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**on Minority Rights in Georgia**  
**for the**  
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by



**United Nations Association of Georgia, UNAG**

Registration: 25 December, 1995  
Address: 2 Dolidze St, Tbilisi 0171, Georgia  
[www.una.ge](http://www.una.ge)



**Media Development Foundation, MDF**

Registration: 24 April 2008  
Address: 54 Il. Chavchavadze Ave. Fl 4. Entr 5. 0179 Tbilisi, Georgia  
[www.mdfgeorgia.ge](http://www.mdfgeorgia.ge)



**Georgian Democracy Initiative, GDI**

Registration: 17 December, 2012  
Address: 2 D. Gamrekeli St. Tbilisi Georgia  
[www.gdi.ge](http://www.gdi.ge)



**Tolerance and Diversity Institute, TDI**

Registration: 29 July, 2013  
Address: Tsulukidze 1, B. 18, Ap. 5, Tbilisi Georgia  
<http://tdigeorgia.wordpress.com>



**European Center for Minority Issues, ECMI Caucasus**

Registration: 15 December, 2008  
Address: 27a, N. Ramishvili St., Tbilisi, Georgia  
[www.ecmicaucasus.org](http://www.ecmicaucasus.org)

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## **EXECUTIVE SUMMARY**

This report is submitted to the UN Universal Periodic Review by the United Association of Georgia (UNAG), Media Development Foundation (MDF), Georgian Democracy Initiative (GDI), Tolerance and Diversity Institute (TDI) and European Center of Minority Issues (ECMI). The organizations express concerns and provide recommendations regarding the following issues:

- Failure of the Government to investigate incidents of religious violence against religious minorities;
- Infringement of Autonomy of Religious Organizations by the newly established State Agency on Religious Affairs;
- Religious Indoctrination at Schools and breach of neutrality in academic teaching; failure of the Government to return places of worship to their true owners;
- manifestation of hate speech, xenophobia and homophobia by high ranking political officials and politicians;
- Improper self-regulation mechanisms in media and manifestation of hate speech on the Georgian Public Broadcaster (GPB);
- Access of information in minority languages and ensuring minority voices to be heard on GPB;
- Ensuring restitution of deported Meskhetians;
- Integration of Roma population in society.

## **Issues of Concern**

### **1. Investigation of Incidents of Violence against Religious Minorities**

#### *- Muslims*

In 2012-2014 six cases of violation of Muslims' rights took place in different regions of Georgia.

From October 26 to November 2 of 2012, the cases of religious intolerance occurred in the village of Nigvziani in Lanchkhuti Municipality. Non-Muslim residents of the village demanded to dismantle the prayer house opened in a building owned by Archil Kakhadze.<sup>1</sup> On October 26, Christian residents of the village blocked the roads to the Muslim worshippers visiting from outside the village and warned them not to visit the village again. Muslims were verbally assaulted. The police officers were passive observers and did not take active measures to protect the Muslims. On November 2, 2012 the Georgian Mufti travelled to Nigvziani but was prevented from entering the house of worship. The group of Christian protesters gathered around the house, verbally assaulted the Muslims and threatened to evict them from the village if they continued carrying out prayers.<sup>2</sup>

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<sup>1</sup>[http://www.forum18.org/archive.php?article\\_id=1854](http://www.forum18.org/archive.php?article_id=1854)

<sup>2</sup>[http://www.georgianjournal.ge/news/index.php?option=com\\_content&view=article&id=20934:confrontation-in-nigvziani-between-locals-and-muslim-community&catid=13:society&Itemid=75](http://www.georgianjournal.ge/news/index.php?option=com_content&view=article&id=20934:confrontation-in-nigvziani-between-locals-and-muslim-community&catid=13:society&Itemid=75)

Another conflict unfolded on November 29-30, 2012 in Tsintskaro in Tetrtskaro Municipality also indicate attempts of the local Christian community to obstruct religious rituals. The group of local Orthodox Christians confronted the Imam, Marad Gorjomelidze, assaulted him verbally and threatened that unless he stopped the prayer; they would burn down his house and expel him from the village.

Events which took place on villages of Tsintskaro and Nigvziani included elements of interference into the performance of religious service. Despite the fact of clear violations of the rights of Muslim population in both mentioned above cases, the state did not fulfill its positive obligation and played a mediator function only. The Chairman of the Committee on Human Rights and Civil Integration of the Parliament of Georgia supported peaceful dialogue between the parties as a mean of conflict regulation, while actions of the law enforcement bodies in this specific situation were limited to mediation only.<sup>3</sup>

