages, implementation of present recommendation shall become mandatory for Georgia.

5. Bilingual education should be guaranteed in regions settled with ethnic minorities, which requires adoption of adequate amendments to the Law on Education. In parallel to raising the level of learning Georgian language, a possibility of ethnic minorities to study basic subjects in their mother tongue should be safeguarded.
6. Appropriate measures should be taken to ensure effective participation of ethnic minorities in political life of Georgia. To this end, in the first place self-governance should be strengthened at a local level, so that compactly settled ethnic minorities participate effectively in the decision-making process concerning them. Secondly, political parties should be encouraged for them to ensure proper representation of ethnic minorities among their lines.
7. Georgia should fulfill recommendations of international organizations<sup>59</sup> in relation to prohibition of racial discrimination, which implies adoption of a number of legislative amendments. Legislation of Georgia should impose mandatory prohibition on the use of hate speech.
8. It is necessary to set up one institutional state agency working on minority problems and provide it with adequate financial and human resources, so that the latter ensures full coordination and cooperation among various agencies. Most importantly, this agency should be a chief body responsible for protection of interests and rights of ethnic minorities in Georgia.

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<sup>57</sup> Ethnic Minorities Council at the Public Defender's Office, "*Recommendations on Implementation of Council of Europe Convention on Protection of National Minorities*" in Georgia, 2007, Paragraph 4.11.

<sup>58</sup> UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities, Article 2.2.

<sup>59</sup> European Commission against Racism and Intolerance, *Second Report on Georgia*, CRI (2007)2, 30 June 2006; Committee on Elimination of Racial Discrimination, *Conclusion on Georgia*, CERD/C/GEO/CO/3, 27 March 2007.

**Main normative acts of Georgia for the protection of ethnic minority rights**

- Constitution of Georgia:
  - Articles 8, 14, 26, 38(1), and 85(2);
- Civil Procedure Code of Georgia:
  - Articles 5 and 9(4);
- Criminal Procedure Code of Georgia:
  - Articles 17, 94, and 297;
- Criminal Code of Georgia:
  - Articles 142, 142<sup>1</sup>, 109(d), 117(d), 126(g), and 258(3b);
- Decree #282 of the President of Georgia on making amendments to the 8 August 2005 Decree #639 of the President of Georgia on Elaboration of National Concept and Action Plan on Tolerance and Civil Integration 30 April 2008.
- Election Code of Georgia:
  - Article 51(1);
- General Administrative Code of Georgia:
  - Articles 14 and 73;
- Labor Code of Georgia:
  - Article 2(3);
- Law of Georgia on Culture:
  - Articles 6, 9, and 10;
- Law of Georgia on Health Care:
  - Article 6;
- Law of Georgia on Higher Education:
  - Articles 2(h), 4, 16, and 89;
- Law of Georgia on General Education:
  - Articles 4(3), 5, 7(1), 8, and 13;
- Law of Georgia on Registration of Civil Acts:
  - Article 105<sup>1</sup>;
- Law of Georgia on Public Broadcasting:
  - Article 16;
- Law of Georgia on Freedom of Speech and Expression:
  - Article 3(g);
- Law of Georgia on Public Service:
  - Articles 12, 15, and 16;

- Law of Georgia on Assemblies and Manifestations:
  - Article 4(2);
- Law of Georgia on Licensing of Activities of Educational and Pedagogic Institutions:
  - Article 5;
- Organic Law of Georgia on Common Courts:
  - Article 10;
- Organic Law of Georgia on Local Self-governance:
  - Articles 2 and 16;
- Organic Law of Georgia on Political Unions of Citizens:
  - Article 6;
- Provision on Certification of Education Received in the form of External Studies, Order #155 (2007):
  - Article 4(4);
- Provision for Conducting Uniform National Exams, Order #127 (2005):
  - Article 5.

**Main international instruments regulating the rights of ethnic minorities, adopted by the United Nations (UN), Council of Europe (CoE), and Organization for Security and Co-operation in Europe (OSCE).**

**United Nations (UN)**

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- Convention against Discrimination in Education (UNESCO, 14 December 1960);
- Convention concerning Discrimination in respect of Employment and Occupation (International Labor Organization, #111, 1958);
- Convention on the Prevention and Punishment of the Crime of Genocide (UN General Assembly, Resolution #260A (III), 9 December 1948);
- Convention on the Rights of the Child (UN General Assembly, Resolution #44/25, 20 November 1989);
- International Convention on the Elimination of all Forms of Racial Discrimination (UN General Assembly, Resolution #2106 (XX), 21 December 1965);
- International Covenant on Civil and Political Rights (UN General Assembly, Resolution #2200A (XXI), 16 December 1966);
- International Covenant on Economic, Social and Cultural Rights (UN General Assembly, Resolution #2200A (XXI), 16 December 1966);
- Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities (UN General Assembly, Resolution #47/135, 18 December 1992);
- Universal Declaration of Human Rights (UN General Assembly, Resolution #217A (III), 10 December 1948);
- Universal Declaration on Cultural Diversity (UNESCO, 2 November 2001).

**Council of Europe (CoE)**

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- Additional Protocol to the Convention on Cybercrime, concerning the Criminalization of Acts of a Racist and Xenophobic Nature Committed through Computer Systems (CETS No:189, 28 January 2003).
- European Charter for Regional or Minority Languages (CETS No:148, 5 November 1992);
- European Charter of Local Self-Government (CETS No:122, 10 October 1985);
- European Convention for the Protection of Human Rights and Fundamental Freedoms (CETS No:005, 4 November 1950);
- European Social Charter (revised in 1996), (CETS No:1163, 3 May 1996);
- Framework Convention for the Protection of National Minorities (CETS No:157, 1 February 1995);
- Protocol No.12 to the Convention for the Protection of Human Rights and Fundamental Freedoms (CETS No:177, 4 November 2000).

## **Organization for Security and Co-operation in Europe (OSCE)**

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- Guidelines on the Use of Minority Languages in the Broadcast Media (October 2003).
- Guidelines to Assist National Minority Participation in the Electoral Process (January 2001);
- The Hague Recommendations regarding the Education Rights of National Minorities (October 1996);
- The Lund Recommendations on the Effective Participation of National Minorities in Public Life (September 1999);
- The Oslo Recommendations regarding the Linguistic Rights of National Minorities (February 1998).