



YERKIR

**Alternative NGO Report
on Georgia's implementation
of the Framework Convention for the Protection of National Minorities
in Samtskhe-Javakheti**

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1. Introduction

The YERKIR alternative report¹ aims to highlight the protection of the Armenian minority since Georgia's ratification of the Framework Convention for the Protection of the Rights of National Minorities (the 'FCNM') on 13 October 2005 and in particular in the part of the country where most Armenians reside, Samtskhe-Javakheti. This report also provides data and documents that might be useful in better assessing Georgia's compliance with its legal obligations under this treaty.

This report has not been prepared in order to be confrontational: on the contrary, the criticism and praise it contains are offered in the hope of making Georgia a stronger, more stable democracy.

Strength and stability within are however intimately linked to the full respect of the human rights as well as the protection of minorities, and it is in this belief – a belief held by many other in international organisations which strive for peaceful coexistence, tolerance and harmony throughout the world – that propels and motivates the various recommendations that have been highlighted.

The recommendations suggest a number of omissions and failures that cannot be discarded under the guise of the Government of Georgia not being ready or the situation in the country being difficult. It is on the contrary ignoring these that would run creating the conditions of instability because political expediency has displaced the rule of law and the rights of hundreds of thousands of minorities. YERKIR does not believe this need to happen nor should happen.

A better, stronger Georgia can only be built upon society's fundamental and essential pillars: the rule of law, human rights and the protection of minorities as enshrined – amongst others – in the Framework Convention on the Protection of National Minorities.

There are in a number of areas positive changes in legislation and domestic policy that are honest steps in trying to comply with Georgia's international legal obligations. This report does not attempt to present a comprehensive picture about the history and situation of the Armenian minority within Georgian society, nor does it pretend to be able to present a detailed response to every official information or affirmation in the Georgian government's first state report.

Its purpose is more modest and targeted: to provide – as far as possible given the limited resources of YERKIR and the Armenian minority community – precise data and objective information on the manner and extent Georgian authorities are complying with and apply the relevant provisions of the FCNM to the situation of

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Armenians in Georgia and Samtskhe-Javakheti. For this reason, the Report identifies on occasion specific instances involving members of the Armenian minority – on occasion identifying the individuals involved where this does not create risks for the persons involved. In addition, YERKIR has attempted to collate and illustrate more systematically the impact of specific policies and legislation, always making the connection with the relevant Convention provision.

At the onset, YERKIR wishes to emphasise one of the main conclusions of this report: the position of minorities has generally – and unfortunately – worsened after Georgia's independence, and this has not been lessened with the ratification of the FCNM at the end of 2005. It is unfortunate because one would expect a trend towards increased compliance with Georgia's new treaty obligations after ratification; it is also unfortunate because following the Rose Revolution expectations were that the situation of minorities would improve significantly with greater democratisation.

This has not happened. As this alternative report highlights, increasing discrimination against Armenians and other minorities in Georgia, clear breaches of the country's FCNM obligations, and a generally increasing degree of exclusion of Armenians and other minorities from higher education and employment opportunities because of government policies and legislation have concocted a cocktail that bodes ill for peace and stability.

YERKIR hopes that its criticism and praise will be received in the spirit they are made, in the hope that by working together in improving the situation of minorities in Georgia this will lead to greater cooperation and peaceful coexistence. These are after all consonant with the principles of respect for diversity and human rights that are pillars for the new Europe – and the new Georgia.

2002 National Census as a result of a massive drop in the number of Armenians (more than 188,000) in the period between 1989 and 2002. Better educational and economic opportunities in neighbouring Armenia or Russia, as well as concern over the stability of, and their future in, Georgia have undoubtedly in combination with other push and pull factors contributed to this dramatic fall.

Table 1 – An Increasingly Less Diverse Georgia, 1926-2002 Censuses

	1926	1939	1959	1979	1989	2002
Georgian 000 & (%)	1 788.2 (66.8)	2 173.5 (61.4)	2 600.5 (64.3)	3 433.0 (68.8)	3 784.4 (70.1)	3 661.2 (83.8)
Armenian 000 & (%)	307.0 (11.5)	414.2 (11.7)	442.9 (11)	448.0 (9)	437.2 (8.1)	248.9 (5.7)

Armenians however still remain the country's second largest minority, and are concentrated in the region of Samtskhe-Javakheti, one of the southern territorial administrative divisions of Georgia bordering Turkey and Armenia.



Samtskhe-Javakheti was established as a province in 1994 and is comprised of three districts: Javakheti, Samtskhe and Borjomi. Most Armenians live compactly in Javakheti, where they exceed 90 percent of the population, whereas ethnic Georgians are a majority in Samtskhe and Borjomi, though both have substantial Armenian communities. The vast majority of the population in the two southeastern districts – Akhalkalaki and Ninotsminda – are ethnic Armenians (approximately 94-

Armenian Ethnic Minority in Georgia as Exemplified by the Samtskhe-Javakheti Region, Yerevan, CMI and the 'Yerkir' NGO Union, 2007, p. 14.

95%). The province has the largest proportion of minorities of Georgia: according to the country's official 2002 Census, ethnic Georgians represented less than half of the population at approximately 43% of the population.

Population in Samtskhe-Javakheti by district (2002 census)

District	Georgians	Azerbaijanis	Armenians	Greeks	Russians
Adigeni	95.70	0.08	3.36	0.03	0.49
Aspindza	82.02	0.00	17.47	0.06	0.26
Akhalkalaki	5.27	0.00	94.33	0.08	0.26
Akhaltzikhe	61.72	0.03	36.59	0.28	0.89
Borjomi	84.21	0.07	9.64	1.67	1.80
Ninotsminda	1.39	0.01	95.78	0.01	2.75

Armenians constituted 54.5% of the Samtskhe-Javakheti region's total population with Russians (including Dukhobors), Ossetians, Ukrainians and Greeks representing much of the rest. It is also from here that originate Georgia's Meskhetian Turks who were deported by Stalin to Central Asia and other parts of the Soviet Union in 1944.

In addition, the Armenian minority is concentrated in some districts near Samtskhe-Javakheti: in the town of Tsalka, Armenians were slight majority (about 55 %) with 11,484 people out of a total of 20,888 according to the 2002 Census.

3. The Constitutional and Legal Responses to the Protection of National Minorities

3.1 The Constitution of Georgia

The post-independence Constitution of Georgia prior to the ratification of the Framework for the Protection of National Minorities was – and remains – silent on the issue of the protection or rights of minorities. While it contains general human rights measures such as non-discrimination and the freedoms of expression and religion, the Constitution does not provide for any specific minority right or protection, neither before nor after ratification of the FCNM. The only exception relates to the recognition of Abkhaz as a state language – in addition to Georgian – in Abkhazia.⁴

⁴ Article 8, Constitution of Georgia, http://www.parliament.ge/files/68_1944_951190_CONSTIT_27_12.06.pdf. Contrary to what is often asserted, Georgia does not have an exclusive official language: it has two. Ironically, though Azeris and Armenians represent the two largest minorities in the country

In addition to giving a highly prominent – and largely exclusive – role to the Georgian language, the Constitution also elevates the Georgian Orthodox Church in a privileged position which is viewed with concern by religious minorities:

Article 9

1. The state shall declare complete freedom of belief and religion, as well as shall recognise the special role of the Apostle Autocephalous Orthodox Church of Georgia in the history of Georgia and its independence from the state.

2. The relations between the state of Georgia and the Apostle Autocephalous Orthodox Church of Georgia shall be determined by the Constitutional Agreement. The Constitutional Agreement shall correspond completely to universally recognised principles and norms of international law, in particular, in the field of human rights and fundamental freedoms.

Minorities are therefore – with the exception of Abkhazians – completely omitted in terms of specific rights or protection under the Constitution.⁵

3.2 The Georgian Legislative Framework for the Protection of National Minorities

The ratification of the FCNM has brought no real improvement in terms of legislation protecting the rights of national minorities in Georgia since 2005. The exact opposite is in fact probably more accurate: the rights of minorities have been increasingly curtailed since 2005, or the implementation of previously existing legislation which were in letter or spirit contrary to the obligations contained in the FCNM have been enforced more stringently, whereas in the past they had been applied in a more relaxed fashion. Put simply, there is no specific national legislation to protect minorities, or even to combat discrimination. Since the FCNM is a framework treaty which is programmatic in nature and cannot be directly implemented without specific legal provisions at the domestic level, this leaves Armenians and other minorities with little or no legislative tool for their protection.

The Government of Georgia asserts however in paragraph 41 of its First Periodic Report that, in addition to the Constitution, the following legislation directly or indirectly relates to the protection of minorities: the Electoral Code, the Law on Political Unions of the Citizens, the General Administrative Code, the Law on Gatherings and Manifestations, the Labour Code, the Law on Broadcasting, the Law on Public Education, the Law on Higher Education, the Law on Rights of the Patient,

their languages are denied the same degree of recognition given to a language used by a much smaller minority.

⁵ Article 85 does provide for a right to a legal interpreter in legal proceedings when an individual is not fluent in the language of court proceedings, and adds that in ‘districts where the population does not have a command of the state language, teaching of the state language and solution of the issues related to the legal proceedings shall be ensured.’

the Law on Protection of Health, and the Law on Culture.⁶ While there may be a debate as to what qualifies as a measure for the protection of minorities, there is no precise indication as to which provisions of these laws are actually protective of minorities, nor how they serve to fulfil this function, and the Government's own report does not spell out how exactly the connection between these laws and Georgia's obligations under the FCNM.

Unfortunately, and contrary to the Government's comments above, legislative barriers against the integration of minorities or which increase their marginalisation are more prominent, rather than discarded, since the ratification of the FCNM. It is noteworthy that the Government does not point to any favourable legislative changes made since Georgia ratified the treaty on 13 October 2005 which one might otherwise expect. Indeed, at the very date which Georgia ratified the FCNM, the National Parliament adopted a resolution which indicates that members of the Parliament reject important aspects of the FCNM – including perhaps one of its most important provisions, Article 10, paragraph 2 – and essentially refuse to comply with it. While the resolution was never enacted as legislation, nor sent to the Council of Europe Secretary General as a declaration or reservation, and therefore has no direct legal impact,⁷ it does highlight a fundamental rejection by Georgia's Parliament of some of its international legal obligations under the FCNM. There are no official support from the Government in recent months or in the 2007 Report submitted by Georgia pursuant to Article 25, paragraph 1 of the Framework Convention for the Protection of National Minorities suggesting that legislation for the protection of the rights of national minorities as provided for under the FCNM will be contemplated, or that existing laws are to be amended at any foreseeable time to reflect the wording or the substance of the provisions of the FCNM.

In addition, it is symptomatic that the Parliament and Government of Georgia have in recent years not responded favourably to proposals of draft legislation for the protection of minorities submitted by NGOs such as Public Movement Multinational Georgia (PMMG). As recently as November 2008, PMMG launched a public campaign in support of their proposed draft legislation which included sending to all Georgian parliamentarians a copy of their proposed draft law.

The only positive step taken recently is a bilateral agreement concluded between the governments of Georgia and Denmark in October 2007 by which the latter will provide funding for a 'Good Governance and Human Rights in Georgia 2008-2009' programme which includes a suggestion that some of the funds will be used to formulate a law related to the protection of national minorities.⁸ However, as in the case of the PMMG proposal, it does not seem that this will occur in the near future.

⁶ Report submitted by Georgia pursuant to Article 25, paragraph 1 of the Framework Convention for the Protection of National Minorities, 1 March 2007, Paragraph 41.

⁷ See an English translation of the resolution in Appendix I.

⁸<http://www.um.dk/en/menu/DevelopmentPolicy/DanishDevelopmentPolicyCountries/TheNeighborhoodProgramme/Programmes/ReformProcessGeorgia/>

3.3 Non-legislative Measures for the Protection of National Minorities

The protection of national minorities could of course occur in the day-to-day affairs of administrative, judicial and other authorities even in the absence of specific minority protection legislation, perhaps through a number of non-legal institutions and mechanisms, but this is largely not the case in Georgia. However, the overall picture in this sphere is also largely underdeveloped with only a few recent initiatives which are far providing extensive or strong measures for the protection of minorities against state and government policies and legislation.

One of the only state institutions in Georgia is the Public Defender (or Ombudsman) which as part of its mandate monitors human rights compliance in the country and handles claims of human right violations. While the Public Defender has shown a great deal of interest on the situation of minorities and the protection of their human rights, his powers are severely constrained: beyond investigating claims of human rights breaches, preparing reports which can be submitted to the Georgian Parliament, and issuing recommendations, the Public Defender has no enforcement authority. In theory, there may be situations where the Public Defender may refer a case to a competent court: this however is rather illusory in the case of the protection of minorities, because a court would not be competent in most probable cases involving members of the Armenian or other minorities in the absence of comprehensive human rights legislation and particularly the absence of specific provisions that implement the obligations under the FCNM.