Next case of the violation of the Muslims' rights occurred in the village of Samtatskaro in Dedoplistskaro from May 24 to the end of June 2013. It counted more instances of violence compared to the above-mentioned cases. On May 24, 2013 around 200 local Christian residents gathered to protest Friday Prayer held in the local imam's, Suliko Khozrevanidze's home, trespassed the prayer house, obstructed religious ritual, threatened Imam and forcibly removed some of the religious objects. The aforementioned fact was witnessed by officers of the local police who took no measures to prevent the interruption.<sup>4</sup>

Meetings for worship were similarly prevented on Friday 31 May and Friday 7 June. On May 31, the crowd of Christian population did not allow the regional Muslim leader Jemal Adadze and those accompanying him into Samtatskaro and used threats against them. On June 7, 2013, Muslim population of Samtatskaro once again was prevented from performing the traditional Friday prayer. At 12:30 afternoon, the leader of local Muslims, Suliko Khozrevanidze, was picked at his house and by 14:00 brought to the local worship house, where traditional prayer was to take place. This incident was again accompanied by verbal assaults on local minority Muslim population from the Christian majority. The following Friday – June 14 – Muslims were able to perform their traditional prayer at the place of worship; however, local Muslims did not participate in this event. The same day Samtatskaro was visited by the State Minister on Reintegration, Paata Zakareishvili. Muslims were able to perform their prayer the following Friday – June 21 – as well, but again local Muslim population did not participate.<sup>5</sup> On June 28, 2013 a large number of Christian residents attacked the prayer house, assaulted the Imam and his family, threatened to burn it down if the Imam continued holding religious rituals. The police were present during the conflicts but did not protect the rights of the Muslims. Police officers again took no measures to prevent this fact, to detain offenders or to impose charges upon them. Later Imam Suliko Khozrevanidze was forced to leave the village.

The 28 June mob attack contained the signs of a number of crimes punishable by the Georgian legislation, including threat (Article 151 of the Criminal Code), hooliganism (Article 239 of the Criminal Code), which were motivated by religious affiliation, violation of equality of humans, (article 142 of the Criminal Code),

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<sup>3</sup> Georgian Democracy Initiative (GDI) Report on Human Rights and Freedoms, 2013, available at: <http://gdi.ge/uploads/other/0/162.pdf>

<sup>4</sup> Georgian Democracy Initiative (GDI) Report on Human Rights and Freedoms, 2013, <http://gdi.ge/uploads/other/0/162.pdf>

<sup>5</sup> Georgian Democracy Initiative (GDI) Report on Human Rights and Freedoms, 2013, <http://gdi.ge/uploads/other/0/162.pdf>

coercion, (Article 150 of the Criminal Code); illegal obstruction of the religious rite (article 155 of the Criminal Code)

According to the information provided by the Ministry of Internal Affairs of Georgia the investigation was initiated on the fact of illegal obstruction of observation of religious rites (the crime, envisaged by Article 155.1. of the Criminal Code of Georgia) in the village of Samtatskaro, Dedoplistskaro District and on the fact of treats against the family of Muslim clergyman (Article 151 of the Code) by the Orthodox population of the village. No legal outcomes were reached.

Compared with the above cases, the facts occurred in the village of Chela in Adigeni Municipality was even more flagrant, as the direct perpetrators of violations were public officials. On 26 August, 2013, the Revenue Service of Georgia dismantled the Minaret without legal basis for that.<sup>6</sup> At the same time, employees of the Ministry of Internal Affairs physically abused those Muslims, who tried to protest against the dismantling of Minaret.<sup>7</sup>

During the dismantling, all the roads leading to the village were blocked and the special operation took unprecedented scale. It involved two helicopters, up to 40 off-road vehicles, and up to 200 law-enforcement officers (including Special Forces). Some of the villagers who attempted to approach the building during the dismantling were beaten by the police and were charged with resisting police. The mobile recordings made by some citizens, show that the police also fired warning shots in order to scare off villagers. The police arrested 21 individuals, some of whom were freed right in the night of 26 August. On 27 August, the District Court of Akhaltsikhe imposed fines on six arrested persons for administrative violations and set the bail amount, as a preventive measure, at 2 000 GEL with respect to each of three arrested persons for the alleged commission of crimes defined under Article 353 of the Criminal Code. In November 2013, following the Revenue Service's decision, the minaret was taken back and erected in Chela. The Chief Prosecutor's Office of Georgia did not launch investigation of this case.<sup>8</sup>

In September 2014, in Kobuleti, Western Georgia, the opening of a boarding school for Muslim children was followed by an aggressive opposition from the local orthodox population. On September 10, local orthodox Christians nailed a pig's head to the door of the boarding school.<sup>9</sup> They prevented the school employees and beneficiaries from entering the school by blocking the entrance. The police officers were present during the conflict as passive observers and did not take active measures to defend the Muslims. The Interior Ministry launched the investigation; however, no legal outcomes are reached yet.

