

**Comments of the Government of Georgia on the Third Opinion on Georgia of the Advisory Committee on the Framework Convention for the Protection of National Minorities adopted on 7 March 2019**

**Executive Summary- the fifth paragraph; Para. 13**

**The Office of the State Minister of Georgia for Reconciliation and Civic Equality** kindly clarifies that the State Strategy for Civic Equality and Integration and Action Plan for 2015-2020 which is the main document of the state civic integration policy very well demonstrates that minority issues are not considered through security perspective but human rights approach. The State Strategy is based upon the principle of equality and *“more diversity, more integration”* approach and aims at contributing to the provision of equality; ensuring ethnic minorities’ full-fledged participation in all spheres of public life; preserving national minorities’ culture, further strengthening of a tolerant environment.

**Executive Summary- Issues for immediate response, the second paragraph**

**The State Agency for Religious Issues of Georgia** clarifies that freedom of religion and belief in Georgia is recognized and guaranteed by the Constitution of Georgia, international agreements to which Georgia is assigned and domestic legislation. According to the acting legislation of Georgia, religious organizations have full freedom to define their legal status. Religious associations acquire their rights and obligations in accordance with their legal status and they have freedom of choice to determine their status under the Civil Code of Georgia (Article 1509 and 1509<sup>1</sup>). In particular, religious associations can be registered as a legal entities of public law (LEPL) and as a legal entity of private law, and may also conduct activities as unregistered unions. As of today, tens of religious organizations are registered as a legal entities of public law in the Public Registry and hundreds - as a legal entities of private law.

Tax privileges were provided through the Tax Code of Georgia. The provisions of the Code, which envisaged tax privileges for the Georgian Orthodox Church, became the subject of discussion of the Constitutional Court of Georgia. The hearing on the mentioned constitutional complaint was completed on July 3, 2018. On December 31, 2018, the Constitutional Court decision came into force and claim was satisfied by that. Tax exemption from VAT, without the right of deductions, expanded to construction, restoration and painting of temples and churches of all religions. Based on the above mentioned, we can conclude that the tax code norms which envisage tax privileges for religious associations have been revised

by the Constitutional Court and it fully complies with the Constitution of Georgia and the Constitutional Principle of Equality.

Construction issues, including religious (cult) buildings, are regulated by the Spatial Planning, Architectural and Construction Activity Code of Georgia. Construction permits are issued by the local self-governments. In the last years, 15 mosques, a Catholic Church in Rustavi and Protestant Churches in Gori and Rustavi were constructed with the engagement of the Agency and in cooperation with the religious organizations. The construction/ existence of 89 active cult buildings (Kingdom Halls) of Jehovah's Witnesses in Georgia indicates a transparent and non-discriminatory environment in this sphere.

Despite the fact that Georgia has no obligation of restitution of property seized during the Soviet period, since independent Georgia is not a legal successor of the Soviet Union, the Georgian State returns those cult buildings to the religious communities, which, after the restoration of independence of Georgia, turned out to be the state's actual property. "Recommendatory Commission on Financial and Property Issues of the Religious Organizations" has been functioning under the State Agency for Religious Issues. Based on Commission's decisions, since 2014 to present time, more than 200 mosques were returned back to the Muslim community across the Georgia, both - Sunni and Shiite; 20 synagogues – to Jewish community; 2 churches – to the Evangelical-Protestant Church, cult buildings seized during the Soviet period have been returned to Evangelical Lutheran Church and other religious organizations in Georgia, the Yezidi community of Georgia was given a plot of land where the temple was built.

The process of giving back cult buildings is still ongoing. In addition, in 2015 the state purchased two 4-storey buildings in Batumi and handed over the LEPL Administration of Muslims of all Georgia: one building for a Mufti residence, another for religious school (Madrasa), with a total value of 5 million GEL.

#### **Para. 9**

**The Office of the State Minister of Georgia for Reconciliation and Civic Equality** clarifies that information on concrete measures/actions undertaken in response to the recommendations listed in the Second Opinion are reflected in the Third State Report (which was submitted on 12 July 2017) within the relevant dimensions.

**Para. 11**

**The Office of the State Minister of Georgia for Reconciliation and Civic Equality** urges the Advisory Committee to use the term “Georgian regions of Abkhazia and Tskhinvali region/South Ossetia” instead of “Abkhazia and South Ossetia”. The **Office of the State Minister** also underlines that human rights and humanitarian situation on ground in the occupied Georgian regions of Abkhazia and Tskhinvali region/South Ossetia is grave due to ongoing occupation and de facto annexation exercised by the Russian Federation. The existing situation comes especially hard on ethnic Georgians living in Gali and Akhgori districts of the occupied territories who undergo manifold pressures and discrimination based on their ethnicity. They have gradually and fully been deprived from the right of education in native Georgian language and subject to Russification policy; other fundamental rights such as for property, employment, freedom of movement are severely restricted as well. Also, international security or human rights mechanisms are continuously blocked by the Russian Federation from an access.

As provided by the Council of Europe’s CMD Decisions on “the Council of Europe and the conflict in Georgia” of 12 May 2015 (1227<sup>th</sup> meeting), 4 May 2016 (1255<sup>th</sup> meeting), 3 May 2017 (1285<sup>th</sup> meeting), 2 May 2018 (1315<sup>th</sup> meeting), 2 May 2019 (1345<sup>th</sup> meeting) the Russian Federation should secure immediate and unrestricted access to the territories beyond the control of the Government of Georgia to the Council of Europe bodies.

**Para. 12**

**The State Language Department** notes that language policy of Georgia implies the following dimensions: - protection of constitutional status of the state language which means that knowledge of Georgian language is an important instrument for full-fledged participation of ethnic minorities in various spheres of life. In this regard, further improvement of state language knowledge among ethnic minority representatives is a priority task that will contribute to civic integration of ethnic minority representatives; – protection and promotion of ethnic minority languages which is further developed.

**Para. 14**

**National Statistics Office of Georgia** notes that the next Census is planned for 2022 or 2023, however, detailed future plans are under discussion.

**The State Language Department** notes it will also participate in the preparation of questionnaires together with National Statistics Office of Georgia to create an accurate picture

of ethnic composition of the population of Georgia, define the languages spread in Georgia and the level of their knowledge, as noted in Recommendations 26, 27, 28 and 41.

**Para. 17**

**The State Agency for Religious Issues of Georgia** notes that despite the absence of the obligation to cover damages caused during the Soviet totalitarian regime within the framework of the governmental ordinance N117 (27.01.2014) the Georgian state willingly, symbolically and partially reimburses the damage caused to four religious communities - Islamic, Jewish, Roman-Catholic and Armenian-Apostolic confessions, which is used for the development of the religious community and peaceful coexistence in the country.

in GEL

	2014	2015	2016	2017	2018	2019
Muslim community	1 100 000	2 200 000	2 750 000	2 750 000	2 750 000	2 750 000
Roman-Catholic community	200 000	400 000	550 000	550 000	550 000	550 000
Armenian-Apostolic community	300 000	600 000	800 000	800 000	800 000	800 000
Jewish community	150 000	300 000	400 000	400 000	400 000	400 000
Total	1 750 000	3 500 000	4 500 000	4 500 000	4 500 000	4 500 000

In addition, religious associations regularly receive financial and property assistance from local budgets to satisfy the religious needs of their community. For example, financial assistance was provided to the Yezidi community, the Protestant and Lutheran Churches.

The State Agency for Religious Issues permanently works together with the state structures and religious organizations to improve the religious situation in the country, which is confirmed by the annual report prepared by the United States Commission on International Religious Freedom (USCIRF), where Georgia is included in the number of countries with high rate of freedom of religion.

**Para. 18**

**The Office of the State Minister of Georgia for Reconciliation and Civic Equality** clarifies that the use of minority languages in the municipalities compactly populated by ethnic minorities is regulated by the Organic Law of Georgia “On State Language”. In particular:

*-Chapter II, Article 9 Para. 3* of the Law states that “the State shall provide communication of persons belonging to national minorities, with public authorities and local self-government bodies in the language of that national minority with the help of an interpreter, in the municipalities of compact settlement of national minorities”.

*-Chapter III, Article 11, Para. 4* states that “in the municipalities where representatives of national minorities are compactly settled, public authorities and local self-government bodies are entitled to establish procedures that are different from procedures provided for by the General Administrative Code of Georgia, in accordance with which, if necessary, translation of applications and complaints submitted to the local self-government bodies by persons belonging to the national minorities in the language of respective minority language, and translation of the responses. Hereby, only originals of appropriate texts shall be valid”.