While the Public Defender has a significant function to play in Georgian society, it remains that in the specific conditions of Georgia, and despite the best of intentions, this mechanism does not significantly impact on the protection the rights of minorities in light of the absence of a comprehensive legislative framework for the human rights of minorities, and the rights contained in the FCNM, in Georgia.

There have nevertheless been some initiatives that are positive. The Government of Georgia launched in 2005 a *National Civil Integration Strategy and Action Plan* to supervise the implementation and reporting of the FCNM, which included the involvement of a number of minority representatives. The difficulty would seem that the focus has been on 'integration' rather than the protection of national minorities, and in practice there is very little that can be identified as actual implementation of the FCNM. There has also been in the 2007-2010 planning of the Ministry of Culture, Monument Protection and Sport the adoption of a strategy of development for the culture of national minorities which states as its goal 'the protection, development, promotion and integration of cultures of national minorities of Georgia within a common cultural space'.⁹

⁹ Compendium Cultural Policies and Trends in Europe: Georgia, Nina Gunia-Kuznetcova, 2008, at <http://www.culturalpolicies.net/web/georgia.php?aid=41&cid=1180&lid=en&curl=421>

More recently and in some ways a stronger signal of the Government of Georgia intending to move in the direction of implementing its FCNM obligations is the 2008 *National Concept for Tolerance and Civic Integration*.¹⁰ It contains a number of goals and actions that in many respects show a favourable inclination towards the protection of national minorities:

The Rule of Law is one of the strategic directions of the National Concept for Tolerance and Civic Integration, which implies development of effective legal mechanisms against discrimination on ethnic, religious, cultural and linguistic grounds. In particular, it ensures elaboration of relevant legislation and proper procedures for the identification of antidiscrimination needs, and provision of immediate response to them through judicial or other mechanisms.¹¹

This document and its content such as the commitment to support opportunities for minorities to be educated in their own language, to translate textbooks in Armenian, etc. are most welcome. Unfortunately, Government practices and legislation in most of the areas covered by the policy document simply has not yet been implemented, is implemented in a very patchy way, or is even completely in contradiction to the approach outlined. For example, there is still no effective legislation against discrimination generally, nor is there at this time draft legislation for this purpose. Additionally, in the area of education, legislation clearly sets out that public education is to be exclusively in Georgian at the university, therefore putting the lie to the assertion in the *National Concept for Tolerance and Civic Integration* that the government will support ‘opportunities for minorities to be educated in their own language’ since it is essentially forbidden to do so by law in postsecondary education, etc.

Additionally, the recent statement of President Saakashvili that there are no minorities in Georgia is rather disheartening, given that there may be strong motivation to move forward for measures to protect minorities if the Head of State himself is of the view that there are no minorities to protect.¹²

4. Damocles’ Sword: An Increasing Tableau of Marginalisation and Exclusion

This alternative report will deal step-by-step with the individual provisions of the FCNM. What however probably needs to be highlighted briefly is also a broader overall picture: (a) there has been, and appears to be a continuing, movement since independence towards increasingly restrictive legislation against minorities, especially in the area of language use; (b) tensions and violence in areas of minority concentration have commensurably crept up as the legislation and policy changes

¹⁰ *National Concept for Tolerance and Civic Integration*, Civic Integration and Tolerance Council, Administration of the President of Georgia, 1 November 2008. See Appendix IV.

¹¹ Appendix IV, p. 5.

¹² Saakashvili on Integration of Ethnic Minority Groups, Civil Georgia, 22 December 2008, at <http://www.civil.ge/eng/article.php?id=20170>

appeared; (c) individuals are being directly affected and excluded or discriminated against, though this is not happening systematically since the Georgian government itself is not enforcing its own laws in a number of cases, as to do so would be too disruptive and risk massive social unrest. As the following chart shows, while there was in a sense an increase in the rights of minorities in general, and the Armenian minority's right to use its language within administrative and other public bodies in Georgia, particularly in the 1991-1995 period, this diminished dramatically after independence, and perhaps especially since ratification of the FCNM, to the point where the use of Armenian by public authorities is 'illegal' in a number of official functions, despite authorities often unwilling or unable to apply the law.

The Evolution of Legislation relating to Rights of Minorities (Language Use)

<ul style="list-style-type: none"> ● Pre-1995 <ul style="list-style-type: none"> – 1921 Constitution (local governments to communicate and provide documents where more than 20% national minority) – 1991 Supreme Soviet Decree provides for use of non-state languages in all state bodies and use of Armenian in Akhalkalaki – 1995, 1991 Decree expanded to all Georgia – <i>[most Armenians speak more than 2 languages, often Russian the main official language during Soviet period]</i> 	<ul style="list-style-type: none"> ● Post-1995 <ul style="list-style-type: none"> – 1995 Constitution names Georgian state language – 1998 Law on Public Service stipulates 'public service in Georgia is exercised using the Georgian language', and that lack of knowledge is a ground of dismissal – 1999 Administrative Code, Georgian to be used in all administrative proceedings – 2003 Unified Election Code of Georgia requires knowledge of Georgian for parliamentarians – 2005 Self-governance Law, all governmental sessions must be in Georgian – 2006 Amendments to 1997 ² Law on Public Service
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There has also been an increase in tension and even violence because of the perception that the Government of Georgia's policies and practices are increasingly disadvantaging and even excluding Armenians, as other larger national minorities such as the Azerbaijanis in ways that are contrary to the legal obligations of Georgia under the treaty:

In 2005 and 2006 mass demonstrations and political meetings were organised by Samtskhe-Javakheti activists, whose demands included autonomy within Georgia for Samtskhe-Javakheti and Tsalka Armenians, use of Armenian in public administration in Armenian-populated municipalities, an end to settlement of ethnic Georgians from other parts of the country in Samtskhe-Javakheti and improved Armenian representation in state institutions. Crisis Group observed a conference on 1 July 2006 in Akhalkalaki where more than 100 participants united in protest against "Georgianisation" policies and a call for autonomy.

Armenians' strongest grievance is the inability to use their language in public life. The government's new language policies are a source of strong resentment. Tbilisi is accused of abolishing minorities' former rights to use Armenian or Russian and thus limiting access to jobs and education.¹³

All police officers, lawyers, judges, medical doctors and other public servants must all eventually pass a Georgian language exam in order to keep their position, regardless of how long they have occupied or post or even whether they need to use Georgian in their daily work. Whereas state authorities appeared to be more flexible in their testing in 2006 with, for example, Armenian doctors being provided with translators, there was in 2007 a hardening of Georgian policy in 2007 when all school directors had to pass a similar language test: but this time with no translation assistance as had been permitted for public doctors, with the result that not a single director of the 150 or so Armenian schools passed. All of them were officially suspended, though remaining in their positions until the government replaces them. When the Government of Georgia attempted to replace one Armenian school director in Akhalkalaki – with an ethnic Georgian director – the appointment was rejected by the local school board and large scale expressions of discontent among the Armenian community. Perhaps not wanting to risk fanning the flames of discontent in the region, state authorities appear to have backed down temporarily, and not apply the law which would seem to require that all Armenian school directors be dismissed and replaced.

All directors are now expected to pass another language test in March or April 2009, and it is not clear what will happen if most or even all of the Armenian school directors fail the test a second time: technically they have already been dismissed, and the main question would appear whether the law should be applied, and whether the Government of Georgia dares proceed with what might be a hugely unpopular wholesale replacement of Armenians by mainly ethnic Georgian directors for Armenian public schools.

There is finally a human dimension to the policies of the Georgian government. Contrary to the suggestions by some that the current policies and legislation are not being implemented, and therefore are 'victimless' since in reality the government is being pragmatic and not complying with its own laws, this is not accurate. Individuals who are members of minorities are being fired, disadvantaged or excluded through the at times arbitrary or targeted implementation of the existing laws and policies.

While it may not be systematic – the government is often not implementing every aspect of its laws on the requirement of fluency in Georgian for government

¹³ Georgia's Armenian and Azeri Minorities, International Crisis Group, Europe Report No. 178, 22 November 2006, p. 3.

positions, including elected officials, doctors, police officers, etc. – neither is it true that it is not occurring:

- 3 Armenian lawyers in Samtskhe-Javakheti could not pass exam in Georgian in June 2006 and lost their licences
- The Director of the Education Ministry's municipality resource centre in Ninotsminda also could not pass exam in Georgian in June 2006 and was replaced
- Also in Ninotsminda, an officer of the court, the head of the statistics department, and the head of the civil register service, and 6 Armenian staff at the Support Centre for Socially Vulnerable Families (Ministry of Labour, Health and Social Affairs), have all been replaced, mainly by ethnic Georgians, for failing the exam in Georgian
- Following a television interview on 18 February 2007 where he opined that Armenians were victims of violations of their rights, the Deputy Director of the Tbilisi State Armenian Theatre was forced to submit his resignation.

In some areas, the extent of the exclusion and discriminatory impact of the current denial of the protection of national minorities – in particular with legislation making Georgian the necessary and exclusive language of employment is dramatic. Especially in regions where Armenians (and Azerbaijani) are not a majority, they are excluded out of all proportions from state institutions to the point of being almost invisible.

The district of Akhaltsikhe provides a good example which is far from unique to the effects of current policies that are inconsistent with Georgia's treaty obligations under the FCNM. While Armenians constitute more than a third of the district's population according to the 2002 census (36.59%), they are virtually excluded from most categories of public employment such as the police force (three Armenians only among about 190 police officers); or the tax department (none out of about 48). While formerly there was a branch of Tbilisi State University in the town of Akhaltsikhe, which had an Armenian section teaching the Armenian language and culture, these no longer exist, and the new public university replacing the former Tbilisi-operated institution (the 'Independent Institute of Akhaltsikhe') now only teaches in Georgian.

Even more visible and tangible is the exclusion of Armenian youth from universities in Georgia. Since the adoption of national university entrance exams with a Georgian language test, Armenians have since the ratification of the FCNM in 2005 almost completely kept out of state universities.

- In 2005, in Akhalkalaki district, only 2 of 69 Armenian applicants, and 1 of 19 applicants in Ninotsminda, passed the university entrance test, mainly because of its Georgian component
- In 2006 (with a lower Georgian language threshold and permission to take the some exams in Russian) 31 Armenians from Samtskhe-Javakheti passed
- In 2007, in Akhalkalaki district only 2 out of 56 Armenian applicants passed
- There are about 2,000 ethnic Armenians seeking admission to higher education every year: almost all of these must go to Armenia or Russia, mainly because they cannot be admitted because of their poor results in the Georgian language test, or can only be admitted to the lower ranked universities in Georgia because of their results

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Like Damocles' sword hanging by a single hair directly above their head, individuals are being impacted and are under a continuous threat: at any time – next week, next month, or next year – they may lose their job or be demoted or excluded through the enforcement of existing laws or policies, especially often involving a requirement of fluency in Georgian.

The next section of this report will highlight the precise areas where Georgia has succeeded or failed to live up to its legal treaty obligations under the FCNM. As this is a shadow report, it will perforce tend to emphasise the failures and not act as a 'cheerleader' for what the Government has accomplished, though at times it will acknowledge some positive initiatives or steps more recently undertaken by Georgian authorities.

5. The Protection of the Armenian Minority in Georgia since Ratification of the FCNM

Article 1

The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation.

The only remark on this provision is to note the Parliament of Georgia's apparent rejection of the linkage between the protection and rights of national minorities with international human rights, and therefore the refusal to consider any further international cooperation under the Framework Convention. The 13 October 2005

Resolution of the Parliament of Georgia on the ratification of the Framework Convention for the Protection of National Minorities clearly indicates that in relation to Articles 11(3) and 18, the Parliament deems it 'inappropriate to sign further international treaties on the above-mentioned issue'.

Article 2

The provisions of this framework Convention shall be applied in good faith, in a spirit of understanding and tolerance and in conformity with the principles of good neighbourliness, friendly relations and co-operation between States.

Since 2005, the Georgian government has failed to adopt a law on the rights of minorities or any other legislation to incorporate directly its obligations under the FCNM into domestic legislation. Despite the official transmitted views of the Government of Georgia to the Advisory Committee that in relation to the Framework Convention the 'provisions of an international treaty defining specific rights and obligations do not require adoption of the conforming national normative act, and are directly applicable in Georgia',¹⁴ this is unfortunately inaccurate and misleading. Since the Framework Convention is by its very nature a 'framework' treaty rather than a self-executing one, the prevalent view – despite some dissenting opinions – is that implementing legislation is required since the FCNM does not define specific rights and obligations outside of implementing national measures.