On October 22, 2014, another act of Islamophobia occurred in the village Mokhe of Adigeni municipality<sup>10</sup>, which involved harsh violation of Muslims' rights.<sup>11</sup> A demonstration where Muslims protested destruction of

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<sup>6</sup> <http://www.civil.ge/eng/article.php?id=26386>

<sup>7</sup> The study of Religious Discrimination and Constitutional Secularism in Georgia, Tolerance and Diversity Institute, 2014, available at: <https://tdigeorgia.wordpress.com/2014/09/10/396/>; *Assessment of the Needs of Religious Minorities in Georgia*, Tolerance and Diversity Institute (TDI), 2014 <http://tdigeorgia.wordpress.com/2014/11/03/discrimination-in-public-educational-institutions/>

<sup>8</sup> Georgian Democracy Initiative (GDI) Report on Human Rights and Freedoms, 2013, <http://gdi.ge/uploads/other/0/161.pdf>

<sup>9</sup> <http://www.civil.ge/eng/article.php?id=27654>

<sup>10</sup> <http://www.hrw.org/world-report/2015/country-chapters/georgia?page=2>

a mosque, now a disputed site, was dispersed violently by representatives of the Ministry of Internal affairs of Georgia.<sup>12</sup>The evidence gathered by human rights defender CSOs demonstrates that the arrests of the peaceful protesters were illegal.<sup>13</sup> During arrests and later, in the police department, police verbally and physically abused detainees.<sup>14</sup> The Chief Prosecutor's office regarding abuse of force and unlawful arrests is investigating this case.<sup>15</sup>

- *Jehovah's Witnesses*

A number of offences committed on the grounds of religious intolerance against Jehovah's witnesses jumped since 2012<sup>16</sup>. According to the information provided by the Jehovah's Witnesses Christian Organization, there were 53 instances of legal violations against them in 2013, and 64 instances in 2014. While in 2012 the Public Defender reported about only 2 such cases.<sup>17</sup> In 2013-2014 the reported violations were instances of destruction of Jehovah's Witness cult buildings, Kingdom Halls; verbal and physical violence, threats, destruction of religious literature, and assaults. Until now, in Terjola, the city in Western Georgia they are unable to build their house of worship.<sup>18</sup>

Regarding the construction of houses of worship, it is noteworthy that many religious groups face artificially created barriers when interacting with local government representatives. In 2012-2014 Caucasus Apostolic Administration of Latin Rite Catholics and the Seventh-Day Christian Adventist Caucasian Union also faced similar barriers. The Muslim community was also unable to build a new mosque in Batumi.<sup>19</sup>

**Recommendations:**

*To the Ministry of Internal Affairs; Main Prosecutor's Office of Georgia:*

- The Ministry of Internal Affairs should react to legal offences inflicted on the grounds of religious intolerance in a timely and effective manner;
- Develop a strategic plan for law enforcement bodies to (a) prevent and eradicate crimes committed on the grounds of religious intolerance and (b) study law enforcers' behavior and communication with citizens when such instances occur and improve the quality of communication;

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<sup>11</sup> Amnesty International Report 2014/2015, available at: <https://www.amnesty.org/en/documents/pol10/0001/2015/en/>

<sup>12</sup> Joint statement of CSOs concerning violation of Muslims' rights in village Mokhe, available at: <http://bit.ly/1CPB4kk>

<sup>13</sup> Analysis of Recent Occurrences in Mokhe Village, Tolerance and Diversity Institute, available at: <https://tdigeorgia.wordpress.com/2014/11/03/analysis-of-events-in-mokhe-village/>

<sup>14</sup> Statement available at: <http://www.ombudsman.ge/en/news/developments-in-the-village-of-mokhe-require-adequate-response-from-the-authorities.page>

<sup>15</sup> <https://tdigeorgia.wordpress.com/2014/09/10/396/>

<sup>16</sup> Assessment of the Needs of Religious Minorities in Georgia, Tolerance and Diversity Institute (TDI), 2014 <http://tdigeorgia.wordpress.com/2014/11/03/discrimination-in-public-educational-institutions/>

<sup>17</sup> Available at: [http://www.parliament.ge/files/sakhalkho\\_damcv/Report\\_2012.pdf](http://www.parliament.ge/files/sakhalkho_damcv/Report_2012.pdf)

<sup>18</sup> Assessment of the Needs of Religious Minorities in Georgia, Tolerance and Diversity Institute (TDI), 2014 <http://tdigeorgia.wordpress.com/2014/11/03/discrimination-in-public-educational-institutions/>

<sup>19</sup> Assessment of the Needs of Religious Minorities in Georgia, Tolerance and Diversity Institute (TDI), 2014 <http://tdigeorgia.wordpress.com/2014/11/03/discrimination-in-public-educational-institutions/>

- Adopt a “zero tolerance” policy when treating crimes based on religious intolerance in order to (a) develop the means to not only react and punish such a crime, but to also prevent it and (b) reverse the tendency of the growth in the number of crimes based on religious intolerance;
- It is necessary to investigate instances of religiously motivated offences under appropriate articles that regulate religious persecution, obstruction of religious rites and violation of principles of human equality.
- Prosecutor’s Office must timely and effectively investigate the facts of possible excessive use of force by the policemen in the villages Chela and Mokhe and in the shortest period of time let the Public Defender and the public at large know the results of this investigation.