*-Chapter III, Article 12 Para. 2* states that “in a municipality where representatives of national minorities are compactly settled, local self-government bodies, if necessary, shall provide translation of normative acts adopted by them in the language of respective national minorities. Hereby, only originals of appropriate texts shall be valid”.  
<https://matsne.gov.ge/ka/document/view/2931198?publication=3>; unofficial translation

**Para. 26**

**National Statistics Office of Georgia** informs that any future plans regarding the next population census are under discussion including the census methodology and method. Also, the Office notes that the respondents could refuse to answer the questions about ethnicity and religion. The questionnaire is available on the web-page: <http://census.ge/files/pdf/Form%20%232e.pdf>

**Para. 33**

**Parliament of Georgia** notes that Human Rights and Civil Integration Committee of the Parliament of Georgia conducted a Committee meeting on March 29, 2019, where the “Amendments to the Organic Law on the Public Defender of Georgia” and the draft laws of Georgia on “Amendments to the Civil Code of Georgia” and “Amendments to the Administrative Code of Georgia” were heard. The presented package of the legislative

amendments provides the regulation of sexual harassment as one of the disclosures of discrimination in the workplace and as well as in the public space. It imposes responsibility for persons engaged in sexual harassment and expands the authority of the Public Defender in terms of eliminating discrimination and supervision over ensuring equality.

The introduced legal changes gives the possibility to the Public Defender of Georgia upon the discovery of a discriminatory fact, within its mandate, to react to the natural and legal persons and other subjects of private law, as the package of the above mentioned amendments envisages the Public Defender's authority, in accordance with the Civil Procedure Code of Georgia to address a court with a complaint and request the execution of the recommendation if a legal person or other entity of private law did not share or did not respond to its recommendation ( article 14<sup>1</sup>, paragraph 2, subparagraph –h<sup>1</sup> ).

According to the present changes, the physical, judicial persons and other entities of private law are immediately obliged, similar to the state authorities and local self-government bodies, to provide all documents and other materials required for inspection to the Public Defender no later than 10 days; In case of discrimination cases, to provide the Public Defender with a written explanation regarding the issues subject to examination/inspection (Article 18 of the law, sub-paragraphs: b) and c); In addition, within 20 days, the Public Defender shall be informed about the results of reviewing recommendations or proposals (Article 24, paragraph 2 of the law). The above-mentioned provides a real power to the Public Defender in case of providing recommendations to the persons of this category, in order to carry out monitoring of its implementation, which will make its work much more efficient.

Regarding the changes introduced to" the Civil Procedure Code of Georgia" it aims to bring the Code in accordance with the regulation of the draft law on amendments to the Organic Law on the Public Defender of Georgia.

Based on the above mentioned statement, the amendment is introduced in Article 363<sup>2</sup> of the Code, where the part 1<sup>1</sup> is added, which provides the Public Defender with the legitimation in courts to discuss the issues of failure of fulfillment of recommendations from the side of judicial persons and other entities of private law and to request the execution of the recommendations through the court rules.

It is also envisaged to increase the term of application to the courts for the alleged victims up to one year (Paragraph 2 of Article 363<sup>3</sup> of the Code).

The legislative initiative eliminates the legislative shortcoming that entails the overriding functions of these two important organs, as it increases the limitation of the term of the appeal, grants the victim the possibility to apply to the Public Defender and the Court after its decision.

**Paras. 40, 51, 53, 55, 60**

**The Office of the State Minister of Georgia for Reconciliation and Civic Equality** clarifies that within the frames of 2015-2020 Action Plan detailed Annual Action Plans identifying concrete programs and activities are elaborated with involvement of relevant agencies. Reports on the implementation of annual action plans are also prepared and presented.

The State Strategy for Civic Equality and Integration defines the reporting, assessment and monitoring mechanisms of the strategy implementation. Two comprehensive assessment documents -an intermediate and final- are envisaged to be prepared and presented. The assessment will be conducted for all strategic objectives using the "indicators" determined in the Action Plan. The aim of the document is to measure the mid-term and long-term impact of the goals and objectives envisaged by the strategy on civic integration processes in general using pre-designed, scientifically-proved indicators, which allow for comparison and assessment. Participation of ethnic minority representatives in the assessment process will be ensured. At the same time the Government of Georgia welcomes preparation of alternative monitoring of the Strategy and Action Plan, as well as disclosure of the implementation assessment and recommendations –both by the Council of National Minorities and other interested actors.

In response to the concern of the Advisory Committee with regard to figures mentioned in the Strategy date from the 2002 Census, **the Office of the State Minister** clarifies that the Strategy document was adopted by the Government of Georgia in August 2015 while the latest data (from 2014 Census) became public in April 2016.

**Para. 43**

**The Ministry of Justice of Georgia** clarifies that the Government of Georgia adopted a legal framework permitting repatriation and integration, including the right to Georgian nationality, for the Meskhetian population deported by the Soviet regime. The national legislation of Georgia provides simplified, smooth and effective procedure for the persons with the repatriate status to obtain the citizenship of Georgia.

There is a separate simplified citizenship procedure enacted specifically for individuals, holding the status of repatriates. According to Paragraph 2 of Article 14 of the Organic Law of Georgia on Georgian Citizenship, the general requirements for granting Georgian citizenship

to adults under regular procedure do not apply to a person having the status of a repatriate. A person having the status of a repatriate shall be granted Georgian citizenship under simplified procedure according to the Regulation approved by a normative act of the Citizenship Commission (the ‘Commission’) – ordinance of the Commission.<sup>1</sup>

Specifically, according to Para. 1 of the Article 31 of №2 Ordinance of the Citizenship Commission of 4 September, 2018 (hereinafter, the Ordinance), a person having a repatriate status can apply to the relevant state agency with a request to receive Georgian conditional citizenship under the simplified procedure within two years after receiving the repatriate status. The following very basic documents shall be enclosed to the application:

- a) A copy of birth certificate (If the person, who seeks Georgian citizenship is underage and/or is born in a foreign country);
- b) Document verifying repatriate status

Para. 2 of the Article 31 of the Ordinance maintains that within the five-year period after issuance of the Decree on granting Georgian citizenship with the simplified procedure, a person having a repatriate status should present an official document certifying termination of the citizenship of the foreign country to the LEPL Public Service Development Agency or to the Georgian diplomatic mission or consulate abroad. The 5 year grace period was granted by the Government of Georgia in order to be assured that repatriates have reasonable time to accommodate to the new environment and become fully integrated members of the Georgian society. The aim is to foster perception among repatriates that Georgia is their full-fledged new home country. And this constitutes the nucleus of the obligation, which Georgia has committed itself to when becoming the Council of Europe member.

Since 2013 up to now, 494 persons with a repatriate status have obtained the citizenship of Georgia.

For those repatriates, who want to preserve their old nationality, the Organic Law of Georgia on Georgian Citizenship envisages special procedure for granting Georgian citizenship by way of exception. This special procedure allows for dual citizenship, i.e. for taking Georgian nationality, while maintaining the citizenship of foreign country.

In accordance with Paragraph 1 of Article 17 of the Organic Law of Georgia on Georgian Citizenship:

---

<sup>1</sup> See Para 2 of the Article 14 of the Organic Law of Georgia on Georgian Citizenship. The English text of the Law is available at: <https://www.matsne.gov.ge/en/document/view/2342552?publication=4>



1. The President of Georgia may grant Georgian citizenship by way of exception to a citizen of another country who has made a contribution of exceptional merit to Georgia. The President of Georgia may also grant Georgian citizenship by way of exception to an alien based on state interests.
2. When evaluating the state interests provided for in paragraph 1 of this article, *inter alia*, the following circumstances shall be taken into account:
  - a) a foreign citizen considers Georgia to be his/her homeland, and he/she or his/her ancestor is:
    - a.a) a person residing in an occupied territory of Georgia or is internally displaced from the territory;
    - a.b) a person emigrated in different times for political opinions or for hard social and economic conditions;
3. A person under paragraph 2(a) of this article shall, within the limits determined for granting Georgian citizenship by way of exception, have knowledge of:
  - a) the State language of Georgia;
  - b) history of Georgia and the basics of law.

The legal regulation enshrined in Article 17 of the Organic Law of Georgia on Georgian Citizenship, specifically Sub-para. “a.b” of Para 2 of the Article secures for repatriated Meskhetians the right to obtain citizenship of Georgia without relinquishing citizenship of other countries, including that of Azerbaijan.