Three important preliminary points need to be made on how the Government of Georgia is dealing with this provision:

1. The 13 October 2005 **Resolution of the Parliament of Georgia on the ratification of the Framework Convention for the Protection of National Minorities** rejects outright the application of a number of provisions, thus contravening both the spirit and the letter of the FCNM.
2. New legislation and amendments after Georgia's ratification of the FCNM have consistently and almost without exception curtailed or even eliminated previously existing rights of the Armenian minority that were consistent with the obligations under the Framework Convention, particularly in relation to the use of the Armenian language.
3. No new legislation since the 2005 ratification has been adopted to reinforce the protection of national minorities in general, and the Armenian minority in particular.

In other words, instead of moving forward since the ratification of the FCNM, legislation – as opposed to practice on the ground – has by and large gone in the other direction in relation to the rights of national minorities, especially in the areas of language and religion.

¹⁴ Report submitted by Georgia pursuant to Article 25, paragraph 1 of the Framework Convention for the Protection of National Minorities, 1 March 2007, Paragraph 4.

The specific laws and policies which curtail or even completely erase the previously existing rights of national minorities will be considered later in this report when discussing the relevant substantive provisions of the Framework Convention. To give but one example, however, it is striking that the Parliament of Georgia would in its **Resolution of the Parliament of Georgia on the ratification of the Framework Convention for the Protection of National Minorities** states unambiguously that minorities have absolutely no right to use a minority language with administrative authorities in areas inhabited by persons belonging to national minorities, in complete disregard of its obligation in Article 10(2) of the FCNM.

If the Parliament's resolution remained a *lettre morte* this would not necessarily involve a breach of Article 10(2). Unfortunately, post-2005 legislation and conduct by state authorities both confirm that Georgia has absolutely no intention of complying with some of its obligations such as the one just mentioned. Indeed, beyond referring to the availability of translators in some situations, it is instructive that even Georgia's own first periodic report under the FCNM mechanism completely omits any mention of its obligations under Article 10(2), and makes no attempt to explain or demonstrate how or even if it has acted in compliance with this provision. There is not a single reference to Article 10(2) and the use of Armenian or any minority language by administrative authorities in areas inhabited by national minorities. Almost all of the Government's report on this provision deals with translation or interpretation – the purview of Article 10(3) – and not with public education.¹⁵ Such an omission appears wilful and not accidental; it would seem to indicate a clear rejection of these obligations, despite Georgia having ratified the treaty without any reservation in relation to Articles 10 and 18.

Article 3

- 1. Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.*
- 2. Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others.*

There appears to be no obstacle to individuals being able to freely choose to be or not treated as a person belonging to a national minority.

It is however clear that Article 3(2) is not complied with in Georgia at the present time. Members of the Armenian minority cannot exercise many if not most of the rights and freedoms flowing from the FCNM. Contrary to the Government's assertion, there is no redress possible in the case, for example, of the refusal of administrative authorities to use the Armenian language in areas such as Akhalkalaki where more than 90% of the population is Armenian. National

¹⁵ Report submitted by Georgia pursuant to Article 25, paragraph 1 of the Framework Convention for the Protection of National Minorities, 1 March 2007, paragraphs 117-127.

legislation is absolutely firm on this matter: it is forbidden for administrative authorities to use any language other than Georgian (or Abkhazian in Abkhazia). While Georgian laws are clearly not always implemented, Armenians and other national minorities are left without any remedy against the clear breach of the principles enshrined in the Framework Convention this involves: there is no legislation implementing these principles, the Framework Convention is not self-implementing, and there are no human rights or minority rights legislative mechanism which would allow Armenians to bring such a violation to any court of law in Georgia. As indicated earlier, the Constitution of Georgia is silent on the protection of or rights for minorities. While it contains general human rights measures such as non-discrimination and the freedoms of expression and religion, the Constitution does not provide for any specific minority right other than the recognition of Abkhaz as a state language – in addition to Georgian – in Abkhazia.

Once again, the Government of Georgia's in its description of its compliance with Article 3(2) does not attempt to demonstrate where or how exactly Article 3(2) measures are in place.¹⁶ The reason for this is straightforward: there are no legal mechanisms to ensure that the rights and freedoms of Armenians and other national minorities flowing from the principles contained in the FCNM can be exercised. Not only is there no detailed or comprehensive minority legislation to address their rights under the FCNM, Georgia does not have comprehensive anti-discrimination legislation. This leaves Armenians and national minorities in a particularly vulnerable position: the conflict in South Ossetia in 2008 has precipitated increasingly violent and intolerant incidents against minorities at times presented in the mainstream media – and politicians – as disloyal.

While the Public Defender has been, as indicated earlier, one of the few state institutions which can and has actively sought to deal with claims of human rights violations – including those of national minorities – the powers of the Public Defender are legally limited to mainly monitoring human rights compliance. Even if on rare occasions the Public Defender could bring a case to court to defend the rights of national minorities, the absence of any legislative or constitutional enshrinement of the FCNM's rights and freedoms means courts would have no legal basis for the recognition for the exercise the rights and enjoy the freedoms flowing from the principles enshrined in the Framework Convention.

Article 4

- 1. The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.*
- 2. The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the*

¹⁶ Report submitted by Georgia pursuant to Article 25, paragraph 1 of the Framework Convention for the Protection of National Minorities, 1 March 2007, paragraphs 46-51.

majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.

3. The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.

While the Constitution enshrines the right of equality before the law, there is still no general anti-discrimination legislation in Georgia. The only new legislation which the Government of Georgia admits in its First Periodic Report has been adopted deals with discrimination in criminal law, torture, and access to interpretation in certain situations.

Due to the absence of effective guarantees of the right of equality before the law and of equal protection of the law, in all other areas of life, and in particular against Government action and policies, members of the Armenian minority may find themselves discriminated against because of religious and linguistic preferences of their own Government in most areas of daily life in society. The following interview may be symptomatic of the difficulties facing Armenians asserting their identity, and of the price – and –discrimination – they may be faced because they belong to a national minority in the atmosphere currently prevailing in Georgia:

The biggest concern Armenians have in Georgia is assimilation. They say the best chance to have success in Georgia is to change the Armenian surname suffix to ‘shvili’ or ‘dze’. An Armenian student of the State University in Tbilisi says she was told she should change her name before applying for her PhD diploma. “The truth is that even after succeeding in getting a PhD, there is no chance of getting a well-paying job with an Armenian name”, the student says.¹⁷

Article 4(2) is almost completely disregarded: there are no measures in place since the ratification of the FCNM in order to promote the full and effective equality of the Armenian national minority and ethnic Georgians. Rather than measures to promote equality, the Government has adopted some programmes and a number of ad hoc initiatives to increase the learning of the majority language in the name of integration.

However, integration ‘Georgian-style’ - fixated almost exclusively on the need to be immediately fluent in the Georgian language in order to be able to benefit or have access to a number of services or positions – has resulted in practice since 2005 in less and less full and effective equality and a decrease in the participation of members of the Armenian minority in education, employment, and politics.

¹⁷ Julia Hakobyan, *The Armenian Question: Keeping a Home in Georgia and a Heart in Armenia*, 2005, Armenian General Benevolent Union, http://www.armeniapedia.org/index.php?title=Keeping_a_home_in_Georgia_and_a_heart_in_Armenia

No one in the Armenian community appears to deny the need for the opportunity of learning the country's official language – this is proven by the large proportion of Armenians who acquired fluency in the official language of the USSR during the Soviet period – but making Georgian the almost exclusive language of public education in relation to university education, and a requirement for elected office in Parliament and for many important categories of employment are, under the specific conditions of the Armenian minority unreasonable and unjustified, and therefore discriminatory.

Survey of Non-Georgian-speaking population of Samtskhe-Javakheti: Do you speak Georgian?¹⁸

Age Group	Yes	No
18-25	15.1%	84.9%
26-30	34.2%	65.8%
31-36	14.8%	85.2%
37-45	22.6%	77.4%
46-55	25.3%	74.7%
56-65	38.9%	61.1%
65+	26.7%	73.3%
Total Average	24.6%	74.4%

As the above survey clearly indicates, the specific conditions in Samtskhe-Javakheti where members of the Armenian minority are concentrated would under Article 4(2) mandate the necessary adoption of adequate measures to promote the full and effective equality of the Armenian minority and those belonging to the ethnic Georgian community, taking into account the specific conditions of the Armenian minority: the Government's own report itself does not identify a single measure in this regard – because it has not attempted to comply with this legal obligation.

At the very least, given the specific conditions in Samtskhe-Javakheti, a regional office of the Public Defender would contribute at least to some degree, in promoting fuller, more effective equality for Armenians and the many other minorities there.

In the area of religion additionally, there is widespread discrimination in a number of areas which are contrary to Article 4 of the FCNM. For example, private educational facilities of the Orthodox Church receive guaranteed annual – and increasing – funding from the state budget, through the application of the Constitutional Agreement between the Georgian State and the Georgian Apostolic Autocephalous Church (Concordat), which was signed on 14 October 2002.

This guaranteed state funding is only available to Georgian Orthodox educational facilities, a situation similar to a recent case which the UN Human Rights Committee concluded recently was a form of discrimination on the ground of religion in international

¹⁸ National Integration and Tolerance in Georgia, United Nations Association of Georgia, November 2006, <http://www.una.ge/pdfs/surveyreport.pdf>

law.¹⁹ The amount awarded annually to these private Georgian Orthodox institutions has gone up from 1,290,000 GEL in 2005 to 9,521,100 GEL in 2008 – while the Georgian Public Defender’s 2008 budget was a measly 1,877,300 GEL in the same year!²⁰ It’s a rather telling contrast that the total amounts in the state budget for the whole country’s *Programme for the Cultural Development of Ethnic Minorities* is insignificant in comparison: only 271,500 GEL in 2006, and 281,000 GEL in 2007.²¹

The number of examples and the extent of discrimination on the ground of religion as between the majority Georgian Orthodox Church and religious minorities in Georgia, including of course Armenians who almost all belong to either the Armenian Apostolic Church or the Catholic Church, are significant and surprising in a democracy:

- Only the Georgian Orthodox Church is legally recognized in Georgia. It enjoys the special status of ‘public law entity’; no minority religious organisation has – or can even obtain – the same status.
- Since there are no laws on religious organisation, and only the Georgian Orthodox Church has a public law entity status, minority religious organisations currently all have no legal status whatsoever and therefore cannot legally own property, conclude contracts, etc.²²
- Only the Patriarch of the Georgian Orthodox Church enjoys legal immunity, under Article 1.5 of the Concordat. No minority religious leader shares this immunity.
- Only the Georgian Orthodox Church is exempt from taxation: all minority religious groups are subjected to all taxes as private individuals or entities.
- Only Georgian Orthodox religious marriages are automatically recognized under Article 3 of the Concordat.

¹⁹ In *Waldman v. Canada*, Communication N° 694/1996, U.N. Doc. CCPR/C/67/D/694/1996 (1999), the UN Human Rights Committee concluded that to only provide state financial support to Catholic schools in the province of Ontario was discriminatory for Jewish parents who were denied the same benefit for their own private schools and children. While it did not actually conclude that private Jewish schools were entitled to the same financial support, it did indicate that the discriminatory practice had to cease, and that the Government of Canada could either cease all funding to Catholic schools or choose to provide it to other private schools such as the minority Jewish schools. The Government of Canada chose the latter option, so that using Article 26 of the ICCPR and non-discrimination, minorities were for the first time able to get state support for their educational activities, and not through the use of Article 27.

²⁰ State of freedom of religion in Georgia since the adoption of Constitutional Agreement between Government and the Orthodox Church of Georgia, Simon Papuashvili Human Rights Centre, 25 April 2008.

²¹ *Compendium Cultural Policies and Trends in Europe: Georgia*, Nina Gunia-Kuznetcova, 2008, at <http://www.culturalpolicies.net/web/georgia.php?aid=41&cid=1180&lid=en&curl=421>

²² While religious groups can register as a not-for-profit private entity, none had done so by the end of 2008, since all religious minorities appear to reject being treated as simply a private not-for-profit entity like a chess club, whereas the Georgian Orthodox Church is given full recognition by Georgia as a religious entity.

- Only members of the clergy of the Orthodox Church are automatically free from military conscription, while minority religious personnel may request an exemption on an individual basis or on conscientious grounds.
- Church property has been returned to the Georgian Orthodox Church since Georgia's independence: no property has been returned to the Armenian Church – or other religious groups – in the same period.

Armenians and other religious minorities in Georgia are largely helpless in the face of such unfettered religious favouritism and discrimination on the ground of religion because there is no specific legislation to effectively prohibit such blatant forms of unacceptable favouritism. In particular, the above examples are completely apposite to Georgia's undertakings under Article 4(2), since they are on complete disregard of any attempt to promote equality between the Georgian Orthodox majority and religious minorities such as the Armenians.

Article 5

1. The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.

2. Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.