## **2. Illegal Interrogation**

On January 4, 2015, street artists Mariam Natroshvili and Gvantsa Jishkariani made an inscription “25 Million” in front of the building of the Patriarchate, which indicated the sum allocated for the Patriarchate from the State budget. On January 8, the authors of the inscription were summoned to the police. One of them says that they were first at the police station located on Tabukashvili Street where the “interview” was also attended by three representatives of the Patriarchate, and then at the police station of the Ortachala District where law enforcement officers drew up a protocol. According to M. Natroshvili, when they asked the law enforcement officers with what status they were at the police station or under which article they were going to be indicted, the representatives of the Patriarchate replied: “The Patriarch does not want you to be punished; and this is not an interrogation, this is just an interview.”

By involving religious persons in their proceedings, police officers have breached the fundamental principle of secularism enshrined in the Constitution of Georgia. They have also disregarded the requirements of Georgian legislation concerning interrogation procedures as the artists hadn't been informed of their legal status and reasons of the interrogation.

Any legal or disciplinary proceedings haven't been undertaken against the police officers who breached the law.

### **Recommendations:**

- To investigate arbitrary interpretation of legislation in favor of dominant religious group.

## **3. State control and Infringement on Autonomy of Religious Organizations**

On February 19, 2014, Georgian Government founded the State Agency on Religious Affairs.<sup>20</sup> It is noteworthy that the state founded the agency unilaterally, without consulting a wide range of religious organizations, Public Defender, or non-governmental human rights organizations geared toward protecting the rights of religious minorities.

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<sup>20</sup> The Resolution N 177 of the Government of Georgia, On the Establishment of the Legal Entity of Public Law – State Agency of Religious Affairs and on Approval of its Statute, (in Georgian), 19 February, 2014

It must be noted that none of the international or local organizations have ever recommended that the government create a state agency dedicated exclusively to religious issues.

The mandate of the Agency is not transparent and political and legal significance of its recommendations is not clear, particularly in the case, when the recommendations are addressed not to the Government, which established this body, but to the local governmental entities or other authorities. The procedure for elaboration of the recommendations is also not clear and there are no safeguards that the process is fair and inclusive.<sup>21</sup>

Current practice and policy of the Agency in respect with the religious minorities violates the principles of religious neutrality and infringes the autonomy of religious organizations. The Agency unilaterally decides the issues of state funding of religious organizations and giving permissions on building houses of worship through ambiguous and non-transparent process.

On February 23, 2015 The State Agency for Religious Issues presented the draft of State Strategy of Religious Policy. The analyses of the document shows that religious policy of the state is oriented not at the solution of the persistent and acute problems for religious minorities in Georgia but at strengthening control over religious entities and curtailing their functions. It is mentioned in the document that up to now the religious policy of the State was focused “only on the protection of religious minorities, while along with the protection of interests of religious groups it is necessary to include the discourse of Internal and external security.” The strategy aims at establishing a special law on religious organizations, establishing hierarchical differences and granting divergent legal statuses to religious entities and state funding of religious organizations according to their legal statuses without elaborating any objective criteria.<sup>22</sup>

#### **Recommendations:**

*To the Government of Georgia*

- Abolish the state structure infringing on the freedom of religious organizations and ensure their functioning free of state control.

#### **4. Religious Indoctrination at Schools and breach of neutrality in academic teaching**

Despite the secular and liberal legal regulations, discrimination on religious grounds at public educational institutions in Georgia is one of the most problematic issues. Children belonging to religious minority groups are forced to take education in the environment where principles of religious neutrality are harshly violated. The instances of proselytism, collective prayer, display of religious symbols for non-academic purposes, and setting up prayer corners in favor of the dominant religious organization - Georgian Orthodox Church, are frequent at public educational institutions. It has also become a common practice instituted by school

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21 See more: The study of Religious Discrimination and Constitutional Secularism in Georgia, Tolerance and Diversity Institute, 2014, available at: <https://tdigeorgia.wordpress.com/2014/09/10/396/>; *Assessment of the Needs of Religious Minorities in Georgia*, Tolerance and Diversity Institute (TDI), 2014

<http://tdigeorgia.wordpress.com/2014/11/03/discrimination-in-public-educational-institutions/>