#### **Para. 44**

**The Ministry of Justice of Georgia** states that the quote concerned might create an inaccurate impression that the status and lack of documentation for persons belonging to the Roma, Dom and Lom communities is a massive problem, whereas the people of the mentioned ethnicities, who do not possess citizenship and relevant documents are very few in number. Considering this, the Government of Georgia believes that the quote cited above requires reformulation in order to emphasize that the problem in question is not of a large-scale.

#### **Para. 45**

**The Ministry of Internal Affairs of Georgia** (hereinafter, referred to as the ‘MIA’) clarifies that in cooperation with the Council of Europe, a project is currently underway to develop a

methodology of the hate crimes statistic registration. The main aim of the project is to collect statistical data through the common methodology within the justice system (MIA, the Prosecutor's Office and the Court). The project also aims to introduce the concept and the main aspects of hate crime. The project is in line with the objective of the Co-operation Project "Fight against Discrimination, Hate Crime and Hate Speech in Georgia" implemented under the Council of Europe Action Plan for Georgia 2016-2019 assisting authorities to improve the data collection process.

**Para. 46**

**The Office of the State Minister of Georgia for Reconciliation and Civic Equality** notes that a large-scale door –to-door information/awareness raising campaigns on antidiscrimination, human rights, ethnic minority rights, women's rights, gender equality, early marriages, domestic violence, trafficking are regularly conducted in the regions of compact settlement of ethnic minorities. Only in 2018 more than 300 meetings were organized; the relevant materials in minority languages were prepared and delivered.

In 2018, within the framework of the project "Youth for Gender Equality", which was implemented by the Office of the State Minister in cooperation with UN Association of Georgia, volunteers - educators held about 200 information meetings in 66 villages in 5 regions (15 municipalities) on domestic violence and early marriages, attended by 6300 beneficiaries.

**Para. 47**

**The Office of the State Minister of Georgia for Reconciliation and Civic Equality** clarifies that integration of Roma is one of the priority directions of civic integration strategy. In this regard, a series of initiatives were introduced and concrete actions were implemented. Among them:

- A special Working Group on smaller ethnic minorities, among them Roma, was established within the State Inter-Agency Commission. This format of communication with participation of civil society actors and ethnic minority, also Roma, representatives implies discussions/consultations on the issues of smaller minority groups, preparation of recommendations to relevant agencies;
- Special educational sub-program "Supporting Social Inclusion" which aims at integration of children, also Roma children, into formal education was launched. Within the program, educational clubs are introduced where Roma children together with ethnic Georgian peers carry out various educational and cultural activities, including Georgian language classes. As an outcome of the program, the number of

children studying Georgian language has significantly increased, also the number of Roma children attending public school increased up to 289;

- Information/awareness raising meetings on educational issues, state programs and services, women's rights and domestic violence are conducted for Roma population;
- The process of registration of Roma and granting appropriate legal status is in progress. Roma population is also provided with judicial consultation for free.

**The Ministry of Justice of Georgia** clarifies that the special Working Group composed of the representatives of all relevant ministries, international organizations and NGOs working on problems of children was established by the Inter-Agency Council on Combating Trafficking in Persons in November, 2014. The purpose of the working group was to identify main threats faced by children working and living in the streets and to propose effective measures to tackle with these threats. Legal amendments were elaborated by working group addressing the main problems related to children living and working in the street and aim, *inter alia*, to enhance the legislative framework on the identification of children and providing them with identification documents. The draft legal amendments were approved by the Anti-Trafficking Inter-Agency Council and by the Parliament of Georgia in August 2016, in which the concept of "homeless children" have been introduced. For the purpose of issuing identification documents free of charge for the homeless children and victims of violence, the LEPL Public Services Development Agency has introduced a relevant legal framework.

#### **Para. 48**

**The Office of the State Minister for Reconciliation and Civic Equality** notes that the Law of Georgia "On Repatriation of Persons forcefully sent into exile from the Soviet Socialist Republic of Georgia by the Former USSR in the 40's of the 20th Century" adopted on 11<sup>th</sup> July, 2007 has created the opportunity for deported Meskhetians and the ancestors to apply for granting repatriate status in accordance with the established rules, which would be a precondition of granting Georgian citizenship in a simplified manner. The law envisages and considers the principles of restoration of justice and dignified and voluntarily return. Hence, persons granted repatriate status are able to arrive and settle in Georgia in accordance with respective Georgian legislation. The right to arrive to Georgia with the purpose of permanent residency is not limited to the persons granted repatriate status and is available for every deported Meskhetian and their ancestors without repatriate status in the framework of the law of Georgia on "the Legal Status of Aliens and Stateless Persons". Return is individual decision and the State ensures relevant legislation to be in place for those who are willing to do so.

Also, the **Office of the State Minister** urges the Advisory Committee to take into consideration the Para 35 of the Information note by the co-rapporteurs on their fact-finding visit to Tbilisi (28 to 30 March 2017), Honouring of obligations and commitments by Georgia, Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), which states that “the small number of repatriates, despite the number of applications granted, highlights the fact that actual repatriation is a complicated and time-consuming process during which applicants face different hurdles and considerations, many of which are outside of what can be reasonably considered to be the responsibility of the Georgian authorities. It would therefore not be correct to wait for each single successful applicant to have repatriated to Georgia before the Assembly could consider that Georgia has fully honoured this accession commitment”.

#### **Paras. 54, 56**

**The Ministry of Education, Science, Culture and Sport of Georgia** clarifies that within the framework of the program "Promotion of Culture" competition "Promotion of Creative Activities for the Preservation of Identity of Ethnic Minorities" was held. 10 applications were submitted to the Ministry and 6 projects were awarded:

1. “Henryk Hryniewski - 150" by National Museum of Georgia (implementation period: 1 June-30 November, 2019). The project aims at preparing and publishing a bilingual book-album about the life and work of Polish artist Henryk Hryniewski who lived in Georgia;
2. "Georgian-Armenian-Russian-Azerbaijani Cultural Relations on the example of Multinational Georgia-the Florensky Family" by the State Museum of Theater, Music, Cinema and Choreography - Art Palace (implementation period: 15 June -15 November, 2019) which aims at publishing catalogue of the heritage of the Florensky Family and organizing exhibition "Multinational Georgia- the Florensky Family example";
3. "Ossetian Tales, Bilingual, and Illustrated Edition" by “Caucasian Mosaic” (implementation period: 15 May - 30 November 2019). The project aims at continuation of Georgian-Ossetian literary traditions. 250 books will be published within the framework of the project;
4. “Sara Bara Bzia Bzo or I Love You" by Tbilisi Nodar Dumbadze Professional State Youth Theatre (implementation period: 15 May- 1 November 2019). The project aims at writing a play on the motifs of Abkhazian folk tales “Sara Bara Bzia Bzo or I Love You", which will be performed on the big stage of Youth Theatre;
5. "Recording works of ethnic minorities living in Georgia in Azerbaijani and Armenian languages as audio books" by Abkhazian Blind and Deaf Union – Hera (implementation period:

1 June -31 August 2019). The project aims at recording audio books in ethnic minority languages (Azerbaijani and Armenian) in Georgia as a compact disk. Within the framework of the project 200 audio books will be issued;

6. Hovhannes Tumanyan -150" by the Georgian Diocese of the Armenian Apostolic Orthodox Holy Church (implementation period: 1 June - 1 December 2019). It aims at publishing bilingual jubilee collection of Armenian poet Hovhannes Tumanyan with new translations. Within the framework of the project, 500 books will be published.

Within the framework of the priority -Access to Culture and Cultural Diversity the project "Supporting Diverse Georgia" was implemented by Giorgi Leonidze Georgian Literature Museum (implementation period: 22 April - 2 November 2019). The project aims at promoting integration of ethnic minorities living in Georgia, raising awareness of young people and further development of creative skills. Within the project cultural and educational events will be held in 3 regions: Kvemo Kartli, Samtskhe-Javakheti and Pankisi Gorge.

#### **Para. 58**

**The Office of the State Minister of Georgia for Reconciliation and Civic Equality** clarifies that the activities planned in Annual Plans within the promotion of tolerance strategic goal cover implementation of educational programs/projects, in particular, information/awareness raising visits of schoolchildren to the state agencies, presentation of audio theater performances; presentation of books, organization of seminars, public lectures and round tables for schoolchildren and students. Intercultural and tolerance issues are introduced in Civic Integration textbooks at schools and this component is integrated into teacher's professional development programs.