This provision deals generally with the protection and promotion of a national minority's culture, which may include religious, linguistic or other significant characteristics of a minority. In particular, it not only mandates that Georgia ensures there are in place 'defensive' measures to protect a minority's culture, but also requires proactive steps in terms of its enhancement and development.

In terms of maintenance, it must be said that Georgia does not prohibit Armenian cultural activities or organisations. However, the Government of Georgia's obligations to develop Armenian culture in the country is far from being complied with.

In its periodic report, the Government of Georgia does not identify a single measure adopted since its ratification of the FCNM in 2005 to promote conditions for the maintenance and development of the Armenian culture, and to preserve elements of this culture such as its language and religion in particular. Almost the entire content of this section of the report deals with the promotion and enforcement of the Georgian language, and therefore does not address the main thrust of this provision.

Various levels of governments have traditionally supported and continue to support Armenian and other minority cultural activities: for example, the Tbilisi Municipality has financially provided assistance, financial and otherwise, to the Petros Adamyan Tbilisi State Armenian Theatre. However, it must be said that the amounts directly provided by the state to Armenian cultural organisations have in fact not even kept up with inflation rates and in many respects have diminished since the ratification of the FCNM:

However, since the collapse of the USSR and the closure of the state-run ‘houses of culture’, the Ministry of Culture has been largely unable to fund cultural activities for national minorities. Apart from the three minority language newspapers that the Ministry funds... it has also earmarked limited funds for the Petros Adamyan Armenian Dramatic Theatre and for at least two museums dedicated to national minorities – the Azeri Mirza Fatali Akhundov House Museum and the D. Baazov Georgian Jewish Historical Ethnographical Museum. Despite these few examples, however, state funding for minority organisations is minimal.²³

This is further confirmed with the previously mentioned insignificant amounts earmarked by the Government of Georgia for the *Programme for the Cultural Development of Ethnic Minorities* for minority cultures with annual allocations of only 190,000 GEL in 2005, 271,500 GEL in 2006, and 281,000 GEL in 2007 for all minority cultures in the country.²⁴ Such low, even paltry, levels of funding would seem incapable of satisfying the obligation to *promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture*.

Additionally, “*une langue qu’on ‘enseigne pas est une langue qu’on tue*”: and the Government of Georgia has clearly moved to eliminate much of the Armenian language in the public sphere. This is not to suggest that Georgian authorities have adopted measures aimed at the forced assimilation of Armenians, since the private use of the Armenian use is still allowed. However, and clearly contrary to Article 5(1), Georgia has not only not promoted conditions for the maintenance and development of the Armenian culture, including its language and religion, but has in fact went completely against this obligation by actively undermining these since the ratification of the FCNM.

Since 2005, the degree of use of the Armenian language in public schools has decreased; the use of Armenian in public media is by and large insignificant when compared to the proportion of Armenians in the parts of the country where they are concentrated. Indeed, the use of the Armenian language has become unlawful – even if in many cases tolerated – in most state administrative structures, including where

²³ Jonathan Wheatley, *Implementing the Framework Convention for the Protection of National Minorities in Georgia: A Feasibility Study*, ECMI Working Paper 28, October 2006, p. 44.

²⁴ Nina Gunia-Kuznetcova, *Compendium Cultural Policies and Trends in Europe: Georgia, 2008*, at <http://www.culturalpolicies.net/web/georgia.php?aid=41&cid=1180&lid=en&curl=421>

members of the Armenian minority are in substantial numbers and even the majority such as Samtskhe-Javakheti.²⁵

While Article 38 of the Constitution does recognise the right to develop one's culture and use one's mother tongue in private and public life freely, without any discrimination, this in practice has not resulted in any concrete or favourable measures, in particular since ratification in 2005, for the development of the Armenian culture, or the preservation of the Armenian religion and language. There is broadly speaking very low state financial support for Armenian cultural activities since 2005, and indeed the Georgian Government's own report does not suggest there has been any significant support in the period covered.

On the positive side, the Government has adopted a number of initiatives to strengthen the opportunities for acquiring a working knowledge of the Georgian language, especially in public schools, and this is to be applauded. It is in fact of the opinion that more resources must be provided in terms of school materials, teacher training and curriculum development to improve on Georgian language acquisition of all citizens of Georgia.

Having said this, it is clear that integration is not a one-way street: it is not about learning a state's official language at the exclusion or expense of one's own language or culture, or a more polite way of what is only thinly disguised assimilation. The emphasis – at least officially if not always in practice – on Georgian as a required exclusive language of administration and higher education, among many others, as well as the privileged status of the Georgian Orthodox Church and the refusal to grant some form of equivalent legal status to other religions in the country are at the very least a breach of the obligation 'to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.'

Article 6

- 1. The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.*
- 2. The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.*

In 2007 and 2008, a number of public entities have promoted tolerance and intercultural dialogue in Georgia, and once again the Government is to be applauded

²⁵ These examples are further elaborated in the more relevant provisions of the FCNM below.

for these recent initiatives, such as those of the Civic Integration and Tolerance Council, the setting up of a “diversity-ge” website – an electronic database devoted to the cultural diversity of Georgia’s ethnic minorities – as well as a new journal for integration and tolerance. These are activities of the type envisaged in Article 6(1), though at the same time it is noteworthy that this tolerance does not extend in providing any of these activities in Armenian to ensure that members of the national minority have immediate and real access.

Also on the positive side, the Government of Georgia is to be commended for having brought about a number of changes in its criminal law to increase the protection of minorities against acts of discrimination, including for criminals acts committed against minorities as a result of their ethnic, cultural, linguistic or religious identity. This is referred to in the Government’s First Periodic Report in the section dealing with Article 5, though it properly addresses Article 6(2) of the FCNM.

However, the implementation of these provisions of criminal law appears patchy, and they do not address acts which may be committed by state authorities themselves which are discriminatory or violent against minorities. For example, immediately after a blast which occurred on 17 July 2008 near the home of the local chief of police in Akhalkalaki and resulted in no casualties, a police crackdown occurred that same day that led to the arrest of a number of activists in one of the largest political movements in the region of Samtskhe-Javakheti, the ‘United Javakhk Democratic Alliance’ (UJDA) which had garnered about 30% of the votes in the 2006 local elections, mainly among Armenians. Some 15 activists were arrested, and a number of them were badly beaten by the police. The police also broke into the building of a youth radio station connected to the UJDA and shut it down without apparently a court order for this action. A number of other violent actions by the police force occurred in the next few days, often without proper arrest warrants being issued and targeting ethnic Armenians with intimidation and violence. In November 2008, separate trials of two Armenians accused of various offences linked to the July events began, though in absentia in the case of one of them.

The trial held only in Georgian was locally criticised for the poor quality of the interpretation in Armenian and serious doubts in terms of procedural fairness.²⁶ Since then, a climate of intimidation against Armenians in Akhalkalaki continues.

Article 7

The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.

²⁶ See ‘The Trials of Javakheti Armenian Political Activists Started’, 10 November 2008, http://www.yerkir.org/index.php?level_id=218&lang=eng

Generally speaking, members of the Armenian national minority are able to exercise the freedoms protected under this provision except in one main area: political activities. In addition, they encounter problems similar to other individuals in Georgia when authorities arbitrarily refuse permission for peaceful gatherings.

Armenians – and all other national minorities of Georgia – are unable to establish political parties with a specifically ethnic identification which, under normal conditions, would be covered under the freedoms of peaceful assembly and freedom of association. Georgian legislation has for example been used to deny registration of – and therefore the freedom to assemble or associate under – the political party known as ‘Virq’, mainly made up of Armenian residents of Samtskhe-Javakheti.

While Georgian legislation does not exclude explicitly a political party closely linked to a national minority, but it does prohibit the formation of a political party ‘with regional or territorial traits’, and this in effect has been treated to prevent the formation of any political party which would aim to defend and promote the rights of members of the Armenian minority.²⁷

There are additionally numerous reports of Armenians being targeted and punished by authorities for expressing their views that the rights of minorities in Georgia are not being fully respected. Just one example involves a former deputy director of the Tbilisi State Armenian Theatre:

Deputy director of Tbilisi State Armenian Theater Rafael Grigorian in his February 18 [2007] interview to the Georgian TV channel Rustavi-2 stated that he believed that the rights of ethnic Armenian in Georgia are violated and the evidences of historical Armenian presence in Georgia are eliminated. On the next day after the interview, on February 19 he was summoned to the Georgian national security ministry where he was forced to provide written account of his thoughts expressed during the interview. In addition, pressure was exerted on the administration of the Armenian Theater by the Georgian ministry of culture; thereafter, the head of the theater declared that Rafael Grigorian was dismissed from the theater. He was forced to resign of his own accords and his resignation was accepted.²⁸

This is but one example of what could be said to amount to a violation of freedom of expression.

There are additionally other areas where the conduct of Georgian authorities could be said to breach Article 8 involving private media being closed arbitrarily or without due process. Following the July 2008 police crackdown in Akhalkalaki, the

²⁷ See Article 6 adopted 31 October 1997, available online at http://www.parliament.ge/index.php?lang_id=GEO&sec_id=69&kan_det=det&kan_id=119

²⁸ ‘The Ethnic Armenian Minority of Georgia’, Yerkir, 17 September 2007, available at <http://www.yerkir.eu/2007.09.17%20Yerkir%20Rapport.pdf>

building to the private youth radio station connected to the UJDA was still locked in December 2008, and the radio unable to operate, despite no court order to this effect, or any linkage to any criminal activity, in apparent breach of freedom of expression for the Armenian minority.

Article 8

The Parties undertake to recognize that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organizations and associations.

While freedom of religion is guaranteed under the Constitution, the privileged position of the Georgian Orthodox Church and the continual refusal of Georgian authorities to register the Armenian Church have resulted in widespread difficulties for Armenians to exercise their rights as a national minority to manifest their religion.

Essential to the right to manifest one's religion is the right to freely establish and operate religious institutions, including the buildings associated with religious practices. The situation in Georgia has not improved in this regard since the ratification of the FCNM in 2005, and has indeed gotten worse. Many Armenian churches – taken over by authorities during the Soviet era – have still not been returned to Armenian religious authorities. Many in the last few years, and contrary to Georgia's obligations under Article 8, have been turned over to the Georgian Orthodox Church instead.

Following the conclusion on 14 October 2002 of a Constitutional Agreement between the State of Georgia and the Georgian Apostolic Autocephalous Orthodox Church, the Georgian Orthodox Church was accorded a status as a recognised religious entity and significant privileges which other religious congregations are deprived, including the return to it of church property and tax exemptions. In effect, there is no legislation for the registration of religious entities, whereas the Georgian Orthodox Church is recognised as a public legal entity. Only since 5 April 2005 does an amended Article 1509 of the Civil Code of Georgia allow for the legal recognition of minority religious denominations in Georgia – but only as not-for-profit legal entities and not as religious entities as such.

This form of registration is however rejected by minority religious groups in Georgia, including the Catholic Church and the Armenian Apostolic Church, who object that the majoritarian Georgian Orthodox Church be recognised as a public legal entity – and thus entitled to many privileges denied to minority religious groups. In other words, while the Georgian Orthodox Church is recognised as a religious entity – and has significant privileges under the Concordat – other religious groups are only legally recognised for all intents and purposes as 'private NGOs'. In addition to a potential breach of Article 8 of the FCNM, such blatant religious favouritism is in all likelihood discriminatory.

Georgian authorities continue to refuse to return church property to most religious minority groups in Georgia until such time as they have some form of legal status – thus resulting in a ‘Catch-22’ situation. In the case of the Armenian Apostolic Church, it is still demanding the return of four churches in Tbilisi, including Saint Norashen.

The case of Saint Norashen Church shows the extent the rights under Article 8 of the FCNM are not being complied with since the ratification of the treaty. With the approval of municipal authorities,²⁹ a Georgian Orthodox priest started in May 2008 the construction of a fence around the church containing Greek Orthodox crosses which have for the most part – though not completely – been removed following an outcry from members of the Armenian minority. Despite this was later suspended briefly, construction work and the apparent move of Armenian graveyards restarted in November 2008, all signalling an apparent intent by elements within the Georgian Orthodox Church to also take over this church from the Armenian minority.³⁰ Work was again suspended by municipal authorities in December 2008, but the damage has been done: a visit to the site of the Norashen Church in mid-December 2008 showed how entry to this Armenian Church can only occur through a gate manned by members of the Georgian Orthodox Church in a booth filled with Georgian Orthodox religious items and the grounds around the Norashen Church is being surrounded by Orthodox religious tombstones, pillars or other items.