22 The analyses of the document, prepared by TDI is available at: <https://tdigeorgia.wordpress.com/2015/03/19/tdi-on-the-report-and-the-strategy-of-religious-policy-prepared-by-the-state-agency-for-religious-issues/>

administrations to invite Orthodox Christian clerics for preaching and performing religious rituals (blessing, consecration, public prayer). Teachers and students sometimes humiliate members of religious minorities; there have been attempts to forcefully baptize students representing religious minority groups. It means the Georgian Law on Basic Education is violated to promote exclusively one religion and the Ministry of Education and Science does not address this problem<sup>23</sup>. Latest reports of local organizations and the Public Defender focus on the problem of inadequate or one-sided representation of religious content in public educational institutions and discrimination of students on religious grounds.<sup>24</sup>

## **Recommendations:**

*To the Ministry of Education and Science of Georgia*

- It is necessary to create a special monitoring and response group in order to reveal instances of violation of the Georgian Law on Basic Education at public schools.
- The monitoring and response group, together with the appropriate experts, must develop guidelines for public school directors and teachers, providing specific instructions for protecting religious neutrality and promoting a tolerant environment.
- The Ministry of Education and Science of Georgia must develop an action plan for performing active work on protecting religious freedom and creating tolerant environment in public schools.

## **5. Restitution of the Places of Worship**

Religious minorities in Georgia- Diocese of Armenian Apostolic Orthodox Holy Church, Catholic Church, Evangelical-Lutheran Church, Muslim and Jewish Communities - have been unable to regain their places of worship and other properties seized by the Soviet government.<sup>25</sup> In the wake of the collapse of the Soviet Union, Georgian Apostolic Autocephalous Orthodox Church regained its ownership on religious buildings. On October 14, 2002, the government of Georgia and the Georgian Patriarchate reached a constitutional agreement that declared “Orthodox churches, monasteries (functional or not), their remnants, and the land on which they are located” the property of the Patriarchate<sup>26</sup>. However, the government of Georgia has not signed analogous agreements with any of the other religious organizations. Currently, Diocese of Armenian Apostolic Orthodox Holy Church is requesting from the government of Georgia the restitution of 6 churches that are left functionless and are referred as “contested churches” because the Georgian Patriarchate too is claiming their ownership. The churches at hand are currently registered as state property. The Clergymen of the Armenian Church express their concerns over the gradual change of the interior and the exterior of the monuments over the years: Armenian writing and architectural elements typical for the Armenian Church architecture have been removed from the frescoes and tombstones. The Caucasus Apostolic Administration of Latin Rite Catholics is unable to regain dominion over five churches. They are owned by the Georgian

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<sup>23</sup> Proselytism, religious indoctrination and display of religious symbols at schools for non-academic purposes are prohibited under Article 18 of the Law of Georgia on Basic Education.

<sup>24</sup> *Assessment of the Needs of Religious Minorities in Georgia*, Tolerance and Diversity Institute (TDI), 2014 <http://tdigeorgia.wordpress.com/2014/11/03/discrimination-in-public-educational-institutions/>; Religion in Public Schools, EMC, 2014, available at: <http://emc.org.ge/2014/03/31/religion-in-public-schools/>

<sup>25</sup> *Assessment of the Needs of Religious Minorities in Georgia*, Tolerance and Diversity Institute (TDI), 2014 <http://tdigeorgia.wordpress.com/2014/11/03/discrimination-in-public-educational-institutions/>

<sup>26</sup> Constitutional agreement, Article 7.1-2.



Orthodox Church. Evangelical-Lutheran Church is requesting the return two buildings. Muslim and Jewish communities also are unable to return a number of houses of worship, some of them are registered as state property, others remain unregistered.

### **Recommendations:**

*To the Government of Georgia:*

- The Government of Georgia should create a government committee on restitution representing the Public Defender's office and members of religious organizations. The committee should develop an action plan for returning the historical heritage confiscated during the Soviet period to their rightful owners and should supervise its timely and effective implementation.

*To the Ministry of Culture and Protection of Monuments of Georgia:*

- The government must provide care for places of worship of all religious organizations – this includes maintaining, reconstruction, and restoration work; especially for buildings of those religious minorities that are monuments of cultural heritage and/or are currently not functioning or are so-called disputed houses of worship.
- The Ministry must take preventative actions in order to stop the natural deterioration of the interior and exterior of the so-called disputed houses of worship.
- The government must conduct a proper census of houses of worship belonging to all religious organizations, create a complete database, and provide the buildings that meet certain criteria with a status of cultural monuments.