#### **Para. 61**

**The Ministry of Internal Affairs of Georgia (MIA)** notes that ensuring human rights protection is one of the key priorities of the MIA. It requires special efforts to implement sensitive approaches in parallel with providing effective response to the crime. For this reason, in January 2018, the Human Rights Protection Department was established under the MIA. This new department aims to ensure prompt response and effective investigation of domestic violence, hate crime, violence against women, trafficking and crimes committed by/towards minors. The Human Rights Protection Department of the MIA monitors all criminal cases that may involve hate motives. As a result of successful cooperation among the territorial units of

the Ministry and the mentioned department, in 2018 the indicator for identifying hate motive is improved.

In 2019, the effective work undertaken by the Department led to its enlargement and transformation into Human Rights Protection and Quality Monitoring Department ensuring high-level protection of human rights as well as improved quality of investigation in crimes committed against health and life

The specialization process has been started in the MIA. During 2018, in cooperation with the Public Defender's Office, two 3-days long trainings on hate crime were conducted for 50 police officers. Moreover, the MIA implements the TAHCLE (Training against Hate Crimes for Law Enforcement) Program together with the OSCE ODIHR. Based on the agreement between the Ministry and the OSCE ODIHR, the TAHCLE program has been developed jointly by the Human Rights Protection and Quality Monitoring Department, the Academy of the MIA, the Prosecutor's Office, the Public Defender's Office and relevant NGOs.

TAHCLE is a program aimed at increasing the knowledge and skills of police to investigate hate crimes, which includes hate crimes against national and ethnic minorities. Within the frames of the program, the TAHCLE curriculum on hate crimes was translated and adapted for Georgia and the relevant training for Trainers was conducted. Next step is to train Georgian police officers according to the curriculum. This program is being implemented.

Together with the Council of Europe the training module "Policing Hate Crimes against LGBTI persons" was developed. The training module aims to raise awareness, and increase sensitization of the investigators toward minorities. Cascade trainings will be conducted during the year 2019 and all investigators will be trained with the above-mentioned programs throughout Georgia.

Apart from increasing the effectiveness of the investigation of hate crimes, one of the priorities of the Ministry is the insurance of the right to expression. The vivid examples are the rallies held by the representatives of minorities throughout 2018, during which the MIA maintained safety of the members of the rallies and availed them with the possibility freely express their opinion. Moreover, the persons exerting violence were arrested immediately.

**Paras. 61, 63, 67**

**The Ministry of Internal Affairs of Georgia** additionally notes that the MIA Academy is the only institution in Georgia that is responsible for police education. The Academy makes

special emphasis on discrimination in its basic and re-training courses. Discrimination as a course is delivered as a part of human rights module and covers the following topics:

- Different grounds of discrimination;
- Direct and indirect discrimination;
- International and national legislation of prohibition of discrimination;
- Hate crimes;
- Positive and negative obligations of state.

Since 2018, basic courses of the MIA Academy include separate module on policing in diverse society. In this module, police officers get the information about different ethnic groups residing in Georgia and learn the techniques to overcome barriers in communication. The module is in the process of updating within the frames of Council of Europe project “Fighting Discrimination, Hate Crime and Hate Speech in Georgia” to be more in line with the current international standards.

#### **Paras. 63 and 67**

**The Ministry of Internal Affairs of Georgia** clarifies that a Human Rights Protection Department was established in January 2018 in the Ministry of Internal Affairs with the task to monitor investigations of hate crime incidents, identify gaps and propose measures for improvement. The authorities also report that the Ministry of Internal Affairs has trained 44 hate crimes investigators, in cooperation with the Public Defender’s Office, in 2016. Similar training took place in 2018.

#### **Paras. 65, 66, 67, 68; Further recommendations, the third paragraph**

**The General Prosecutor’s Office** states that in the beginning of 2016, Recommendation on Hate Crime was created for prosecutors. This Recommendation facilitated establishment of the practice of substantiating the hate motives. On August 17, 2016, a Memorandum on Mutual Cooperation was concluded for three-year term between the Office of the Chief Prosecutor and OSCE Office for Democratic Institutions and Human Rights. Within the framework of this Memorandum since 2017 a so-called PAHCT (Prosecutors and Hate Crimes Training) was held at the Prosecution Service of Georgia (PSG) with assistance of the Democratic Institutes of OSCE. Implementation of this program raised the qualification of the PSG employees in term of investigating hate crimes.

In 2016 trainings on effective investigation of hate-motivated crimes were held for prosecutors and investigators of the PSG. Trainings were hosted by the representatives of the Human Rights Office, OSCE, and Georgian experts.

In 2016 through the HELP platform prepared by the Council of Europe first distance learning on prohibition of discrimination has been exercised in the PSG. The four-month course has been successfully finalized by 20 prosecutors in October 2016.

In 2017, aiming at the effective implementation of the recommendation elaborated for prosecutors on hate-motivated crimes, a special questionnaire was created, containing the instruction on conducting interview/interrogation of a probable victim, defendant and witness of hate crime. The mentioned questionnaire was sent to the PSG employees, which improved the quality and efficiency of the measures taken for identifying hate motives in criminal cases. Positive steps taken in relation to the investigations of the crimes committed with religious intolerance are also worth mentioning. Namely, in 2017 the Human Rights Unit elaborated a recommendation with the view to facilitate an effective prosecutorial activities on crimes committed with the religious intolerance, which was studied by the expert of the Council of Europe. The recommendation covers the interpretation of articles of the CCG related to religious intolerance, cases of damaging religious premises, legal qualification of verbal abuse and other pressing matters. The recommendation was disseminated within the PSG on August 11, 2017.

Combating discrimination and hate crimes is one of the parts of 2017-2021 Action Plan of Prosecution Service of Georgia. According to the Action Plan, Office plans to carry out monitoring on the implementation of relevant guidelines, continue training for Office managers, prosecutors, investigators and interns, proactively publish information on important cases for media, select specialized prosecutors on hate crimes.

Victim and Witness coordinators who are employees of Prosecution Services of Georgia can be involved in hate crime cases and offer psychological help to the victims in order to make their communication with the law enforcement agencies more convenient. Moreover, they can offer referral mechanisms.

The Prosecution Service of Georgia pays considerable attention to the educational and awareness raising activities on crimes against vulnerable groups, inter alia sexual minorities. In 2016, Chief Prosecutor's Office of Georgia and OSCE Office for Democratic Institutions and Human Rights has achieved the agreement over the Memorandum of Understanding based on which PAHCT (Prosecutors and Hate Crimes Training Program) is implemented within the Prosecutor's Office of Georgia for the term of 3 years.

Based on the given program, in 2017, 2 Training of Trainers (ToTs) were conducted for 24 participants. As a result of given ToTs, certified trainers has trained 4 groups with the



participation of 91 individuals. Herewith, with the support of ODIHR and CoE various study visits and ToTs on hate crimes were organized for prosecutors in Poland, UK and France.

In 2017, 1 training was conducted for prosecutors with the support of local NGOs, namely Human Rights Education and Monitoring Center (EMC) and Women's Initiatives Supporting Group (WISG) on hate crimes. During the training sessions, discussions went on main concepts of hate crimes, international standards and national legal framework, stereotypes, work with hate crime victims and witnesses, indicators of bias motivation and other important issues were covered.

In parallel of learning activities on hate crimes, numerous trainings were offered on discrimination matters in general. In 2017, totally 257 employees of Prosecution Service were trained on the mentioned topic. Herewith, in order to emphasize the efforts made by the office regarding religious minorities, it should be mentioned that recommendation on the proper qualification of crimes committed with religious intolerance was drafted in 2017 and sent to all employees.

On 6 February 2019 a conference was held at the General Prosecutor's Office of Georgia on the topic of hate crimes. The participants of the conference discussed report on the measures undertaken by the prosecution service of Georgia with regard of combating hate crimes. The analysis of investigation and prosecution of hate crimes committed in 2016-2018 was presented at the conference.

It should be noted, that in 2018 prosecution service conducted specialization, selected prosecutors underwent intensive retraining course and they will deal with hate crimes. Specialization of prosecutors will continue in 2019 and will cover all territorial units of the prosecution service.

In 2018 4 trainings, involving 65 participants, were conducted on the issue of effective investigation of hate crimes for the prosecutors and the investigators of the prosecution service.

Furthermore, in 2018 a training was conducted on the issue of hate crime and hate speech, which involved representatives of the prosecution service, as well as journalists, representatives of the NGOs and Public Defender's Office of Georgia. 35 representatives of the prosecution service and various media organizations participated in the said training.