In reality, the attempt to ‘convert’ the Armenian Norashen Church – as well as others – sometimes with either official collusion or authorities wilfully turning a blind eye, has in the view of some members of the Armenian minority been part of a steady, unrelenting phenomenon since independence, and has perhaps even accelerated since the ratification of the FCNM:

Despite these positive trends towards religious tolerance, there is still not a level playing field between the Georgian Orthodox Church and other churches. In particular, the privileged status of the Georgian Church has led to accusations of religious discrimination from the Armenian Church over the contentious issue of disputed ownership of church buildings. There are a number of churches in Tbilisi and elsewhere that the Armenian community claims have been taken over by the Georgian Orthodox Church. Particularly sensitive is the issue of Norashen church, a church that belonged to the Armenian Apostolic Church prior to the establishment of the Soviet Union, was used as a library for the Academy of Sciences during the Soviet period and was finally ‘occupied’ and consecrated by

²⁹ Municipal authorities subsequently denied having approved the so-called renovations, though the Georgian Orthodox priest produced a written letter purportedly showing municipal approval. By December 2008, as controversy and international attention increased, the activities around Saint Norashen Church had ceased once again, though tools and building materials were still onsite. For a video showing the alleged municipal letter of authorisation, see <http://www.youtube.com/watch?v=om1GzTHuJ5Q>

³⁰ <http://ditord.wordpress.com/2008/11/21/blogs-warn-of-more-attacks-on-armenian-norashen-church-in-tbilisi/>

the Georgian Patriarchy in 1995. After a fierce dispute, the Patriarchy agreed to leave the church, but the Armenian Church was not granted custody either. Even in 2005, the dispute was still not settled and the Armenian side claimed that the Georgian Orthodox priest who had been responsible for occupying the church in the 1990s was once again attempting to gain control. A similar incident occurred (also in 2005) in the village of Samsari in Akhalkalaki district, where a group of young Georgians entered a church [Metz Samsar] they claimed was theirs and began to clean it. This provoked a heated reaction from the local Armenian population and fight ensued. Armenian community leaders believe the special status granted to the Georgian Orthodox Church makes it difficult for them to voice their claims and defend their churches. If a well-established religious organisation such as the Armenian Orthodox Church finds it difficult to defend its religion, it is clearly far more difficult for smaller minority groups that practice a religion that is not backed by any outside power.³¹

Article 9

- 1. The Parties undertake to recognize that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.*
- 2. Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.*
- 3. The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.*
- 4. In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.*

The Georgian Government has a general approach of *laissez-faire* in relation to minority private media: by and large, Armenian private media³² are not directly interfered with by authorities (with the recent exception of the youth radio in Akhalkalaki associated with United Javakh and closed down in 2008. On this basis, it

³¹ Jonathan Wheatley, *Implementing the Framework Convention for the Protection of National Minorities in Georgia: A Feasibility Study*, ECMI Working Paper 28, October 2006, p. 47-48.

³² See *Regional Media Map of Georgia*, Caucasus Institute for Peace Democracy and Development, 2006, available at http://www.cipdd.org/files/7_26_612532_RegionalMediaMapofGeorgiatext.pdf for a detailed description of the various printed and electronic media in Georgia. In Akhalkalaki, for example, there are in the private sphere two local television channels, one radio station (excluding the recently closed youth radio) and three private newspapers.

could be said that Articles 9(2) and 9(3) appear to be complied with, with the exception of the Armenian youth radio in Akhalkalaki. However, Georgia is not complying fully with its legal obligations under Articles 9(1) and 9(4).

The Government of Georgia in its submissions to the Advisory Committee has outlined its efforts in this area, yet in a number of respects they are clearly insufficient.

In line with the Advisory Committee's own views in previous opinions for other states, the very limited use of Armenian in public radio and television is completely inadequate to comply with the obligations under Article 9(4), since 'facilitating access to the broadcast media for persons belonging to national minorities implies a general obligation to produce and/or broadcast intended for persons belonging to national minorities in the public broadcast media.'³³ As to what is appropriate under Article 9(4) includes the amount of time of broadcasting, as well as the timing of that programming 'so as to ensure that persons belonging to national minorities can enjoy programming in their own language in a meaningful way...'³⁴

In particular, the Advisory Committee has frequently indicated that under Article 9(4), public broadcasting must broadly reflect the proportionality principle: that the amount of broadcasting time in a minority language in the public media cannot be too small in both time and content 'taking into account the number of persons belonging to national minorities...'.³⁵ This is exactly the position of the extent of broadcasting in Armenian in public media, thus as in the case of Croatia, manifestly involving a breach of Article 9(4). Simply put, public broadcasting in Armenian is almost insignificant when compared to the size of the Armenian community in Georgia as a whole, and in Samtskhe-Javakheti in particular. In both cases, Article 9(4) is clearly not implemented if one follows the previous reasoning of the Advisory Committee.

According to the Georgian Government own periodic report, the public radio only broadcasts five minutes of news in Armenian very day (though this is to increase).³⁶ The national public television station only broadcasts about 30 minutes of news in Armenian once a week on Wednesdays at 15.30 – a time which is inconsistent with the need to facilitate access to public media for members of the Armenian minority since many of them would be at work and thus be unable to have access to the only broadcast in their own language. In addition, neither Georgian national public television nor public radio had by December 2008 a correspondent in the areas of

³³ John Packer and Sally Field, Chapter 9, *The Rights of Minorities: A Commentary on the European Framework for the Protection of National Minorities*, Oxford Commentaries on International Law, 2006, p. 291.

³⁴ John Packer and Sally Field, Chapter 9, *The Rights of Minorities: A Commentary on the European Framework for the Protection of National Minorities*, Oxford Commentaries on International Law, 2006, p. 291.

³⁵ Advisory Committee Opinion on Croatia, ACFC/INF/OP/I (2002), 6 February 2002, paragraph 41.

³⁶ P. 34.

Armenian concentration, nor a news office in the Samtskhe-Javakheti region, further making access to public media difficult, as well as making the content of national public broadcasting almost completely devoid of relevance due to its lack of local content.

There have a number of initiatives involving international organisations in facilitate access to programming in the Armenian language in radio and television broadcasting, but as the following indicates, this has involved private media with no support from the Government of Georgia:

There are also instances of local television stations broadcasting Georgian news in minority languages. Thus, in Javakheti two local channels, ATV-12 in Akhalkalaki and the Ninotsminda-based Parvana TV, rebroadcast news from Georgian TV channels with the help of simultaneous translation from Georgian to Armenian besides broadcasting local television programmes in Armenian. The simultaneous translations are funded by the *Conflict Prevention and Integration Programme* of the OSCE High Commission for National Minorities with support from the news agency Internews. At the time of writing, this scheme was being extended to the Marneuli and Bolnisi districts of Kvemo Kartli, where from May 2006 Bolnisi TV station TV-12 and Marneuli Branch of Kvemo Kartli TV and Radio Station began producing their own news broadcasts in Georgian and Azeri and re-broadcast bulletins of the public broadcasting channel with simultaneous translation into Azeri. However, these projects are supported by international organisations, not the state. The state does nothing to hinder these activities, but does nothing to support them either.³⁷

Mutual understanding and integration must be a two-way street to be truly effective: while Armenians in Samtskhe-Javakheti and other parts of the country are trying to learn the Georgian where they can, it is at the same time essential for the Government of Georgia to reach out and 'speak' to Armenians, educate and inform them in their own language. Denying them access to the public media through almost exclusively broadcasting in Georgian will mean that Armenians are likely to continue to turn towards Armenia or Russia for broadcasting in a language they understand.

The risks this approach entails in terms of alienation and a lack of identification for some with the state of Georgia must be avoided, and this can best be done by fully complying with Article 9(4).

Article 10

1. The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.

³⁷ P. 39.

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

3. The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter.

In relation to Article 10(1), there are no restrictions on individuals using the Armenian language in private contexts. However, Article 10(2) of the FCNM is completely disregarded by the Government of Georgia: it refuses to legally recognise any right to use the Armenian language before administrative authorities where Armenians live traditionally or in substantial numbers. The use of Armenian is in fact illegal, even in Samtskhe-Javakheti where speakers of Armenians are more than half of the total population, or in the districts of Akhalkalaki with a 94.3% Armenian population, or Ninotsminda with about 95.8.

The legal situation in Georgia is therefore much more extreme than in other states, including neighbouring Armenia, where the Advisory Committee has without ambiguity indicated that countries which have ratified the Framework Convention must take steps to ensure that the application of Article 10(2) is not left to the whim of authorities, but must be guaranteed as a legal right:

101. The Advisory Committee *finds* that there is a lack of precision in Armenian legislation on the right to use minority languages in relations with the administrative authorities and notes that, according to the authorities, such a possibility exists in areas inhabited by a sufficient number of persons belonging to national minorities. The Advisory Committee *considers* that this possibility should not be left solely to the discretion of the authorities concerned and that appropriate measures should be taken, including at legislative level, to ensure the effective application of this right.³⁸

The absence or lack of legislative clarity is, in the view of the Advisory Committee, 'not in full conformity' with the legal obligations of Framework Convention.³⁹ In its opinion on the situation of Estonia, the Advisory Committee added the following:

³⁸ Advisory Committee on the Framework Convention for the Protection of National Minorities, Opinion on Armenia, ACFC/INF/OP/I (2003) 001, 2002, para. 101.

³⁹ Advisory Committee on the Framework Convention for the Protection of National Minorities, Opinion on Albania, ACFC/INF/OP/I (2003) 003, 2002, para. 99. See also Advisory Committee on the Framework Convention for the Protection of National Minorities, Opinion on the Czech Republic, ACFC/INF/OP/I (2002) 002, 2001, Art. 10, para. 55, and Advisory Committee on the Framework Convention for the Protection of National Minorities, Opinion on Slovakia ACFC/INF/OP/I (2001) 001, 2000, Art. 10, para. 36.

40. While welcoming the fact that the use of minority languages in relations between persons belonging to national minorities and the administrative authorities is recognised even at the constitutional level, the Advisory Committee considers that the current legislative framework relating to this issue lacks clarity. This stems partially from the fact that it is unclear to what extent the restrictive definition of the term national minority provided in other contexts (see related comments under Article 3) applies to the provisions that pertain to the use of minority languages, in particular in the Constitution and in the Language Act.⁴⁰

The situation in Georgia is completely opposed to the position adopted by the Advisory Committee and clearly contrary to both the spirit and letter of Article 10(2).

Legislation such as Article 14 of the General Administrative Code which states that “the language of administrative proceedings is Georgian, as well as Abkhaz language in Abkhazia,”⁴¹ Article 9 of the Law on Local Self Governance which indicates that “Georgian is the official working language of local governance as well as Abkhaz language on the territory of Abkhazia”,⁴² and Article 15 of the Law on Public Service which adds that all public servants must be fluent in Georgian have had the result post-2005 that Georgian is with very few exceptions the only language to be used by administrative authorities, with the only exception between in Abkhazia where the Abkhaz language can also be used.⁴³

This is not only a denial of the rights specifically identified in Article 10(2) of the FCNM, it is in fact a reduction of what was in place prior to the ratification of the FCNM. There was prior to 2005 a fairly generalised situation whereby local administrative services in much of Samtskhe-Javakheti, and particularly in localities where Armenians are a majority such as in Akhalkalaki and Ninotsminda would be available in Russian and/or Armenian, a situation which was broadly speaking along the lines of the Article 10(2) principles.

This previously existing situation of tolerance consistent to a degree with the obligation of putting into place “the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities” has been replaced by a ‘Georgian-only’ (again with the exception of Abkhaz) legal requirement that leaves almost no opportunity to use legally the Armenian language in areas such as Samtskhe-Javakheti where Armenians are not only a substantial part of the population, but in fact a majority. Even municipal

⁴⁰ Advisory Committee on the Framework Convention for the Protection of National Minorities, Opinion on Estonia, ACFC/INF/OP/I (2002) 005, 2001, Article 10, para. 40.

⁴¹ General Administrative Code of Georgia, No. 2181/IIS.

⁴² Organic Law of Georgia on Local Self Governance, No 2304/RS, 16 December 2005.

⁴³ Law on Public Service No 1022/1S, 31 October 1997, available online at <http://www.parliament.ge/index.php?lang_id=GEO&sec_id=69&kan_det=det&kan_id=116>

plaques, official seals and letterhead which at the present time often in Georgian, Russian and Armenian are on the way out: at a meeting in early December 2008 of Samtskhe-Javakheti municipal heads in Akhaltsikhe, they were advised by state authorities these symbols of the authority of the state would need to be exclusively in Georgian in 2009 to conform with Georgian legislation.

The effects of the refusal to use the Armenian language – and even to exclude its use – where members of the minority are concentrated, are nothing short of devastating in human and economic terms. In 2006, in Samtskhe-Javakheti where Armenians constitute 55% of the population, members of the Armenian minority occupied only a fraction of the administrative and other positions which would normally have been expected given their proportion of the population:

- 3 out of 26 staff of Governor are Armenians (11%)
- 16 out of 82 staff of Ministry Territorial Departments are Armenians (19.5%)
- 6 of 63 patrol policemen (9.5 %)
- 72 of 284 criminal police
- no Armenian police in Tsalka and Aspindza
- All judges in Akhaltsikhe, Tsalka and Aspindza are Georgians
- 6 of 32 staff in the Prosecutor's office (19%) are Armenians.