## **6. Hate speech, Xenophobia and Homophobia by Political Figures**

As a media monitoring for 17 February -17 May, 2014<sup>27</sup> shows hate speech, xenophobia and discrimination are manifested not only by radical and pro-Russian opposition and media but by some representatives of the ruling coalition and high ranking political appointees. 3 Ministers and 1 deputy minister is criticized by civil society platform *No to Phobia!*<sup>28</sup> for the following reasons: on 18 February, 2015 xenophobic statement and racist connotation in relation to concrete countries (Chinese, Iraqis, Iranians, and Egyptians) by the Minister of Justice<sup>29</sup>; on 9 May, 2014 homophobic statement by the Minister of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia referring to LGBT persons as "diseased people" with "sexual deviations"<sup>30</sup>; homophobic statements by the Minister of Education and Culture of Abkhazia ("You non-men! Don't madden the people or the last year's 17 May will be a cakewalk! The government must do everything... not to be defiled by apology of buggery!" Asaval-Dasavali, 21-27 April, 2014)<sup>31</sup>; repeated (on 25 October, 2014 and 8 January, 2015) hate speech ("a person with a sick mentality", "a one-celled creature", and "mankurt") and call for physical reprisals (There will appear a group of people

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<sup>27</sup>[http://mdfgeorgia.ge/contentimage/newsletter2014/REPORT\\_-\\_ENG.pdf](http://mdfgeorgia.ge/contentimage/newsletter2014/REPORT_-_ENG.pdf)

<sup>28</sup> 13 leading NGOs are united in the platform to combat hate speech, xenophobia & homophobia in media and political discourse. see: [http://mdfgeorgia.ge/eng/view\\_stories/3](http://mdfgeorgia.ge/eng/view_stories/3)

<sup>29</sup>Statement of the Civil Platform *No to Phobia!* 6 March, 2015. [http://mdfgeorgia.ge/eng/view\\_statements/173](http://mdfgeorgia.ge/eng/view_statements/173)

<sup>30</sup>Statement of the Civil Platform *No to Phobia!* 12 May, 2014. [http://mdfgeorgia.ge/eng/view\\_statements/95](http://mdfgeorgia.ge/eng/view_statements/95)

<sup>31</sup>" see p. 11 [http://www.eurocommunicator.ge/mdf/uploads//REPORT\\_-\\_ENG.pdf](http://www.eurocommunicator.ge/mdf/uploads//REPORT_-_ENG.pdf)

who will themselves use force due to emotional background!”) against the head of LGBT & human rights CSO *Identoba* by the Deputy Minister of Diaspora resulted in an appeal of NGOs to the Prime Minister to dismiss the deputy minister from his political position<sup>32</sup>. In none of cases Government responded on CSOs call to address this problem stemming from public officials and ruling coalition tended to express discriminative statements towards various groups of society.

### **Recommendations:**

- Government and political parties should work on the development of self-regulation mechanisms in order to respond to hate speech, xenophobia and other discriminative expressions by members of their party, political appointees;
- Government should reconsider keeping on political positions those public figures whose public statements incite hatred towards marginal groups;
- Political parties should draw up and sign joint declaration condemning manifestation of hate speech, xenophobia and other forms of discriminative rhetoric in public discourse.

## **7. Hate Speech in Media**

While in 2004 Georgia adopted very liberal media legislation praised by the article XIX and other international organisations as “the most progressive and forward looking regulation” containing extensive safeguards for the protection of the freedom of speech and expression, accountability rules and self-regulation mechanisms introduced for broadcasting media by the law on Broadcasting (Code of Conduct) in 2009 remains fragile and has limited influence over journalistic practice. Media outlets often refuse to discuss hate speech cases in self-regulatory complaint commissions initiated by human rights NGOs indicating that article 52 of the law on Broadcasting allows only concerned parties to file complains ( private channel TV Kavkasia, refused to discussed CSOs complaint twice on May 22, 2014 re: hate speech against Azeri citizens of Georgia and on January 6, 2015 re: Islamophobic statements of the anchor).

Moreover, in some cases complaint commissions interpret the Code of Conduct in a legal terms. For instance, in response to the complaint of 9 CSOs filed on 23 January, 2014, Georgian Public Broadcaster's (GPB) board of trustees justified hate speech case against LGBT groups by freedom of expression and refused to consider homophobic statement by commentator of the program as a violation of the Articles 31, 32 ad 33 of the Code of Conduct on equality and diversity)<sup>33</sup>. However, this is not isolated case when leading Georgian NGOs issued statements<sup>34</sup> regarding discriminatory coverage of GPB's news program *Moambe* on various grounds. Consequently unethical and irresponsible journalism often poses such threats as a resurgence of hate speech, xenophobia, homophobia and discrimination on various grounds.

