

Summary

This report follows developments in the implementation of legislation and in the institutional capacity of the Georgian government concerning its minority governance policy. It identifies specific problems of minority integration, mostly covering three of Georgia's regions: Samtskhe-Javakheti, Kvemo-Kartli, and Adjara, and offers recommendations for advancing the inclusion of Georgia's ethnic minorities into the broader society. The issues and recommendations are addressed to the Government of Georgia (hereinafter GoG) for further consideration. The report focuses on the topics raised by a coalition of NGOs in the following areas: Access to education, participation in public life, employment, protection of cultural heritage, migration policy, the status of the Roma, and violations of religious minorities' rights in Georgia.

I. Access to Education

Access to Pre-school Education in the Kvemo-Kartli Region

The right to education is one of the most fundamental rights determined by a number of international human rights documents, of which Georgia is party to.¹ Access to pre-school education is a sensitive issue in the whole country, although the problem is explicitly acute in the Kvemo-Kartli region, which is densely populated by ethnic Azeris who are citizens of Georgia. According to the latest census, conducted in 2002, out of approximately 311,000 persons living in the Kvemo-Kartli region, 62.5% are ethnic Azeris.² Despite the fact, that demand for access to pre-school education is very high; the population has limited access to this municipal service.³

In the six districts of the region, there are only 20 non-Georgian kindergartens functioning in the Marneuli and Gardabani municipalities, while other districts such as Tetrtskaro, Dmanisi, Bolnisi, and Tsalka are neglected. According to the monitoring results of the Implementation of the National Concept and Action Plan on Tolerance and Civil Integration,⁴

¹UN, 1949. *The Universal Declaration of Human Rights*. Article 26 (1). "Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages."

CoE, 1995. *Framework Convention for the Protection of National Minorities*. (FCNM) Article 13 (1), "The States Parties ... recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms" UN, 1966. *International Covenant on Economic, Social and Cultural Rights*. Article 13 (1), "Within the framework of their education systems, the Parties shall recognize that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments".

²Geostat Data, 2002. *Census*. Available through <http://geostat.ge/index.php?action=page&p_id=677&lang=eng> [Accessed 19 March 2015]. Data for the new census was collected in 2014 and will be available for 2016.

³ Municipalities are in charge of controlling the functioning of kindergartens.

⁴Monitoring conducted by The Council of Ethnic Minorities of the Public Defender of Georgia.

in 2013, the number of children aged 3-5 years old belonging to ethnic minorities was 179 in Tetrtskaro, 890 in Dmanisi, 2,200 in Bolnisi, and 20 in Tsalka.⁵ Not all of these children have the possibility to attend kindergarten classes. There are cases of parents from the Tetrtskaro or Bolnisi districts who choose to take their children to kindergartens in neighbouring areas, even though it is difficult for them to travel long distances every day. In addition, infrastructure in existing pre-school educational institutions in Kvemo-Kartli are old, and need to be renewed.

Lack of knowledge of the state language - Georgian is very problematic for the Azeri residents in the Kvemo-Kartli region. Taking into account that learning languages is easier from an early age, bilingual kindergartens (Azeri/Georgian) would have a positive impact in solving the problem. Minorities would be able to maintain their native language while at the same time learning the state language.

A focus group discussion conducted by GRASS with the participation of Kvemo-Kartli CSOs⁶ showed that there is a lack of qualified and certified teachers in the region. Furthermore, a proper methodological guidebook for kindergarten instructors and public schools urgently needs to be elaborated. All teachers should undergo training and certification, but there is limited guidance for teachers in the regions and many fail to pass the certification exams. As such, the teachers do not have sufficient qualifications in the Georgian language, and consequently the pupils do not have the possibility to learn the state language properly.

Undergraduate Program "1+4"

A special preferential program for minority students, "1+4," was launched in 2010 by the Ministry of Education of Georgia. The program gives public school graduates from minority groups (Armenians, Azeris, Abkhazians, and Ossetians) the possibility to enrol in higher education institutions by passing an ability test in their native language.⁷

⁵The Council of Ethnic Minorities of the Public Defender of Georgia, (n.d.). *Monitoring results of the Implementation of the National Concept and Action Plan on Tolerance and Civil Integration. 2012-2013.*

⁶Meeting organized by GRASS on the 20th of February, 2015 in Tbilisi, Georgia.