It is clear that the Government of Georgia rejects completely any legal obligations under Article 10(2) of the FCNM: this is stated unambiguously in the Resolution of the Parliament of Georgia of 13 October 2005 previously noted, and by the refusal to even mention or consider this provision in the Government's First Periodic Report beyond referring to the availability of interpretation services.

Interpretation services fall under Article 10(3), and not Article 10(2). The right to an interpreter in criminal matters is clearly enshrined in both international and Georgian. The Government of Georgia's Periodic Report sets out the legislative framework which to a large degree fulfils the requirements under the FCNM. While the principle it seems is firmly established, the provision of interpretation in criminal proceedings remains problematic in practice. On 6 November 2008, the criminal proceedings for five Armenians (members of the Chakhalyan family and Gourgen Shirinyan) accused of a number of offences linked to the bombing and subsequent violence in July 2008 and other claims going back to demonstrations and other events all the way back to 2006 began. Yerkir was able to have a presence as these proceedings went underway, even though the media were forbidden by authorities make recordings or even to take notes:

6. Another negative aspect of the trials is the fact that these were held in Georgian. As such, witnesses who know both Armenian and Georgian were forced to speak in Georgian. There was only a single translator provided by the court, and the quality of his translation was very poor. As none of the accused persons speaks Georgian, their ability to follow the hearings and to

track contradictions or weaknesses in the provided evidences and testimonies was considerably reduced...

9. The lawyer submitted then another motion proposing the release on bail of the under-aged juvenile Armen Chakhalyan. The translator, however, who already had obvious difficulties with his task, stated that due to a lack of knowledge, he was unable to complete the required translation. In order to keep the trial going on without interruption, the lawyer proposed then to the court to allow one of his assistants present in the courtroom to do the required translation, but the judge rejected the proposal asserting that the court would find itself the required translator, and postponed the proceedings without fixing the date of the next session of the trial.⁴⁴

This is but one example – there are many more of this nature as Georgian – and to a more limited degree the Abkhaz language – is the only language to be used in court proceedings, whether criminal or civil, and the right of access to an interpreter is far from being effectively put into place as required by the FCNM and other treaties. The seriousness of the nature of criminal proceedings, and indeed the very nature and depth of the tensions within Georgian society involving various minorities, require that more care and proactive steps be taken by the Georgian Government to redress these violations of Article 10(3) of the FCNM.

Article 11

- 1. The Parties undertake to recognize that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.*
- 2. The Parties undertake to recognize that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.*
- 3. In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.*

The Government of Georgia complies with the requirements of Article 11(1) and (2) in relation to Armenian surnames and first names, and in the display of signs of a private nature in Armenian.

⁴⁴ 'The Trials of Javakheti Armenian Political Activists Started', Yerkir, 10 November 2008, http://www.yerkir.org/index.php?level_id=218&lang=eng

There are however serious problems in its compliance with Article 10(3). Following Georgian independence, and especially after the adoption of legislation post-ratification of the FCNM which mandates the exclusive use of Georgian (with the partial exception of Abkhaz) in most areas of involving local, regional or national authorities, there has been a tendency that the legal requirement by all such authorities to only use Georgian in their contacts with members of the public has meant that all displays of local names, street names and other topographical indications should also be exclusively in Georgian. While there is no legislation which clearly sets this out, it is not an unreasonable interpretation given that there is no legal basis for the joint use of any other minority language, with the exception of Abkhaz. There are thus no laws to allow the joint display of such names in Armenian in addition to Georgian, contrary to what Article 11(3) would seem to require: while there are some municipalities where Armenians are a majority which may have some locality names in Armenian, and there are a few signs in this language, such activity are usually seen as in fact illegal, and may at any time be attacked and erased. Indeed, the Government of Georgia appears to admit in its First Periodic Report that it has not yet taken any step to comply with Article 11(3) of the FCNM since it indicates it may 'consider' amending existing legislation to finally allow the use of Armenian and other minority languages where the conditions of this provision are met.⁴⁵

Currently (December 2008), old street signs in the municipality of Akhalkalaki are for the most part, trilingual: Armenian, Russian and Georgian. Most newer signs along the country's main roads heading into Akhalkalaki, including immediately around it, that have been put up since the ratification of the FCNM are only bilingual: English and Georgian. In other words, the Government of Georgia's has not moved in compliance with Article 11(3) since it has not endeavoured in putting new signs in areas of Armenian concentration such as Samtskhe-Javakheti to take 'into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.'

Article 12

- 1. The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.*
- 2. In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.*
- 3. The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.*

⁴⁵ Paragraph 129.

As the Government of Georgia's Periodic Report indicates in relation to Article 12, much has been done in order to strengthen the acquisition of the Georgian language in public schools in Samtskhe-Javakheti and other locations where Armenians are concentrated, including the development and distribution of new textbooks. For this the Government should be commended.

However, Article 12(1) itself does not deal with the obligation of minorities to learn the Georgian language: it refers instead to issues related to the promotion of diversity and tolerance in the field of education. It implies that all Georgians – minorities and majority alike – should learn about and increasingly appreciate each others culture, history, language and religion.

This simply is not occurring. There are no obvious Government measures or research in education that would foster greater knowledge of the Armenian culture, history, language and religion, though new material for schools have been revised and apparently do not carry significant negative stereotypes of minorities. Textbooks in education tend to focus on the Georgian contributions and its prominence, not those of other minorities such as Azeris, Greeks, etc., nor has the Government of Georgia itself presented any such measures in its First Periodic Report.

Teacher training provided to teachers who are members of the Armenian minority is, while generally welcome, not oriented towards the protections envisaged by this provision: they are directed towards integration, which in the context of Georgia only means one thing, learning and working in the Georgian language. There is no visible inclination of emphasising the value of the Armenian language, religion or culture.

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.*
- 2. The exercise of this right shall not entail any financial obligation for the Parties.*

Legislation in Georgia permits the establishment of Armenian private schools. However, persons belonging to a national minority do not have the right to set up and to manage private higher education establishments if these do not use Georgian as the language of instruction, unless provided for by international agreement or agreed to by the Ministry of Education and Science of Georgia.⁴⁶

As a result, there are private universities which teach in English and Turkish – as well as Georgian – but no private university teaching in Armenian is currently allowed. Despite some suggestions from Georgian politicians and officials that the

⁴⁶ Article 4, Law on Higher Education. See Appendix II.

Government is open to such an eventuality, the record in the last few years has been quite negative. Since 2005 the Government of Armenia has regularly approached Georgian authorities with a proposal to establish a university in Akhalkalaki, most recently on 17 August 2007 by the Armenian Minister of Education Levon Mkrtchian, This has been rejected.

In the absence of an international agreement to setup such a private university, and in the absence of the approval of the Georgian Ministry of Education and Science, it is *de facto* prohibited for members of the Armenian minority to set up in Akhalkalaki a private university.

Article 14

- 1. The Parties undertake to recognize that every person belonging to a national minority has the right to learn his or her minority language.*
- 2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.*
- 3. Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.*

Under Article 14, members of a national minority have the right to learn their own language. Additionally, under Article 14(2), in traditional areas or areas where they are concentrated in sufficient numbers, they are entitled to adequate opportunities either to be taught their language, or to be educated in this language.

The latter two approaches are significantly different: if Armenians were only entitled to learn and to be taught this language through the assistance of the Georgian public authorities, this provision would be largely satisfied. However, the Advisory Committee has indicated that the size of a national minority linked to its needs will in appropriate circumstances mean that instruction must be in the language of the minority:

63. In spite of the Roma community's size and based on the information at its disposal, the Advisory Committee notes that no instruction in Roma language is available in Romania, and that teaching of this language is offered only to very few pupils. It is essential that the Government ascertain the extent to which the current status of the Roma language in Romanian schools meets the demands of the Roma community. Such an examination would help to establish whether further measures are required to ensure adequate opportunities exist to be taught the Roma language or to receive instruction in this language.

64. The Advisory Committee notes that, in the past, some minorities, such as the Turks, the Tatars, the Russians and the Bulgarians, were also taught in their own languages. However, this seems no longer to be the case today. The

Committee is of the opinion that the Government should consult those minorities to ascertain the extent to which the existing situation still meets their needs.⁴⁷

This can include – once again in order to correspond to the needs of the national minority involved – university education in a minority language.⁴⁸

Broadly speaking, the Government of Georgia is not complying with Article 14(2) by not responding to the needs of the Armenian minority in the area of higher education, given in particular the size and situation of the Armenians in Samtskhe-Javakheti. Arguably, as described below, compliance with this provision would seem to require at the very least some form of bilingual higher education in Armenian.

There are additionally grave concerns in relation to conformity to the spirit and letter of Article 10(2) in other levels of public education, as well as inadequacies in terms of the opportunities of acquiring fluency in Georgian.

The use of Armenian and other national minority languages in primary and secondary schools would seem to be guaranteed under the 2005 Law on General Education, which recognises the right of national minorities to receive full general education in their native languages, and their obligation to learn Georgian. Article 14(1) is complied with in relation to Armenians in most parts of the country.

However, it must be pointed out – and this is a matter of grave concern for some Armenians in Georgia – that a number of government ministers and officials since 2004 have made statements to the effect that Georgian will eventually replace these minority languages. It is not possible for Armenians to dismiss these statements as mere bluster, since there are some indications that the Government has begun to move in the direction of gradually reducing the use of minority languages as languages of instruction, regardless of the needs or size of the communities. One of the most worrisome developments in this regard is the 2005 Law on General Education (art. 5.4 and 58.5) which indicates that Georgian language and literature, history and geography and other social sciences should be taught in Georgian by 2010-2011. While the Georgian authorities at times present this move towards 'bilingual education' and as necessary to more fully integrate Armenians (and other minorities) into Georgian society, the view from within the Armenian community in Georgia is mostly quite different: because of previous statements by political figures on the desirability of erasing the use of minority languages as medium of instruction in public education, it is seen as the first step in this direction.

To put it bluntly, regardless of the size of their community or their needs in terms of primary and secondary education suitable to their situations, Armenians are to have

⁴⁷ Advisory Committee Opinion on Romania, ACFC/INFO/OP/I (2002) 001.

⁴⁸ Advisory Committee Opinion on Romania, ACFC/INFO/OP/I (2002) 001, paragraph 55; Advisory Committee Opinion on Albania, ACFC/INFO/OP/I (2003) 004, paragraph 61.

a decrease on the degree of instruction in their language, face political promises of a decrease on the use of Armenian in schools, as well as attempts by authorities – postponed for the moment – to replace school directors and teachers in Armenian-medium schools who do not comply with the requirement of fluency in Georgian (and their apparently possibly being replaced by ethnic Georgians in these schools).

There are additionally serious problems in having access to educational materials in their own language even where this is enshrined under Georgian law. To this day, most Armenian-language public school uses books produced and published in Armenia – not Georgia because the Government of Armenia provides these freely, whereas books from educational authorities in Tbilisi are not. While in one respect the Government of Georgia must be lauded for not preventing this flow of educational minorities from Armenia to Georgia for its Armenian speaking minority, there appears to be a failure of Georgian authorities to fulfil their obligations to provide up-to-date and relevant books for Armenian-language public schools.

While the Government of Georgia has begun to translate and distribute some schoolbooks in Armenian to the country's Armenian public schools – and this must be commended – the inconsistency in distribution of these books (not all Armenian schools automatically received them in 2008) and the failure to translate all books that should be taught in Armenian in Georgia have a more serious consequence: most Armenian students in public schools are at least in some subjects not being taught according to the national curriculum, and may therefore be disadvantaged as compared to ethnic Georgian students who are taught the updated national curriculum. Additionally, the new textbooks in Armenian that are produced by the Georgian Government in Tbilisi are not free of charge as are those donated by Armenia – and may thus not always be immediately affordable in all Armenian-language public schools.

At the university level, in the last two and three years especially, Armenians have almost been completely kept out of entering Georgian state universities because of language restrictions that are – in the context of the history and demography of that country unreasonable and unjustified, and therefore discriminatory. In other words, rather than to take account the size and needs of the Armenian minority in higher education which, as in countries such as Romania, Macedonia and many others have led to authorities providing for higher education completely or in part in the language of the national minority, the Government of Georgia has adopted legislation and policies which (a) has made Georgian for all intents and purposes the only language for the purposes of public higher education; (b) has further made fluency in Georgian a requirement for entry into Georgian public universities and colleges.