In 2016 hate motives were studied in 63 criminal cases:

- Sexual orientation element was examined in 4 criminal cases;
- Gender identity element was examined in 20 cases;

- Sex/gender element was examined in 3 cases;
- Nationality element in 1 case;
- Ethnicity element in 3 case;
- Religion element in 27 criminal cases;
- Racial discrimination/ Violation of human equality in 4 cases;
- Hate based on other element in 1 case.

In 2016 criminal prosecutions were launched against 44 individuals for hate-motivated crimes:

- 4 individuals were charged for the crime motivated by sexual orientation;
- 16 individuals were charged for the crime motivated by religion;
- 3 individuals were charged for the crime motivated by sex/gender;
- 4 individuals were charged for the crime motivated by nationality;
- 14 individuals were charged for the crime motivated by racial discrimination;
- In the course of investigation of 3 other cases (1 alleged religion-based, 2 alleged ethnicity-based) hate motivation was not discovered, thus it was not indicated in the indictment decree.

In 2017, hate motives were studied in 86 criminal cases:

- Sexual orientation element was examined in 12 criminal cases;
- Gender identity element was examined in 37 cases;
- Sex/gender element was examined in 25 cases;
- Nationality element in one case;
- Ethnicity element in one case;
- Religion element on 10 criminal cases.

In 2017, criminal prosecutions were launched against 44 persons for hate-motivated crimes:

- Four persons were charged for the crime motivated by sexual orientation;
- Four persons were charged for the crime motivated by gender identity;
- Two persons were charged for the crime motivated by religion;
- 25 persons were charged for the crime motivated by sex/gender;
- Nine persons were charged for the crime committed with other motives (presumably, gender identity – six persons, sexual orientation – one person, religion - two persons).

In 2018 hate motives were examined in 210 criminal cases:

- Sexual orientation element was examined in 28 criminal cases;

- Gender identity element was examined in 29 criminal cases;
- Sex/gender element was examined in 112 criminal cases;
- Nationality element was examined in 6 criminal cases;
- Ethnicity element was examined in 2 criminal cases;
- Race element was examined in 2 criminal cases;
- Religion element was examined in 23 criminal cases;
- Political view element was examined in 4 criminal cases;
- Disability element was examined in 3 criminal cases;
- Hate motive based on other element was examined in 1 criminal case.

In 2018 criminal prosecutions were launched against 151 individuals for hate-motivated crimes:

- 15 individuals were charged for the crimes motivated by sexual orientation;
- 12 individuals were charged for the crimes motivated by gender identity;
- 1 individual was charged for the crime motivated by ethnicity;
- 1 individual was charged for the crime motivated by race;
- 3 individuals were charged for the crimes motivated by nationality;
- 2 individuals were charged for the crimes motivated by religion;
- 111 individuals were charged for the crimes motivated by sex/gender;
- 3 individuals were charged for the crimes motivated by political view;
- 2 individual was charged for the crime motivated by disability;
- 1 individual was charged for the crime motivated by other hate element.

In 2018 81 judgments were rendered on the cases of hate crime, out of which 88% were guilty verdicts and 12% were acquittals. As to other cases, they are pending before the courts.

#### Vitali Sapharov Case

The Prosecutor's Office of Georgia has charged Giorgi Sokhadze and Avtandil Kandelakishvili on the fact of premeditated murder of Vitali Sapharov on the grounds of national intolerance, committed as a group. The investigation found that on September 30, 2018, in the vicinity of Alexander Dumas Street in Tbilisi, Giorgi Sokhadze, Avtandil Kandelakishvili and Vitali Sapharov picked up a quarrel, when Giorgi Sokhadze and Avtandil Kandelakishvili learnt that Vitali Sapharov was Jewish and defender of ethnic minority representatives. As a result of the above mentioned, they got deeply irritated and as a result of generated hate on the national grounds, in order to intentionally kill him Avtandil Kandelakishvili inflicted multiple injuries to Vitali Sapharov in various parts of the body with knife. When Vitali Sapharov tried to

escape, Giorgi Sokhadze grabbed him from behind in order to intentionally kill him and started severely beating him with a brass-knuckles, at the same time Avtandil Kandelakishvili continued stabbing Vitali Sapharov with a knife. Vitali Sapharov died before he was hospitalized due to the received injuries. With the judgment of Tbilisi city court both defendants were found guilty and sentenced to 15-15 years in prison.

#### Temirlan Machalikashvili case

Investigation Unit of Tbilisi Prosecutor's Office is investigating case of alleged exceeding official powers against Temirlan Machalikashvili during the special operation carried out in Pankisi Gorge, crime prescribed under article 333 §3 (b) of the Criminal Code of Georgia. Temirlan Machalikashvili's family members, lawyers and experts invited by them were given opportunity to consult the case file of the ongoing investigation in full manner 5 times, to express their position about the investigation and request accomplishment of specific investigative measures and forensic examinations. Investigative actions are being conducted intensively.

#### Hooliganism and racial discrimination committed as a group

On 14 July 2017, intolerant protests so called "Georgian March" were organized by far-right groups in Tbilisi, contesting the presence of migrants. These ultranationalist groups made intensive use of social media to spread hate speech based on xenophobia and homophobia. After the protest, which led to the ransacking of a restaurant owned by persons of non-Georgian background, 12 individuals, including 7 minors were charged with committing racial discrimination committed using violence or threat of violence dangerous for life or health and committed as a group and committing hooliganism committed as a group and committed using other object as a weapon. With the judgment of Tbilisi City court all defendants were acquitted of all charges. Prosecution has lodged an appeal and the case is pending before Tbilisi Appellate Court.

#### Sheikh of muslims

Investigation unit of Tbilisi Prosecutor's Office is investigating case of alleged exceeding official powers against former Sheikh of muslims of all Georgia. A quantity of investigative actions were carried out. For the moment no charges were brought on the case and nobody has been granted victim status. Investigation is pending.

**Para. 68**

**The Ministry of Internal Affairs of Georgia** clarifies that according to the data of Prosecutor's Office of Georgia, in 2017 criminal prosecution for hate- motivated crimes was initiated against 44 persons. In 2018, 151 persons were charged with hate- motivated crimes. These data exceed the previous year's data and it demonstrates that the efficiency of police work has increased. Representatives of the Human Rights Protection and Quality Monitoring Department closely co- operate with the organizations working on the rights of minorities. Allegations and notices are received on a daily basis from them.

Awareness raising and change of attitude on the side of police officers is one of the priorities of MIA. Based on that, during 2018 MIA conducted number of trainings and actively implements training- programs in cooperation with the international organizations.

It is noteworthy that Public Defender in 2018 annual report on equality and discrimination assessed establishment of the Department of Human Rights Protection and Quality Monitoring Department in the MIA of Georgia as a very important step made towards the fight against crimes committed on the discriminatory grounds.

**Para. 69**

**The Ministry of Internal Affairs of Georgia** clarifies that in the framework of the ongoing reforms, the MIA is determined to improve police approach toward the minority and crimes committed on the base of discrimination and/or hate crime. Activities of the police is regularly monitored by General Inspection of the MIA, which is responsible body for internally revealing and disciplinary sanction the wrongdoings by the police. The efficiency of the General Inspection is illustrated in numbers of the imposed sanctions for improper fulfilment of service available, what is regularly published on the Ministry's web page.<sup>2</sup>

The General Inspection operates the hotline (126), supporting effectiveness of control by the civil society over the MIA. Application of such communication means support by the population to the process of revelation and consequential response to any and all violations or disciplinary norms, and improper performance of service duties by law enforcement officers.

**Paras. 78, 79**

---

<sup>2</sup> <https://info.police.ge/page?id=234>

**The State Agency for Religious Issues of Georgia** notes that tax privileges are provided through the Tax Code of Georgia. The norms of the Code, which envisaged tax privileges for the Georgian Orthodox Church, became the subject of discussion of the Constitutional Court of Georgia. The hearing of the mentioned constitutional complaint was completed on July 3, 2018. On January 1, 2019, the Constitutional Court decision came into force, with which the claim was satisfied and the exemption from VAT without the right of deductions affected the construction, restoration and painting of temples and churches of all religions. Based on the above mentioned, we can conclude that the tax code norms which envisage tax privileges for religious associations have been revised by the Constitutional Court and fully comply with the Constitution of Georgia and the Constitutional Principle of Equality.

#### **Para. 80**

**Parliament of Georgia** clarifies that the Human Rights and Civil Integration Committee of the Parliament of Georgia actively works to address the problems facing the religious confessions. The Committee has set up a working group where all interested parties and stakeholders have an opportunity to present their opinion on the matters related to the freedom of religion. The representatives of various religious confessions, executive bodies, NGOs, Public Defender's Office and as well as public are involved in the working group. The objective of the working group is to work on the issues related to the realization of freedom of religion by the confessions presented in Georgia.