⁷The students admitted to higher education institutions of Georgia are attending one year-long intensive Georgian language courses. According to their selected specialties, they must pass the respective exams and are then enrolled in 4 year undergraduate programs.

The program has had a positive impact, as a significant number of minorities use this opportunity. According to data from the National Examination Centre, 928 students who were non- native Georgian speakers were enrolled in universities in 2013.⁸

However, problems remain with the program's administration, and the positive outcomes of the program are not yet evident. There is evidence that the one-year-long preparation course in Georgian language the students receive is insufficient for them to continue in post-secondary education and meet the necessary academic requirements in higher education institutions. This creates the danger of these students dropping out of university or getting expelled due to poor language skills – and as a result, poor grades. This would then make them uncompetitive in the Georgian labour market.

II. Participation in Public Life

Women's Participation in the Political Life of their Municipalities: The Case of Akhalkalaki in the Samtskhe-Javakheti (SJ) Region

Women's participation in political life in Georgia is generally very low. They are significantly underrepresented in both central and local state agencies, and therefore play a minor role in policy decisions that determine the further development of the country.

In the Samtskhe-Javakheti (SJ) local administrations, the only places with women from ethnic minorities who were elected are in Akhaltsikhe (with three women, among them one Armenian), and Ninotsminda (with two Armenian women). As for their representation in municipal administrations, only 45 minority women are employed in all six municipalities of SJ.⁹ The women mostly serve as administrative staff in local self-governance agencies and are engaged in secretarial jobs.

According to non-government organization CELS, in the Akhalkalaki municipality city council for the year 2010, among 32 representatives there were no women deputies; in 2014, among 37 representatives, again there were no women.¹⁰ This can be explained by several factors: An inadequate HR policy exercised by local authorities which predominantly advantages male candidates; gender stereotypes in society and among public officials; the women's general low self-esteem; little access to resources for female candidates during pre-

⁸The Council of Ethnic Minorities of the Public Defender of Georgia, (n.d.). *Monitoring results of the Implementation of the National Concept and Action Plan on Tolerance and Civil Integration. 2012-2013.*

⁹European Centre for Minority Issues (ECMI), 2014. *Commissioned Study.* [pdf]. Available at: http://ecmcaucasus.org/upload/Ethnic%20Minority%20Women_Eng.pdf [Accessed 19 March 2015].

¹⁰Research conducted by CELS in the Samtskhe-Javakheti region in 2014.

election campaigns. As a result of women's lack of inclusion in political life, no gender-focused policies are considered at the municipal level in Akhalkalaki. Despite the fact that there are several active women in the civil society sector, their role in the decision-making process is insignificant.

As for other municipalities in SJ, women's representation in local self-governing bodies is as follows: In the Sakrebulo¹¹ of Akhaltsikhe, there are three women out of the 15 deputies; in Akhaltsikhe – there are six women out of 37 deputies, in Ninotsminda – there are two women out of 25 deputies; in Borjomi – there are three women out of 26 deputies; and in Aspindza – there are no women out of 27 deputies.¹²

A survey by CELS showed that most women did not have an interest in taking part in elections, as they are confident that locals will not vote for female candidates. This perception is a predominant trend among the locals.

III. Protection of Cultural Heritage

Preservation of Azeri Historical Sites in Georgia

The Framework Convention for the Protection of National Minorities (FCNM) of the Council of Europe, which is ratified by the GoG, maintains that the development of minorities' cultural heritage is a crucial element in preserving their identity and traditions.¹³ Nevertheless, in Georgia the maintenance of historical monuments is often delayed and mainly reverts to financial assistance from private organizations and Kin states. The GoG often refers that lots of minority cultural venues are functioning, but never delves into their working conditions or financial status.