### **Recommendations:**

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<sup>32</sup>Statement of the Civil Platform *No to Phobia!* 10 January, 2015 [http://mdfgeorgia.ge/eng/view\\_statements/165](http://mdfgeorgia.ge/eng/view_statements/165)

<sup>33</sup>[http://www.mdfgeorgia.ge/eng/view\\_news/27](http://www.mdfgeorgia.ge/eng/view_news/27)

<sup>34</sup>[http://www.mdfgeorgia.ge/eng/view\\_statements/79](http://www.mdfgeorgia.ge/eng/view_statements/79)  
[http://www.mdfgeorgia.ge/eng/view\\_statements/97](http://www.mdfgeorgia.ge/eng/view_statements/97)

- Georgian National Communication Commission should insure proper implementation of self-regulation mechanisms and revision of current regulations in order to provide coherent interpretation of the regulations.
- Georgian Public Broadcaster should respect minority rights and implement Broadcasters' Code of conduct effectively.

## **8. Diversity reporting**

GPB is the only channel obliged by the legislation to provide accessible information in minority languages and "reflect ethnic, cultural, linguistic, religious, age and gender diversity in programs" (Article 16.h). We welcome the fact that GOG provided funding for digital switchover of GPB in order to improve signal transmission and therefore accessibility of its programs to the regions densely populated by ethnic minorities. However, we regret the fact that TV talk-show providing forum for minority representatives was suspended in 2014 and did not replace by other programs allowing voices of minorities to be heard on Public TV. At the same time there is a need to improve access of GPB's news programs in minority languages and to integrate minority perspective in major prime time news bulletins.

### **Recommendation**

- GPB should ensure access of information in minority languages and provide forum for minorities allowing their voice to be heard.

## **9. Rights of Persons Forcefully Sent into Exile by the Former USSR the 1940s and Process of Repatriation**

In 1999, upon becoming a member of the Council of Europe, Georgia undertook obligations of supporting repatriation and integration of persons forcefully sent into exile from Samtskhe-Javakheti region of Georgian SSR by the former USSR in the 1940s (hereinafter deported Meskhetians). Although several steps have been taken towards addressing the commitment, the official state policy still lacks a comprehensive and consistent approach from the government of Georgia (GoG).

After completion of deadline (01.01.2010) of acceptance of applications for granting the repatriate status more than 5 years passed. By March 3, 2015 out of 5841 registered applications only 1533 statuses have been granted, while citizenship of Georgia have been awarded to 320 applicants.<sup>35</sup> Technically unjustified slow pace of granting the statuses show that the GoG intentionally attempts to prolong the repatriation process, which is highly determined by the lack of political will at the state level.

On September 16 2014 the GoG adopted the *State Strategy on the Repatriation of Persons Internally Displaced by the Former USSR from the Soviet Socialistic Republic of Georgia in the 1940s of the 20th Century*.<sup>36</sup> However, the document does not cover issues such as: 1) inclusion of repatriates into governmental

<sup>35</sup>According to the data provided to ECMI Caucasus by Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia (MRA) on 3/3/2015

<sup>36</sup><https://matsne.gov.ge/ka/document/view/2509406?impose=translateEn>

programs; 2) mainstreaming of Meskhetian repatriates into government policies, 3) support of political and civic integration.<sup>37</sup> Furthermore, by now no action plan of this strategy has been adopted, which would ensure successful implementation of the state document.

Since September 2014 self-repatriated persons and also those having repatriate status are facing the problem of illegal residence as a result of new “Law of Georgia on the Legal Status of Aliens and Stateless Persons”<sup>38</sup>. At least 140 applications for residence permit of Meskhetians have been denied by government on the grounds of national security threats.<sup>39</sup> This applies to other national minorities who have lost citizenship of Georgia (particularly in Samtskhe-Javakheti region). The new law created precedents of family separation (Case of Iunis Arifov<sup>40</sup>) which violates principle of family reunification enshrined in ICCPR article 23 and its General Comment 19 of 1990.

### **Recommendations:**

- Accelerate the process of granting repatriate status as well as citizenships
- Provide detailed information to the applicants about the status of their applications
- Adopt the Action Plan for the State Strategy on the Repatriation.
- Mainstream the issues of repatriates into each government policy
- Ensure eligibility of repatriates (including those self-repatriated) to benefit from Governmental programs such as healthcare, social and agricultural assistances
- Establish simplified procedures for repatriates to acquire residence and work permits.

## **10. Situation of Roma Community in Georgia**

The Romani community remains the most isolated and marginalized group of ethnic minorities living in Georgia. The community roughly estimates to 1500 members living in 5 compact settlements: Tbilisi, Gachiani, Dedoplistskaro, Kobuleti and Kutaisi.<sup>41</sup>

According to the latest research on ethnic minority women of Georgia, Roma women are in the most vulnerable situation facing double discrimination by the general population and within the community. Domestic violence is one of the main problems here.<sup>42</sup> The GoG so far has failed to come up with a policy addressing the problems of this group. Neither National Concept for Tolerance and Civic Integration nor its Action Plan for 2009-2014 targets the specific needs of Romani people.