**The State Agency for Religious Issues** clarifies that Article 1509 and 15091 of the Civil Code of Georgia gives full freedom to religious associations to choose their legal status. In particular, religious associations are registered as legal entities of public law (LEPL) and as a legal entity of private law, and may also conduct activities as unregistered unions. In cooperation of these religious organizations and the religious agency the Inter-Religious Council has been created and is being operating where almost all religious communities in Georgia participate. Namely:

- Georgian Orthodox Church
- Administration of Muslims of All Georgia
- Apostolic Administration of the Caucasus
- Armenian Apostolic Orthodox Church
- Jewish Union of Georgia
- Evangelical-Lutheran Church of Georgia
- Evangelical-Protestant Church of Georgia
- Evangelical Faith Church of Georgia

- International Society for Krishna Consciousness
- Spiritual Assembly of Yazidis of Georgia
- International Baptist Church of Tbilisi
- Union of Evangelical Christian Baptist Church of Georgia

Meetings are held periodically in the Inter-religious Council format, during which as a result of the discussion, a range of issues was determined the discussion of which has been launched by the Agency's initiative at the Human Rights and Civil Integration Committee of the Parliament of Georgia. Until present, five workshops were held, in which religious, international and local NGOs, also the representatives of the Public Defender's Office, participated. During the discussion process, the issues raised by the religious organizations were considered.

The Agency actively works with various institutions regarding the unsolved issues of identifying the historical owners of cult buildings. The paragraph 18.1.9.2 of the Human Rights Action Plan 2018-2020 clearly indicates the development of the concept in this direction. The Working Group was established by the participation of the Ministry of Education, Science, Culture and Sport of Georgia, Ministry of Economy and Sustainable Development of Georgia, National Agency for Cultural Heritage Preservation of Georgia and George Chubinashvili National Research Center for Georgian Art History and Heritage Preservation. The Law on State Property acting in Georgia does not envisage a transfer of religious buildings to ownership to the religious organizations. With the initiative and support of the Agency, the Recommendatory Commission on Financial and Property Issues of the Religious Organizations functioning under the Agency, has handed over to the religious organizations their own religious buildings with the lifetime right to use that contributed to the perfect functioning of the religious structures.

### **Para. 83**

**The State Agency for Religious Issues** notes that it constantly works together with the state structures and religious organizations to improve religious situation in the country, which is confirmed by the annual report prepared by the United States Commission on International Religious Freedom (USCIRF), where Georgia is included in the number of countries with high rate of freedom of religion.

The high level of trust of the State Agency for Religious Issues indicates the involvement of the majority of the religious organizations existing in Georgia in the Inter-Religious Council under the Agency; also most of the religious organizations actively cooperate with the Agency

in the process of solving and resolving the issues raised before them. It should be noted, that the majority of religious organizations are actively involved in the activities carried out by the Agency, for example, in the annual inter-religious conferences, in the process of developing and adoption of inter-religious declarations: "Woman – Envoy of Peace" and "Inter-Religious Dialogue for Peace," in the process of preparation inter-religious calendars, in the development of the Religious Map of Georgia and the Map of Functioning Cult Buildings in Georgia. They are also engaged in the state language study project and other activities.

**Para. 84**

**The State Agency for Religious Issues** explains that the Muslims represent the second largest community in Georgia with almost 10% of the total population. The state has a special considerate attitude towards this community, since 2014 they have received 14 300 000 GEL from the State as a financial aid, more than 200 mosques have been granted with lifetime right to use, 15 new mosques have been built in different regions of the country; with support of the Agency most of the mosques have been restored. As for the election of the clerical leaders in the Muslim community, the State due to the principle of secularism is completely separated from these processes. The Georgian state has no connection with the fact of detention of the religious leader, mentioned in the paragraph, because he was arrested in the territory of Azerbaijan.

With regard to Pankisi Gorge, it should be noted that the Agency has close cooperation with the Local Muslim Council of Elders which takes part in inter-religious conferences. Through the support of the Administration of Muslims of All Georgia, they receive both material and financial assistance, in particular, the mosques have been restored, and heating and water supply system have been installed. In addition, with the state support and the involvement of the Agency, various social, medical and humanitarian projects are intensively implemented in Pankisi Gorge.

In response to the last sentence of the mentioned paragraph **the Office of the State Minister of Georgia for Reconciliation and Civic Equality** clarifies that the State Strategy for Civic Equality and Integration and respective Action Plan for 2015-2020 aims at contributing to the protection of rights of ethnic minority representatives, ensuring their civic equality and integration, preserving and supporting culture of ethnic minorities and further strengthening of a tolerant environment. As it is mentioned in the Third State Report, integration of ethnic minorities is coordinated by the Office of State Minister of Georgia for Reconciliation and Civic Equality



while the issues of religious diversity and religious minorities are managed by the State Agency for Religious Issues, which was established by the Government Order in 2014.

**Para. 85**

**The Ministry of Justice of Georgia** clarifies, that in Georgia all have a right to establish religious institutions, organizations and associations under the simplified and smooth procedure under the Georgian law.

According to the Civil Code of Georgia, a legal person whose purpose is non-entrepreneurial activity shall be registered as a non-entrepreneurial (non-commercial) legal entity. The registration of a legal entity implies both state and tax registration. Registration is conducted in the Registry of Entrepreneurs and Non-Entrepreneurial (Non-Commercial) Legal Entities operated by the National Agency of Public Registry (NAPR) under the Ministry of Justice of Georgia.

An interested person can apply for registration of a non-entrepreneurial (non-commercial) legal entity to any territorial registration office of the LEPL National Agency of Public Registry (NAPR), LEPL Public Service Hall (PSH) or authorized users of NAPR (notaries, banks, etc.).

Representatives of all religious confessions are required to produce the following documents for registration of a non-entrepreneurial legal entity on equal footing:

1. Application (filled by a front officer electronically);
2. A copy of ID (identification card, passport, residence permit) of a person filing the application;
3. Registration application (Charter) duly certified and signed by all founders, which must contain:
  - Name of a legal entity (the selected name must not be the same as that of an already registered non-entrepreneurial (non-commercial) legal entity);
  - The goals of the activities of the entity;
  - Legal address (domicile of a legal entity in Georgia);
  - E-mail of the entity;
  - Information on founders: name, surname, ID and address of the dwelling place (founder can be one person (an individual and/or legal person) as well as several persons);
  - Information whether an organization is based on membership;
  - Organizational structure of a non-entrepreneurial (non-commercial) legal entity, including:

- Board/s of management (e.g. general meeting of founders or in case of membership-based organization – general meeting of members, etc.), procedure for election, scope of authority (competence) and decision making procedure;
  - The composition of the board of management, including, name/s, surname/s, ID/s and dwelling address/es of the board member/s;
  - Person/s authorized to manage/represent an organization, procedure for his/her (their) election, scope of his/her (their) authority (competence) and decision-making procedure;
  - Name/s, surname/s, IDs and dwelling address/es of the person/s authorized to manage/represent an organization. If there are several persons authorized to represent an organization, it shall be determined whether they represent an entity collectively or separately.
- Decision-making authority and procedure for admittance and withdrawal of a member, if an organization is based on membership;
  - Decision-making authority and procedure for liquidation and reorganization of an organization.

4. Document on legal domicile (address) of non-entrepreneurial (non-commercial) legal entity – a duly executed consent of the immovable property owner or a duly signed agreement on use of the immovable property;

5. Consent of a person to be appointed to manage or represent an organization.

If an interested person registers an organization through his/her representative, in this case, in addition a duly executed Letter/Power of Attorney and a copy of the representative's ID must be presented. Apart from the above-listed documents, in specific cases, NAPR may request additional document/information, which is necessary for making a registration decision.

If all required documents are duly submitted to the NAPR, the latter will register religious organization in the form non-entrepreneurial legal entity without any restriction, unless the Constitution of Georgia provides grounds for restriction.

The extracts from the Registry of Entrepreneurs and Non-Entrepreneurial (Non-Commercial) Legal Entities as well as other information kept at the registering authority (incl. goals of the organization, founders, managers, etc.), decisions made by NAPR and registration documentation (grounds for registration) are public and available for everyone on the NAPR official website: [www.napr.gov.ge](http://www.napr.gov.ge).