According to data collected by Human Rights Monitoring Group of Ethnic Minorities, only 22% percent of the Heydar Aliyev Azerbaijani Drama Theatre of Tbilisi is administered by the theatre, while 78% is occupied by IDPs who do have legal permission to live in the building.¹⁴ The theatre is not functioning properly as the building is in half ruins and is unsafe for conducting performances. While local Azeris have not referred to the Ministry of Culture and Monuments Protection of Georgia with an official request for help, in official meetings between CSOs and the Ministry, they've raised the issue many times about the theatre and its

¹¹City Council

¹²Information was provided by the SJ Regional Administration on 17 March, 2015.

¹³CoE, 1998. *Framework Convention on National Minorities* (FCNM), Article 5(1).

¹⁴Currently 19 IDP's families live in the building.

importance for minorities' cultural life. The representatives from the Ministry of Culture respond that it is impossible to evict the IDP families from the theatre building.

The total operating budget of the Theatre for the year 2014 was about 135,000 GEL (approximately 64,285 USD). This amount envisaged all technical and performance support expenses, including salaries. From this budget, 60-70% covers staff wages. With the remaining money it is not possible to conduct rehabilitation works.

The issue of the Nariman Narimanov Museum of Tbilisi is on-going. The building was destroyed for the purpose of conducting renovation work of the whole district, including repairing the museum building. Thus far, there have been no rebuilding works, contrary to the agreement between the Azerbaijani and Georgian authorities.¹⁵

Status of Cultural Centres in Marneuli Municipality (Kvemo-Kartli Region)

There are six cultural centres functioning in Marneuli municipality: In Marneuli, Algeti, Tamarisi, Kachagani, Sadakhlo, Tserakvi, and Aghmamedlo.¹⁶ The infrastructure in most of these buildings is out-of-date and unfit for cultural activities. Due to the unfavourable conditions, most of the centres are permanently closed and locals do not benefit from cultural life at all.

IV. Migration Policy

Migration Related Problems of Ethnic Armenians in the Samtskhe-Javakheti Region

Ethnic Armenians are 54.6% of the population in the Samtskhe-Javakheti region of Georgia.¹⁷ One of the current and pressing problems for the Armenians in SJ is related to their legal documents and status, such as acquiring Georgian citizenship, residence permits, and visas. Many residents of SJ are citizens of Russia and Armenia. The motivation for applying and receiving Armenian/Russian citizenship is to gain easy access to temporary work in the Russian Federation. In most cases, local SJ Armenians are not aware of the consequences of acquiring foreign citizenship - mainly, losing their Georgian citizenship. As a result, a large portion of the SJ population currently has no legal basis to stay in the country in accordance with Georgian legislation. As a rule, the Constitution of Georgia denies dual

¹⁵ Trends Agency, 2009. *House Museum of Nariman Narimanov in Tbilisi to be repaired*. Trends Agency online. [online] Available at: <<http://en.trend.az/azerbaijan/society/1406481.html>> [Accessed 19 March 2015].

¹⁶ The Council of Ethnic Minorities of the Public Defender of Georgia, (n.d.). *Monitoring results of the Implementation of the National Concept and Action Plan on Tolerance and Civil Integration. 2012-2013*.

¹⁷ Geostat Data, 2002. *Census*. Available through <http://geostat.ge/index.php?action=page&p_id=677&lang=eng> [Accessed 19 March 2015]. Data for the new census was collected in 2014 and will be available for 2016.

citizenship, except for when the President of Georgia is authorized to award citizenship for special merits. This provision of the Constitution is usually interpreted incorrectly and many of the SJ locals are confident they have a natural right to dual citizenship, even after acquiring a foreign citizenship.¹⁸

On September 1, 2014, the new Law of Georgia on the Legal Status of Aliens and Stateless Persons came into force. The law decreased the length of visa-free stay for foreigners in Georgia from 360 days, to 90 days in any 180-day period. The law also cancelled the visa-free regime with twenty-four countries.¹⁹ Since the adoption of the law, a number of aliens in Georgia were subject to a fine or expulsion for not meeting the necessary requirements for receiving a residency permit. The new realities also created numerous problems for the minorities in SJ. Many SJ Armenians applied for residency permits, but received refusals from the Public Service Development Agency of the Ministry of Justice (Agency), which justified the refusals by saying they are a threat to state security interests. The refusal to give residency permits to the SJ residents contributed to a trend of reluctant migration to Armenia and Russia so that their families would not be split (since part of the family is living in SJ, whereas the ones with foreign citizenship could have difficulty reentering Georgia).