For example, the 2005 national university entrance examinations⁴⁹ require students to pass, among others, a Georgian language and literature test for admission to Georgian state universities. The results, in complete disregard of the needs of the Armenian minority in higher education, were dramatic:

- In 2005, in Akhalkalaki district, only 2 of 69 Armenian applicants, and 1 of 19 applicants in Ninotsminda, passed the university entrance test, mainly because of its Georgian component
- In 2006 (with a lower Georgian language threshold and permission to take the specialization exams in Russian) 31 Armenians from Samtskhe-Javakheti passed
- In 2007, in Akhalkalaki district only 2 out of 56 Armenian applicants passed
- There are about 2,000 ethnic Armenians seeking admission to higher education every year

The contrast between the situation before the ratification of the FCNM and the treatment of minorities after is striking: while Armenians and Georgians attending university in the Javakheti region (subsequently closed and then reopened in 2008 as a Georgian-medium only higher education university) were roughly in equal numbers, only 2 Armenians out of 64 Armenian applicants in 2005 passed the university entrance exam (and its Georgian language component) and were thus admitted to the local university branch.

As a result of the dramatic and immediate consequences for Armenians and most other minorities that became immediately evident in the initial application of the Georgian university admission examinations in 2005, there was some slight changes made by the Government of Georgia from 2006, either in permitting some parts of the examinations to be in Russian – a language which most young Armenians and other minorities were until recently fluent in as it was previously the official language of the Soviet Union – or in making the Georgian language test less demanding.

The impact of not imposing the use of the Georgian language, and of allowing instead Armenian and other minority students to be admitted on the basis of entrance examinations conducted either in Russian (the general knowledge and

⁴⁹ There are three components to the university entrance examinations: general knowledge and logic, Georgian, and one foreign language which for most minorities would be Russian, though English is beginning increasingly to be chosen. Failure in one excludes students from university admission in Georgia's public universities. Poor results mean that students may be admitted, but not in the top ranked universities. Armenians and other minorities – even those few who pass the Georgian language component – are still disadvantaged and arguably discriminated in the sense that overall they will do much less well than a native speaker of Georgian in at least one of the three university entrance examination components, and therefore either be excluded completely from university in the country – or if s/he is more fortunate and successful, still only be accepted in one of the lower ranked universities at best. This is one aspect of the motivations behind the flood of Armenian youths to Armenian and Russian universities where ironically they have a better chance of being accepted in one of the better universities there than in their own country because of the Government of Georgia's policies that is hugely detrimental to them.

logic component of the university entrance examinations was in Armenian in 2008) are immediate, though still not overwhelming since all students must still pass the Georgian language requirement. While data is not widely accessible at the time of the drafting of this report, some information is available and instructive. While in 2005, 2006 and 2007 Armenians from Samtskhe-Javakheti were almost completely excluded through failing one or more components of the university entrance examinations, the opportunity of writing the general knowledge and logic component in Armenian (or Russian) coupled with a claimed 'softening' of the Georgian language has resulted in a creeping increase in the number of Armenians being admitted to Georgian public universities:

- In 2008, 10 Armenian applicants in Ninotsminda passed the university entrance test, compared to only 1 in 2005 (though 38 still failed);
- Also in Akhalkalaki, according to the Education Resource Centre, 31 Armenians passed the entrance requirements in 2008, as opposed to only 2 being able to attend university in 2007.

As encouraging and significant as the above increase in university admissions for Armenians are, it should still be pointed out that they are pale in comparison to the total picture: the vast majority of Armenian students have no choice but to leave the country if they wish to attend university, because their own government is actively turning a blind eye to their needs in higher education – and making their admission to the country's public universities extremely difficult and even impossible for most, of them in the current context. To illustrate the magnitude of this forced exile of the Armenian minority's best young minds Akhalkalaki School Number 1 had 58 graduate students in 2008: while 2 passed the 2008 Georgian university entrance examinations, the number is tiny compared to the 35 who decided to move on to Armenia – after all, the Government of Georgia had made it impossible for them to attend university there – or even compared to the 5 who were to attend university in Russia. Young Armenians who wish to pursue their education at a university literally have no choice – they are excluded from Georgian universities, so in 2006 about 1,500 of them were in Armenian universities instead. There are maybe 2,000 Armenians heading for higher education every year – and very few of them can do so in Georgia. That's the effect of the various language tests and requirements.

To give some further indication of the significant negative impact of the Government of Georgia's policies in the area of higher education, in complete disregard to the needs of the Armenian minority, there is the closing down of higher education institutions in areas where Armenians are concentrated and their recent re-opening under another name, and with all traces of higher education in any other language erased, except in Georgian. Both in Akhalkalaki where Armenians are a very substantial majority, and in Akhaltsikhe where they are more than 35%, were branches of the Tbilisi State University operating until 2007. In both institutions,⁵⁰

⁵⁰ The 'Independent University of Akhaltsikhe', and the 'Higher Education Institute College' in Akhalkalaki.

though most of the courses provided were in Georgian, there were a limited number of courses available in Armenian or Russian. Reopened after 2007 as distinct higher education institutions, both now teach exclusively in Georgian. The drought of Armenian students in these public higher education institutions, even though they are located in areas where Armenians are either the majority or in very high numbers, is nothing short of astounding and worrying:

Armenians in Higher Education Institutions in their own Regions in 2008

District	Proportion of Armenians in Locality (2002 Census)	2008 Estimate of Proportion of Armenians in Local Public College/University ⁵¹
Akhalkalaki	94.33%	30%
Akhaltzikhe	36.59%	1%

Despite a few welcome and more flexible changes, the situation today is still one where *de facto* Armenians, especially those from the south, are marginalised and almost completely excluded from university education in Georgia because of a language requirement which in this current context of the country is unjustified and exclusionary, not inclusive or integrative.

Article 15

The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.

The Government of Georgia has not created the conditions necessary to ensure the effective participation of national minorities in the aspects of public life contained in Article 15: the opposite is true.

Following amendments in 2003 to the Election Code of Georgia which entered into force 1 January 2005,⁵² Armenians and other minority members not fluent in Georgian – or in some cases Abkhazian – may be legally excluded from being elected to Parliament, or sitting on district electoral commissions.⁵³ It appears however that this legal requirement is being disregarded, and no Armenian candidate has been excluded from running for office or from occupying an elected position on this basis.

Nevertheless, there has been a decline in the participation of members of the Armenian minority in political affairs in Georgia, at the national level (Parliament),

⁵¹ Estimates based on interviews in mid-December 2008 with students and local officials.

⁵² Article 92.1, Election Code of Georgia. http://aceproject.org/ero-en/regions/europe/GE/election-code-of-georgia/at_download/file. See Appendix III.

⁵³ Article 33, Election Code of Georgia. http://aceproject.org/ero-en/regions/europe/GE/election-code-of-georgia/at_download/file. See Appendix III.

and other levels since this provision has become binding since 2005. The language requirement – in the particular context of Georgia at this point in time – has had the opposite effect required under Article 15 in that Georgia has created conditions that do not promote the effective participation of minorities in public affairs. Though representing nearly 6% of the entire population of the country, the percentage of Armenians in the national Parliament has gone down to 2% in the recent 2008 elections, though the result is better in recent local elections:

In central institutions, levels of minority political representation remain extremely low. In the 235-seat parliament that sat until 2008, the only minorities were five Armenians and three Azeris. After elections for the new 150-seat parliament in May 2008, only six minorities remained (three Armenians and three Azeris). This means that for a country whose population is roughly 16 per cent minority, only four per cent of its parliamentarians are from minority groups. The election outcome failed altogether to reflect a number of population groups, including ethnic Russians, Greeks, Abkhaz, and Ossetians. Minority representation in local government was also poor until reforms passed in 2006. Local governments now largely reflect the demographics of the regions they represent.⁵⁴

The international community has already noted that the Georgian Government must ‘make the electoral process more accessible to minorities’, and that this requires using minority languages to ensure the political participation of Armenians and others during the 2006 elections, for example.⁵⁵

The lack of electoral materials in Armenian, especially in the electoral constituencies where they are concentrated, is also inconsistent with the principle of creating conditions for the effective participation of minorities in public life, as noted by international observers in relation to the 2006 local elections.⁵⁶ Though there were some material translated and made available during those elections, there is no concerted strategy in place to require future efforts towards increasing Armenian and other minorities’ effective participation in future elections. Among the recommendations of the OSCE Mission to Georgia and the Council of Europe in this regard was one urging that ballots, manuals and other electoral materials be in bilingual form (Georgian/Armenian or Georgian Azerbaijani in all municipalities with over 20% minority population.⁵⁷ Such a step would create conditions conducive to improving the effective participation of Armenians in public life along

⁵⁴ World Directory of Minorities and Indigenous Peoples: Georgia Overview, <http://www.minorityrights.org/1909/georgia/georgia-overview.html>

⁵⁵ Georgia Local Elections 2006 Lessons Learned, Council of Europe and OSCE Mission to Georgia, Tbilisi, 2008, p. 120.

⁵⁶ “The right of ethnic minorities to receive election-related information in their preferred languages was not fully respected across the country. During the count, observers noted significant procedural problems in some areas, mainly minority areas’. Press release, OSCE/ODIHR and Council of Europe Congress, Tbilisi, 6 October 2006, at http://www.osce.org/odihr-elections/item_1_21165.html

⁵⁷ Georgia Local Elections 2006 Lessons Learned, Council of Europe and OSCE Mission to Georgia, Tbilisi, 2008, p. 127.

the lines required by Article 15. The absence of concrete, systematic measures to have materials available in Armenian – as well as in the other main minority languages of the country – is a violation of Article 15 as it clearly creates barriers to the effective participation of national minorities.

Just as serious, discriminatory and contrary to the obligations under Article 15, is the ‘ethnic bias’ in a large number of electoral constituencies in local elections that weakens Armenian minority representation while at the same time favouring disproportionately the ethnic Georgian electorate:

...the ethnic Georgian villages of Ptena (204 voters), Chunchkha (218 voters) and Kotelia (298 voters) are separate electorate districts, each electing one representative. In the Armenian-majority town of Akhalkalaki, 7,052 voters likewise choose one representative, as do 3,246 voters from the six Armenian villages in the Kartikami constituency. In Akhalkalaki municipality a total of seven Georgian villages share five electoral districts, while 58 Armenian and mixed settlements share the remaining seventeen. There is thus one representative for every 670 Georgian inhabitants, compared with one for every 3,382 Armenians. This delineation of electoral districts clearly violates equality of suffrage with a negative effect on minority representation.⁵⁸

Whether these electoral divisions are historical or a more pernicious form of ‘ethnic gerrymandering’ will not be debated here: they clearly diminish the ability of Armenians to participate equally in public life to a degree which can only be described as not having in place conditions conducive to their ‘effective participation’ in one of the most important aspects of public life for a democratic state.

Overall, while Armenians have been elected during the last local elections, they have generally only been elected in proportion to their percentage of the population where they are a substantial minority.⁵⁹

Additionally, Armenians and other minorities are prohibited legally from forming political parties which have a religious, ethnic or geographic basis, a restriction which is broadly speaking not encountered in democratic states in general. The effects in the context of Georgia once again suggest of these restrictions are completely contrary to Article 15, in that they are opposite to being conducive to the effective participation of national minorities:

⁵⁸ Georgia Local Elections 2006 Lessons Learned, Council of Europe and OSCE Mission to Georgia, Tbilisi, 2008, p. 120.

⁵⁹ Armenians in Ninotsminda (95.8% of the population) have 19 out of 20 seats; in Akhalkalaki, 27 out of 33 seats; in Akhaltsikhe (36.6%), 8 out of 26 seats; in Tsalka 17 out of 40 seats; in Aspindza, 1 out of 22, and in Adigeni, 2 out of 25.

One of the reasons behind the under-representation of persons belonging to national minorities in Parliament is Article 6 of the Law on Political Associations of Citizens (1197) that states that ‘no party can be established according to the regional or territorial principle’ and Article 11 of the same law that prohibits ‘restriction of party membership according to race, skin colour, language, sex, religion, national, ethnic and social belonging.’ This law must be seen against the backdrop of the conflicts of the early 1990s and the consequent loss of Georgia’s territorial integrity. However, Georgia is almost unique amongst countries to have signed the FCNM to have such strict provisions on its statute books. The law has already been used to refuse registration to a political association called *Virkh* which aimed to represent the mainly Armenian population of Javakheti. In other countries of eastern and central Europe, most notably Bulgaria, Romania, Slovakia and Macedonia, minority parties have served the dual function of increasing minority representation in parliament and of lobbying the interests of persons belonging to national minorities to their governments.⁶⁰

Overall, Armenian participation in public affairs in the Javakheti region still remains relatively strong, despite the legal requirement of knowing Georgian in order to work in the public service sector, including the judiciary. It remains the case that in this region, many public officials could at any moment – and at the whim of the Georgian Government – be removed from their position since they are in fact not fluent in Georgian, and therefore disqualified from occupying positions since they are in breach of Georgian law.