**Para. 102**

**The Office of the State Minister of Georgia for Reconciliation and Civic Equality** complements that wide scale door-to-door information and awareness raising campaigns on state social programs, services and benefits, as well as on the issues of education, agriculture, Georgia's European integration process are conducted on regular basis for ethnic minority representatives in the regions of their compact settlements. Meetings are held in minority languages; relevant materials in minority languages are delivered.

Information/awareness raising meetings on Georgia's European and Euro-Atlantic integration processes were conducted within the project "Young European Ambassadors" in the regions of compact settlement of ethnic minorities started in October, 2017. The project included two stages: retraining of participants and trainings in regions. Within the framework of the project up to 70 trainings were conducted in 50 villages; 1700 participants were involved.

**Para. 103**

**The State Language Department** notes that the existing practice corresponds to the acting legislative provision. In particular, according to the Organic Law "On State Language", "in the municipalities, where representatives of national minorities are compactly settled, local official events (except for sessions of local self-government bodies) may be conducted in the language of those national minorities". (Chapter V, Article 20, Para. 2) <https://matsne.gov.ge/ka/document/view/2931198?publication=3>; unofficial translation

**Paras. 106, 109, 161; Further recommendations, the fifth paragraph**

**The Ministry of Internal Affairs of Georgia** clarifies that according to the Additional Instruction Regulating Activities of the Temporary Detention Isolators of the MIA of Georgia approved in 2016, an interpreter is required to be attended when confining a person to the isolator, who does not understand the State language. The presence of an interpreter is also mandatory when performing the procedures of withdrawal of a detained person from the Temporary Detention Isolators as well as other necessary procedures.

The list of rights and obligations, which is available to persons deprived of their liberty in the Temporary Detention Isolator for administrative purposes or criminal offenses, was translated into 8 different languages. Those are the mostly spoken languages in the country. However, the service of an interpreter is provided in any case, whether or not a person speaks the language into which the list of rights and obligations is translated, to ensure that she/he understands all the necessary information.

In the light of above mentioned it is important to highlight recently published report of the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its most recent visit to Georgia from 10 to 21 September 2018, during which the committee visited 10 temporary detention isolators in the country.

The report states that "Consultation of several individual case files in the TDIs, both in paper and electronic form, revealed that detained persons were systematically given the possibility to read the information sheet – if needed in a language they understood and/or with the help of an interpreter – and were asked to confirm this fact with their signature. A copy of the signed information sheet was always enclosed with the individual file (at least in the files that the delegation had checked on a random basis).

**Paras. 107, 110**

**The Office of the State Minister of Georgia for Reconciliation and Civic Equality** clarifies that the state implements the standards defined by the European Charter for Regional or Minority Languages. Georgia protects and preserves the languages of ethnic minorities in the frames of different mechanisms, including the State Strategy for Civic Equality and Integration and Action Plan for 2015-2020.

**Para. 108**

**The Ministry of Justice of Georgia** clarifies, that since 2011 the LEPL Legislative Herald of Georgia under the Ministry of Justice of Georgia, has been operating the website: [www.matsne.gov.ge](http://www.matsne.gov.ge) - a user-friendly web page, offering access to protected and regularly updated laws and all other normative acts adopted by state agencies, as well as international agreements, decisions by the Constitutional Court, local self-government acts, and public statements. Users can have an access to any consolidated normative act and track changes. All the normative acts on this website are in Georgian language and most of them are translated into English and Russian languages; translation is ongoing process and will be continued further to provide for non-Georgian speakers the information on Georgian national legislation.

**Para. 109**

**The Office of the State Minister of Georgia for Reconciliation and Civic Equality** explains that there is no need to extend the translation of documents and possibilities to use the services of an interpreter in the smaller minority groups languages as the smaller minority groups in Georgia have a very good command of Georgian (state) language and they use

it widely (in family and public space). As to Abkhaz language, along with Georgian language it is a state language in Abkhazia.

**Para. 119**

**The Ministry of Education, Science, Culture and Sport of Georgia (MESCS)** clarifies that since 2018, it has been organizing "Georgian Language Summer School" for ethnic minority schoolchildren. The goal of the summer school is to promote integration of schoolchildren and develop their Georgian language competences. Various entertainment, sport and cognitive activities, including cinematography, are available for summer school participants. Also, "Georgian Language Summer School" is scheduled for Summer 2019. In Spring 2018, MESCS organized a competition of Georgian theatre performances "My First Georgian Role" for ethnic minority schoolchildren. The purpose of the competition was to develop Georgian language competences and identify creative skills.

**Para. 124**

**The Ministry of Education, Science, Culture and Sport of Georgia** provides the following additional information:

1. Teaching classes are defined by the schools according to their requirements and resources;
2. National Curriculum defines not only the language as a subject, but also its standards;
3. Time distribution applies to the optional subjects and is defined in National Curriculum;
4. 2 hours per week is determined by the National Curriculum for elective subjects. However, the school has the opportunity to offer extra hours under additional educational services;
5. Regarding the Kurdish language teacher as well as the other numerically smaller minority language teachers, currently there are no preparatory institutions in Georgia. With the support of international organizations, such as OSCE, it is intended to create resources for numerically smaller minority languages.

Representatives of ethnic minorities have the opportunity to pass vocational tests in Armenian, Russian or Azerbaijani languages and enroll in vocational educational institutions. Initially, they learn Georgian language module after which they continue their vocational education.

#### **Para. 125**

**The Ministry of Education, Science, Culture and Sport of Georgia** states that LEPL Zurab Zhvania School of Public Administration under the Ministry of Education, Science, Culture and Sport of Georgia aims to improve the qualification of representatives of ethnic minorities who works in the public sector. Civil servants and all interested citizens of Georgia have an opportunity to be trained at Zhvania School and its ten regional centers (Akhalkalaki, Ninotsminda, Tsalka, Bolnisi, Dmanisi, Marneuli, Gardabani, Sagaredjo, Akhmeta, Lagodekhi) within the framework of the "Public Administration Program" and "State Language Program" through specially designed educational programs. By 2018 the program had been completed by 12,413 participants.

-In 2018, the Zhvania School implemented the project "Support Professional Education for National Minorities". According to this project, ten textbooks and exercise books were designed and published for the following groups of professionals: "Nursing", "For teachers", "Accounting", "Agronomy", "Electricity", "Food Technology", "Tourism", "Building", "Breeding", and "Transport".

-Foreigners who legally live and hold special permissions for legal stay in the country, are actively enrolled in a State Language Program. The language proficiency for such beneficiaries will be on the level of A1 and A2 by the completion of the course.

-In 2018 Zurab Zhvania School of Public Administration implemented a project – "Learn Georgian with Audio Lessons" financed by the UNHCR. Twelve audio lessons with illustrations were developed under this project. In 2018, 48 representatives of ethnic minorities were involved in Public Administration Program.

-Zurab Zhvania School of Public Administration continues to support the State Language Program among ethnic minority representatives and for various interested groups.

#### **Para. 126**

**The Ministry of Education, Science, Culture and Sport of Georgia** explains that new textbooks in all subjects, except Native Language, prepared in accordance with the new National Curriculum will be introduced in I-VI grades of all non-Georgian schools by academic year 2019-2020. Out of the approved textbooks, the textbooks with the highest scores were selected for translation. Translation of the textbooks is completed. Currently, the process of proving authenticity is under way.

Similar to previous years, Azerbaijani and Armenian sides ensure delivery of Native Language textbooks.

Teaching will continue with old textbooks in VII-XII grades of non-Georgian schools. Replacement of these textbooks will happen gradually (VII grade in 2020-2021, VIII grade in 2021-2022 and so on).

Bilingual program is developed within the framework of the "New School Model" which will be implemented in non-Georgian schools.

### **Para. 133**

**Parliament of Georgia** clarifies that in accordance with Article 163 of the Rules of Procedure of Parliament of Georgia and Article 22 of the Law of Georgia on the Public Defender of Georgia, the Public Defender of Georgia shall submit a report on the situation of human rights and freedoms protection in the country to the Parliament once a year in March of the calendar year. Based on the consideration of this report, the Parliament adopts a decree containing an assessment of the report, as well as the parliamentary tasks and the timeline of monitoring for their implementation.

The report presented by the Public Defender of Georgia is prepared by Human Rights and Civil Integration Committee for consideration at the Plenary Sitting of the Parliament of Georgia. The Committee analyzes the report, at the same time, it requests the written positions on the mentioned recommendations outlined in the report from the addressee authorities.