According to the local municipality members of the Akhalkalaki Sakrebulo, after several attempts of appealing to the central authorities to find a solution for the SJ residents, only a few applications for residence permits were considered by the Agency in mid December 2014. These applications were only approved because Akhalkalaki municipality representatives raised the issue with the Prime Minister of Armenia, Mr. Hovik Abrahamyan, and asked him to mediate with Georgian Prime Minister Irakli Garibashvili.²⁰

On February 20th, 2015 the Minister of Justice of Georgia Tea Tsulukiani met with the members of the Council of National Minorities (operating under the auspices of the Public Defender's Office of Georgia), and informed them that out of the 2,357 applications, 1,636 residents of SJ got residence permits, 682 are in processing, and only 23 applicants were denied. Despite this positive development, there is an urgent need for legislative amendments to the Law of Georgia on the Legal Status of Aliens and Stateless Persons, as the GoG has not presented any long-term solution for the country's ethnic minorities as of yet. Many

¹⁸*Constitution of Georgia*, Article 12 (2).[pdf]. Available at: <http://www.parliament.ge/files/68_1944_951190_CONSTIT_27_12.06.pdf>[Accessed 19 March 2015].

¹⁹*Law of Georgia on the Legal Status of Aliens and Stateless Persons*. Available at: <<https://matsne.gov.ge/en/document/view/2278806> www.matsne.ge>[Accessed 19 March 2015].

²⁰GRASS arranged a meeting with Akhalkalaki municipality representatives and local CSOs in Akhalkalaki on December 21, 2014.

locals in SJ are not revealing that they possess Armenian or Russian passports. They do not trust the authorities and are not confident if the law will be enforced or not and will make them leave the country. In this situation, only legislative changes can improve the situation of the SJ population and legalize their stay in their home country.

V. Status of the Roma

Roma Integration Problems in Kobuleti, Adjara

The Roma are one of the most marginalized and vulnerable ethnic minority groups in Georgia. Prejudice is deeply rooted in society against them. Limited access to public services and benefits leads to their further marginalization.

Approximately 200 Roma live in the city of Kobuleti in the Adjara region. The majority of them are illiterate. The adults speak Romani, Russian, and poor Georgian. None of the pre-school age children (approximately 20 children) are enrolled in kindergarten. The Roma children that applied to enroll in local kindergartens were rejected. Through the assistance of local donors, 63 Roma pupils were enrolled in public schools in Kobuleti. Despite this, not all Roma school age children are attending classes. They are mostly begging or selling goods in the streets.

The Roma have socio-economic problems as well. Unemployment and lack of housing is another aspect hindering their societal integration. In addition, there are cases of domestic violence in Roma families perpetrated by male family members.

The official legal registration of the Roma population is one of the major barriers hindering their access to public services and benefits. Despite the fact that with the assistance of donor organizations, many Roma have ID cards, birth certificates, and other relevant documentation, there are still many families without documents— mostly those that reside in the Gilauri district of Kobuleti. The Roma are not aware of whom they should apply to and how to fill out the relevant application forms for getting official documents.

In order to address these issues, CSOs and the authorities must combine their efforts to create a common space for dialogue aimed at Roma integration and changing society's stigmatization of the Roma.