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<sup>37</sup> ECMI Caucasus in cooperation with ACF elaborated comprehensive Policy Recommendations, which outlines the problems that government needs to take into account. The recommendations were included into Ombudsman’s 2013 Report on Protection of Human Rights in Georgia. [http://repatriation.ge/uploads/Repatriation\\_Recommendation\\_ECMI\\_ACF.pdf](http://repatriation.ge/uploads/Repatriation_Recommendation_ECMI_ACF.pdf)

<sup>38</sup> <https://matsne.gov.ge/en/document/view/2278806>

<sup>39</sup> <http://dfwatch.net/meskhetians-are-denied-residency-permit-in-georgia-34229>

<sup>40</sup> ibid

<sup>41</sup> ECMI Caucasus (2014) - Needs Assessment of Ethnic Minority Women In Georgia [http://ecmicaucasus.org/upload/Ethnic%20Minority%20Women\\_Eng.pdf](http://ecmicaucasus.org/upload/Ethnic%20Minority%20Women_Eng.pdf)

<sup>42</sup> ibid p. 50

Access to information on state-run social programs is hampered due to the lack of knowledge of the state language. Despite the fact that most of them live in conditions below the poverty line, only a few of them get social assistance from the state. The same applies to the access to state healthcare program.<sup>43</sup> Roma visit doctors just in extreme cases as they feel they are being discriminated against.<sup>44</sup>

The most acute problems for the Roma are access to legal services and obtaining ID cards. Although the GoG has been working on the problems of registration and issuance of IDs<sup>45</sup>, a large number of Roma from Telavi, Kutaisi and Gachiani still do not have any identification documents.<sup>46</sup>

Most of the Roma population is illiterate.<sup>47</sup> A number of Roma children attending schools remain relatively low. This is due to different problems: no legal status, children are assigned by parents for income producing jobs, discrimination in public schools and cultural traditions of the community.<sup>48</sup> The Ministry of Education and Science (MES) has not been involved in addressing the problems (violation of Right to Education of CRC art. 28). Roma children are discriminated in public schools. In Kobuleti, in the first week of teaching semester (17-21 September) of 2012-2013, there was number of incidents when parents protested against Roma children to be studying next to their children.<sup>49</sup>

Social prejudices are enhanced by the wandering and begging children in the streets of big cities of Georgia, who in many cases, are not Roma.<sup>50</sup> Besides the schools, discrimination is also in medical institutions. On 12 May 2013, a case was observed when a child with hepatic (liver) disorder was not given stationary medical treatment at Batumi hospital. Therefore, he was treated at home, spreading the disease to other members of the family. Roma women suffer from discrimination and are often not admitted to maternity wards. They are forced to give birth at home, as hospitals do not accept them.<sup>51</sup>

#### **Recommendations:**

- Elaborate and adopt a strategy and action plan for integration and inclusion of Roma taking into account the specific characteristics of the community;
- Incorporate all the needs and priorities into relevant policies and programs of the GoG, with putting emphasis on the vulnerable situation of Roma women
- Activate interagency commission in order to finalize the document issuance
- Establish effective anti-discrimination mechanism and provide raising awareness campaigns
- MES to elaborate Roma community sensitive policies with effective monitoring mechanism on violations of children's right to education (in cooperation with MIA)
- Support activities popularizing Romani culture and eliminating stereotypes among the wider society.

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<sup>43</sup> Public Defender's Report of Human Rights Protection in Georgia in 2013. p. 176 <http://ombudsman.ge/uploads/other/1/1934.pdf>

<sup>44</sup> ECMI Caucasus (2014) - Needs Assessment of Ethnic Minority Women In Georgia p. 51

<sup>45</sup> Report of 2013 Action Plan of Tolerance Concept - <http://www.smr.gov.ge/docs/doc306.pdf> p. 6

<sup>46</sup> ECMI Caucasus (2014) - Needs Assessment of Ethnic Minority Women In Georgia, p.

<sup>50</sup>[http://ecmicaucasus.org/upload/Ethnic%20Minority%20Women\\_Eng.pdf](http://ecmicaucasus.org/upload/Ethnic%20Minority%20Women_Eng.pdf)

<sup>47</sup> Ibid 50

<sup>48</sup> ibid 51; Giorgi Sordia (2009) - A Way Out? Initial Steps Towards Addressing Romani Issues in Georgia

[http://www.ecmicaucasus.org/upload/publications/brief\\_21\\_eng.pdf](http://www.ecmicaucasus.org/upload/publications/brief_21_eng.pdf) p. 10

<sup>49</sup> ECMI Caucasus (2014) Needs Assessment of Ethnic Minority Women In Georgia p. 50

<sup>50</sup> Sordia, 2009, p. 12

<sup>51</sup> ECMI Caucasus (2014) Needs Assessment of Ethnic Minority Women In Georgia p. 51