After processing the information provided from the report and authorities, the Committee shall hold a sitting (sittings), during which the Public Defender of Georgia is directly heard. The Committee session is public. The Heads of the addressee authorities of the recommendations participate in it, who indicate their positions regarding the report. All interested stakeholders, including non-governmental organizations and other representatives of civil sector are allowed to participate and debate at the committee sitting.

As a result of the detailed review and analysis of the report of the Public Defender and its recommendations, the Committee makes a conclusion, by which it assesses the represented report and marks out the recommendations with the relevant argumentation that are relevant and appropriate to share. At the same time, the Committee will develop a draft decree where those recommendations will be reflected, that will be issued by the Parliament as a task towards the relevant authorities. The draft decree along with the conclusion of the Committee will be sent to the Bureau of the Parliament.

After the end of the reporting year Human Rights and Civil Integration Committee of the Parliament of Georgia shall monitor the fulfilment of the tasks issued by the decree of the Parliament of Georgia, which will request the written information on the condition of the fulfilment of the above-mentioned tasks from the addressee authorities of the tasks.

After studying and analyzing the written information, the Committee shall hold a public hearing/sitting (sessions), where the heads of the addressee authorities/institutions will directly present their reports. The Public Defender participates in reviewing the reports and assessing the state of fulfilment of the tasks. All interested stakeholders still are given the possibility unlimitedly to participate in the debates. As a result of consideration of the submitted reports by the authorities, the Committee assesses the state of fulfilment of each task issued by the Parliamentary Decree and develops a relevant conclusion which is sent to the Bureau of the Parliament.

The practice of reviewing the reports submitted by the Public Defender of Georgia has been established since 2013 (Before 2013 Parliament of Georgia has only received a report from the Public Defender of Georgia as a notice and no recommendation or assignment had been issued based on it). This practice is improved annually and it becomes more efficient. These circumstances are proved by the fact that the number of sharing the recommendations of the Public Defender is increasing every year, at the same time the performance indicator of the fulfilled recommendations by the authorities is increasing. The percentage indicators of sharing the Public Defender's recommendations by the Parliament of Georgia according to the years are as follows:

2013 - 10,8%,  
2014 - 13,8%,  
2015 - 18,7%,  
2016 - 29,0%,  
2017 - 32,3%,  
2018 - 75,2%.

According to the Public Defender's report, proposals are also given to the Parliament of Georgia to carry out the relevant legislative initiatives in order to eliminate the problems identified in the reports. In 2018, the Human Rights and Civil Integration Committee created the first precedent and formed a working group aimed at exploring the advisability of sharing proposals issued towards the Parliament and setting the measures subject to implementation in accordance with the relevant proposals. The above-mentioned stakeholders are involved in the working group.

**The Office of the State Minister of Georgia for Reconciliation and Civic Equality** notes that it develops close cooperation with the Public Defender's Office and the Council of National Minorities under the Public Defender's Office that is envisaged by the State Strategy for Civic Equality and Integration. This cooperation implies joint discussions, consultations,



consideration of suggestions/recommendations, and presentation of annual reports of the Strategy implementation. Intensive work is conducted within thematic working groups with participation of civil society and international organizations representatives, experts and ethnic minority representatives.

With regard to issue “to ensure that persons belonging to ethnic minorities are given real opportunities to influence decision –making” the **Office of the State Minister of Georgia for Reconciliation and Civic Equality** notes that currently 11 ethnic minority representatives are in the Parliament of Georgia. Ethnic minorities are well represented in the local self – government bodies in the municipalities where they compactly reside.

Also, involvement of ethnic minority representatives in consideration/discussion of issues at local level is further encouraged through concrete initiatives. Since 2017 Public Advisory Councils are operational at Administrations of State Representatives in Kvemo Kartli, Samtskhe-Javakheti (since 2019) and Kakheti regions. This format of communication/consultancy implies active involvement of ethnic minority representatives in local decision making processes. Establishment of the Councils at municipal level is also envisaged.

With the aim of improving access of ethnic minority representatives to the public administration, in summer 2017 the Office of the State Minister of Georgia for Reconciliation and Civic Equality initiated an internship pilot program for ethnic minority students, beneficiaries of “1+4” Program, which implied recruitment of ethnic minority students for enhancing their knowledge and skills. Therefore, 65 ethnic minority students undergo internship at 20 state agencies and local self-government bodies for 3 months period. In December 2017 under the initiative of the Office of the State Minister the amendments were adopted to the Decree # 410, June 18, 2014 of the Government of Georgia on the Approval of the State Program on the Rules and Terms for Internship in Public Institutions which defined internship procedures for “1+4” program beneficiaries. As a result of the decision, annually twice internship program is open for “1+4” program students. In total, 269 ethnic minority students were involved in internship program by June 2019.

#### **Para. 146**

**The Ministry of Regional Development and Infrastructure of Georgia (MRDI)** notes that the Government of Georgia aims at providing the core infrastructure countrywide and definitely including those areas, which are compactly populated by ethnic minorities. Subordinated

agency of the MRDI- **Roads Department of Georgia**- clarifies that it actively develops its works in Kvemo Kartli and Samtkhe-Javakheti regions, where persons belonging to ethnic minorities compactly reside. In Marneuli 7.6 km road has been repaired and 21.7 km is being rehabilitated. Also, 37 km road is planned to be rehabilitated/reconstructed. Furthermore, 4 bridges are planned to be constructed. Also, in Akaltsikhe which is also densely populated with ethnic minorities, 7 km road has been rehabilitated. Also, a bridge has been built and 68 km is planned to be rehabilitated. The subordinated agency of the MRDI -**Municipal Development Fund of Georgia**- notes that it has reconstructed multiple areas around the city of Marneuli. Roads have been constructed to connect number of villages, namely, Aghmamedlo, Ulashlo and Kasumlo. A road in the village of Ambarovka has been rehabilitated. Similar works have been done in following villages: Kachagani, Sarali, etc. There are new roads constructed in Gardabani, for instance new road to connect village Satskhenisi and Akhalsopheli; roads in Mughanglo, Kvishiani, Sartichala, etc. There are several rehabilitation projects in Akhaltsikhe. Roads are constructed in city of Vale, villages of Atkhuri, Tkemlani, Machkheti, Kheoti, etc.

Subordinated agency of the MRDI - **the Fund of the Projects to be implemented in the Regions of Georgia**- intensively works to construct/rehabilitate roads in Gardabani. A bridge in the village of Pholadaantkari is currently under construction; works on roads construction in the villages of Kumisi, Teleti and Krtsanisi are ongoing; roads in the villages of Lemshvenieri and Mukhrovani are under construction as well.

**Para. 147**

**The Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia** complements that on February 19, 2019, the Parliament of Georgia adopted amendments to the following organic laws and laws of Georgia: Organic Law of Georgia “Georgian Labor Code”, Law of Georgia on “Elimination of All Forms of Discrimination”, Law of Georgia on “Public Service”, and Law of Georgia on “Gender Equality”. Definition of sexual harassment/sexual harassment in labor relations was specified in the Law of Georgia on “Elimination of All Forms of Discrimination” and these amendments once again prohibit discrimination in labor and pre-contractual relations/promote equality. For instance, pursuant to the mentioned amendments the Labor Code of Georgia defined that discrimination is prohibited in pre-contractual relations meaning that employer shall not ask the job applicant for information related to religion, belief, disability, sexual orientation, ethnic belonging, etc.

**Para. 157**

**National Statistics Office of Georgia** notes that it is not decided yet whether the next census be organized in 2022 or 2023.

**Further Recommendations**

**The fifth paragraph**

**The Office of the State Minister of Georgia for Reconciliation and Civic Equality** notes that the Organic Law “on State Language” defines the use of ethnic minority languages in public sphere in the municipalities of their compact settlements. However, the language of administration is Georgian.

**The sixth paragraph**

**The Office of the State Minister of Georgia for Reconciliation and Civic Equality** notes that the Council of National Minorities is a member of the State Inter-Agency Commission which is established for the effective implementation of the State Strategy for Civic Equality and Integration. The Office of the State Minister presents the Civic Integration Strategy implementation reports to the Council of National Minorities on regular basis. Also, the Council of National Minorities provides monitoring of the implementation of the civic integration strategy, including recommendations, every two years.

**The seventh paragraph**

**The Office of the State Minister of Georgia for Reconciliation and Civic Equality** clarifies that Public Advisory Councils function at Administrations of State Representatives in Kvemo Kartli, Kakheti and Samtskhe-Javakheti regions. This format of communication/consultancy implies active involvement of ethnic minority representatives in considering/discussing and planning local projects and activities and, in general ensures their engagement in decision making processes at local level. Establishment of Councils at municipal level is in progress.