VI. Violations of Religious Minority Rights in Georgia

Cases of Nigvziani, Tsintsikaro, Samtatskaro, Chela, Kobuleti, and Mokhe

During the last two years there have been frequent violations of the rights of the Muslim community in Georgia. In the villages of Nigvziani (Lanchkhuti Municipality),²¹ Tsintsikaro (Tetritskaro Municipality), Samtatskaro (Dedoplistskaro Municipality), Chela (Adigeni Municipality), Kobuleti (Adjara Region), and Mokhe (Adigeni Municipality),²² the rights of Muslims were infringed upon not only by the local Orthodox population, but with the involvement of municipality representatives and the police. The majority of non-Muslim locals in these villages protested against the presence of mosques and were not allowing Georgian Muslims to conduct worship, through both verbal and physical attacks. These events showed that authorities revealed a lack of will to handle cases of religious harassment adequately and to conduct proper investigations into certain individuals.

In the parliamentary report of 2013, the public defender recalls the law enforcement structures of Georgia to conduct effective investigations into the cases, referring to the Criminal Code. Despite that a new state agency was created responsible to handle religious issues (the State Agency on Religious Issues),²³ there is no practice or method yet of adequately solving religious conflicts.

Recommendations:

- Local municipalities -in cooperation with the Ministry of Education and Science (MES) - are recommended to open new kindergartens in the Kvemo-Kartli region, after consultations with the central authorities in Tbilisi;
- Infrastructure of existing pre-school institutions must be renewed;
- The MES must elaborate a methodological guidebook (including a component on teaching the state language) for minority instructors in minority languages, and distribute it in the minority populated areas;
- MES must provide training for trainers for minority kindergarten teachers;
- MES should conduct wider awareness campaigns in the minority compact settlement regions about the "1+4" university program;

²¹Safaridze M., Gogodze S., 2013. Religious Tolerance in Georgia. *Netgazeti Online* [online] Available at: <<http://www.netgazeti.ge/GE/105/opinion/16345/>> [Accessed 19 March 2015].

²² Human Rights Studies and Monitoring Centre (EMC), 2014. Statement on the Violations of Muslim's Rights in Georgia. *EMC Online* [online]. Available at: <<http://emc.org.ge/2014/10/23/gancxadeba-moxes-incidenttan-dakavshirebit/>> [Accessed 19 March 2015].

²³Information about the Agency is Available at: <<http://religion.geo.gov.ge/eng/>> [Accessed 19 March 2015].

- MES should create a special monitoring mechanism to assess the learning process of minority students enrolled in the “1+4” program, in order to prevent them failing in the regular BA programs;
- MES must elaborate special adaptation courses for minority students after they are enrolled in undergraduate programs;
- The Central Election Commission (CEC) should offer consultancy services to female candidates to elected public service positions, emphasizing the role of women in the decision-making process;
- MES must elaborate a special program on "Gender and Elections" to be incorporated in civic educational programs;
- The Parliament of Georgia has to start discussion with stakeholders to establish a quota system for women as a temporary mechanism, in order to increase the presence of women in high-level government institutions;
- Special gender mainstreaming programs must be elaborated by the GoG;
- State budget funds have to be increased towards supporting the protection of minorities’ cultural heritage and cultural centers;
- In the Law of Georgia on the Legal Status of Aliens and Stateless Persons, article 6(1) must be abolished (the article restricts foreigners from getting visas at the state border);
- Exemptions must be made for citizens of foreign countries whose Georgian citizenship has been terminated, and who have family members that are Georgian citizens and living on the territory of Georgia or permanently residing in Georgia, while they are in the process of acquiring Georgian citizenship and residency permits;
- The Law of Georgia on the Legal Status of Aliens and Stateless Persons has to regulate the denial mechanisms on issuing documents, and the relevant agencies must provide reasoning decisions for the denials;
- Local municipalities must monitor their kindergartens in order that Roma children are denied enrollment;
- Local public schools should open Sunday classes for illiterate adult Roma;
- Informational meetings for Roma women on gender issues should be conducted;
- Local municipalities should establish special vocational classes for the Roma population in order to assist them in further employment;

- In cooperation with human rights CSOs, the Public Service Development Agency of the Ministry of Justice has to "mobilize" the Roma with the purpose of issuing them special documentations;
- Law enforcement structures must conduct proper investigations and handle cases of religious discrimination adequately;
- The State Agency on Religious Issues must play a more pro-active role and provide timely solutions to the cases they are handling.