However, outside of regions where Armenians are the clear majority, the situation is completely different and much worse currently. In Akhaltsikhe district where Armenians are more than 36% of the population according to the 2002 census, Armenians are practically excluded in a number of public areas:

Participation of Armenians in Akhaltsikhe District where they constitute 36.59% of the Total Population⁶¹

Department/Area	Total Number	Number of Armenians (end of 2008 estimate)	Percentage of Armenians
Local Police	190	3	1.5%
District Police	80	4	5%
Taxation	45	0	0%

Article 16

The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at

⁶⁰ Jonathan Wheatley, Implementing the Framework Convention for the Protection of National Minorities in Georgia: A Feasibility Study, ECMI Working Paper 28, October 2006, p. 24.

⁶¹ These figures are estimates only based on interviews held with Armenian NGO activists in mid-December 2008.

restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.

The proportion of the population in areas inhabited by Armenians is undeniably changing, but this is due to an outward migratory flow, with one international report suggesting that perhaps 20 per cent of the Soviet-era Armenian minority population has already left.⁶² At first glance however, this is not a breach of Article 16 since Georgia's obligations under this provision only involve measures that alter the minority population proportions because they 'are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.' The lack of employment opportunities for young Armenians, sometimes as a direct result of government legislation and policies requiring fluency in Georgian, and the inability of accessing university education in Armenian (or Russian) because of the Georgian-language entrance requirements are in all likelihood some of the main push factors behind this significant change in the proportion of Armenians in Georgia.

Nevertheless, some Armenians – and Azeris – believe the Government of Georgia has embarked in a policy aimed at altering the region's demographic proportions. On the one hand, it is undeniable that Georgia needs to address a long-standing and serious refugee problem, and one which has increased after the events of August 2008. On the other, to settle mainly ethnic Georgians in regions such as Samtskhe-Javakheti where Armenians are concentrated is perceived as highly suspicious, especially in the growing context of tensions between the majority Georgians and other ethnic groups.

While precise data is hard to come by, reliable observers point to the settlement between 1997 and 2006 of thousands of ethnic Georgians in Tsalka.⁶³ Prior to the adoption of legislation in 1997 on the relocation of so-called 'eco-refugees', there was some 180 ethnic Georgian families in Tsalka, where Armenians were until recently a slight majority. By 2006, the situation and ethnic proportions had already changed dramatically:

Since 1997, 297 houses have been bought through a governmental resettlement program, based on the 1997 presidential decree on settlement of eco-migrants, and 400 more are planned in 2006. Officially 1,500 Georgian families have been

⁶² Georgia's Armenian and Azeri Minorities, International Crisis Group, Europe Report No. 178, 22 November 2006, p. 3.

⁶³ 'Only one Georgian village (180 families) existed in Tsalka in the Soviet period. Since 1997, 297 houses have been bought through a governmental resettlement program, based on the 1997 presidential decree on settlement of eco-migrants, and 400 more are planned in 2006. Officially 1,500 Georgian families have been settled. International Crisis Group interview, *gamgebeli*, Tsalka municipality, June 2006. However, the Georgian population seemed actually to be 6,000 to 9,000. Many bought or illegally seized houses belonging to Greeks who emigrated to Greece. International Crisis Group interviews, Armenian and Greek activists, Tsalka, June 2006', Georgia's Armenian and Azeri Minorities, International Crisis Group, Europe Report No. 178, 22 November 2006.

settled... However, the Georgian population seemed actually to be 6,000 to 9,000. Many bought or illegally seized houses belonging to Greeks who emigrated to Greece.

The stated objectives of the governmental resettlement programme do not at first glance seem to involve a breach of Georgia's legal obligations under Article 16. At the same time, the above indicates the concerns at the effects of the programme from neutral observers such as the International Crisis Group. Given the potential for tensions and conflicts, it suggests that the Advisory Committee consider much more closely the possibility that, either inadvertently or more or less consciously, the resettlement of eco-refugees and others in areas traditionally inhabited by Armenians and other national minorities may alter the proportions of Armenians and other national minorities in these areas and restrict their ability to exercise their rights flowing from the Framework Convention. Whether or not this is done with the specific aim envisaged under Article 16, the Government of Georgia should avoid such situations of seeming to favour the ethnic majority at the expense of national minorities, as it might be seriously misinterpreted given the country's current context and difficulties.

Article 17

- 1. The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.*
- 2. The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organisations, both at the national and international levels.*

Georgian authorities generally comply with the legal obligations of Article 17.

Article 18

- 1. The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons belonging to the national minorities concerned.*
- 2. Where relevant, the Parties shall take measures to encourage transfrontier cooperation.*

Georgia and Armenia have entered into various agreements and arrangements in relation to or which have benefited the Armenian minority, including for the provisions of schooling materials in the Armenian language. It notes however, according to the Government of Georgia's own periodic report, that no agreement with other States has been concluded since 2005.

In addition, the Parliament of Georgia in its 13 October 2005 **Resolution of the Parliament of Georgia on the ratification of the Framework Convention for the**

Protection of National Minorities has it seems indicated that it intends to disregard Article 18 by stating:

f) In relation to article 18 of the Convention, Georgia declares that the protection of national minorities' rights is recognized by the Constitution, the legislation of Georgia, conventions, treaties and agreements to which Georgia has acceded and which recognize and protect the rights of national minorities. Accordingly, Georgia recognizes the requirements envisaged by the Convention, but considers it inappropriate to sign further international treaties on the above-mentioned issue;

The Parliament's resolution coupled with the absence of any new agreement of other States since 2005 raises a strong suspicion that Georgia intends to disregard any obligation under this provision.

There is in addition at least one instance where Georgia can be said to be in violating Article 18 by not endeavouring to conclude an agreement with another State in light of its FCNM obligations. This involves recent of suggestions from NGO and other sources, including international, that the Government of Georgia conclude an agreement with Armenia in order to establish a bilingual or Armenian-language university in Akhalkalaki.⁶⁴ For example, since 2005 the Government of Armenia has periodically approached Georgian authorities with the proposal to establish there a branch of Yerevan State University. A similar proposal on 17 August 2007 by the Armenian Minister of Education of Armenia, for a joint Armenian-Georgian university was also rejected by his Georgian colleague Alexander Lomaia.⁶⁵

In other words, and in apparent disregard of the obligations under Article 18(1), Georgia refuses to consider a proposal to conclude a bilateral agreement with Armenia which would contribute to the protection of the Armenian minority in the area of access to education in the area of higher education.

Article 19

The Parties undertake to respect and implement the principles enshrined in the present framework Convention making, where necessary, only those limitations, restrictions or derogations which are provided for in international legal instruments, in particular the Convention for the Protection of Human Rights and Fundamental Freedoms, in so far as they are relevant to the rights and freedoms flowing from the said principles.

As indicated in previous sections of this report, the Government of Georgia appears to be in breach of its obligations under Article 19 in that it seems to have declared

⁶⁴ See Denis Dafflon, "Managing Ethnic Diversity in Javakheti: Two European Models of Multilingual Tertiary Education", ECMI Working Paper no. 25, February 2006 (http://www.ecmi.de/download/working_paper_25.pdf).

⁶⁵ See: <http://regnum.ru/news/georgia/874255.html>.

through a parliamentary resolution (the Resolution of the Parliament of Georgia on the ratification of the Framework Convention for the Protection of National Minorities) that it will refuse to implement all of the principles under Article 10, preferring to restrict this fundamental part of the treaty as only an obligation to provide translation into minority languages in some situations:

The Parliament of Georgia resolves:

2. To take into account, with the ratification of the Framework Convention for the Protection of National Minorities (further "the Convention") the following:

b) In conformity with article 10 of the Convention, Georgia assumes the obligation to guarantee to persons belonging to a national minority the assistance of a translator in relations with administrative organs and in legal proceedings, thereby enabling them to enjoy the right to use the minority language as granted to them by the above mentioned article. Georgia also assumes the obligation to create, as far as possible, the conditions enabling persons belonging to national minorities to learn the State language;

This is a serious breach under Article 19, because it seems to indicate a wish to derogate from the application of one of the provisions under the FCNM – one which raises grave risks of discrimination for Armenians and other national minorities as it directly and severely impacts on access to public employment and services, and clearly attempts to restrict it in a way not provided for. In other words, if this is the basis for the apparent refusal to fully implement the principle enshrined in Article 10(2) which this report has highlighted in a large number of areas, Article 19 itself will in fact be in breach as the parliamentary declaration is not a limitation, restriction or derogation which is provided for in international legal instruments.

6. Conclusion

Georgia needs help: it cannot comply with its legal obligations under the Framework Convention for the Protection of National Minorities unless it is supported in terms of strengthening the rule of law and its institutions, including the legislation and enforcement mechanisms for human rights and the protection of minorities.

This cannot take the form of blind support regardless of the Government of Georgia's track record. One of the greatest disservices possible would be to ignore the danger signs for peace and stability and harmony in the country and region, and that the need to ensure that the rights of national minorities are respected. Historically, and in recent times, this has been one of Georgia's greatest challenges, and one which unfortunately it has not always been able to handle properly, with dire consequences for the state and its population.

Unfortunately, as this Shadow Report points out, the direction taken since the half-hearted ratification of the Framework Convention for the Protection of National Minorities has not been straightforward or encouraging. The information collated and presented in this report by YERKIR shows a clear and worrying trend: by and large, Georgia in more recent years has steadily been moving towards a more ethnically nationalistic political community, where the religion and language of the Georgian majority have increasingly dominated and even displaced all others in the public, and lesser extent private, sphere.

Having an official language – or official religion for that matter – is not the issue here: it is that Georgian authorities have increasingly adopted legislation that makes the Georgian language and the Georgian Orthodox Church not only pre-eminent: they have been given such a dominant status and role that the situation has become for many if not most national minorities in Georgia a situation of extreme disadvantage or even of complete exclusion in some cases.

This is not a healthy situation, and tensions and conflicts can only increase when national minorities – especially larger ones – do not have a sense that state authorities respect and engage with them. That unfortunately seems to be what has been occurring in Georgia in recent years.

For the Armenian national minority, legislation in the area of language has not only made Georgian the only official language of the country, with to a limited degree a special status for Abkhaz: it has legally speaking made the use of Armenian illegal in most of the activities of administrative authorities. It is not enough to say that the laws of Georgia are not consistently applied in this regard, or that the Government of Georgia is pragmatic and therefore not prosecuting individuals or dismissing large numbers of Armenian teachers, doctors, public servants, etc. for not being fluent in Georgian and therefore in breach of the law. On the contrary, the Council of Europe through the Framework Convention for the Protection of National Minorities is committed to upholding the rule of law, which in this case also involves upholding the treaty obligations under the FCNM. The solution to laws that infringe the FCNM is not to suggest that individuals and government officials should ignore or worse yet violate the laws and even Constitution of Georgia, but to strengthen respect for the law and address directly the problem: some of Georgia's laws violate important provisions in the FCNM, and these must be corrected.

The problems in the area of religion in particular seems at odds with basic democratic and secular values enshrined in the FCNM: that Georgia only grants to the Georgian Orthodox Church a legal status as a religious community, while in essence refusing to grant any legal recognition (other than to suggest they could be recognised as NGOs) for the country's minority religions is unacceptable in this day and age in Europe. This is especially the case given the unusual privileges and support the Government of Georgia only provides to the Georgian Orthodox Church, and the severe disadvantages and even legal limbo that Armenian and other religious minorities experience in the country, including the unfairness of some of

their churches being taken over by the Georgian Orthodox Church with the collusion of, or at least a blind eye from, public authorities.

The situation in Georgia is far from ideal, and is not improving. When the Government of Georgia itself ignores its own laws in a number of areas involving language requirements for public school directors, police officers, medical doctors and many others, persons belonging to national minorities are in effect encouraged to treat dismissively the very concept of the rule of law in their country. When the state openly and massively plays favouritism towards only one religious group in the country, and either colludes or turns a blind eye at this group's even taken over minority religious buildings, this creates anger and even a resort to minorities' 'taking the law into their own hands', and even giving rise to violent opposition as occurred in Metz Samsar, and may still happen around the symbol which Saint Norashen has become in 2008. In a climate where the Government of Georgia ignores the rule of law when it suits it, there is little encouragement for minorities to trust a law which is often disregarded by the State itself when it suits it. Where there are no laws to protect their rights in central matters of minority identity such as religion and language, there is always the danger of reverting to violence when the situation becomes intolerable or desperate enough.

The continued breaches of the FCNM obligations, and of some of international laws' most basic principles such as non-discrimination, are having dramatic, even devastating, effects on Armenians and other national minorities: because of discriminatory language requirements in most areas of employment and education, many of the most educated and capable members belonging to national minorities have little choice: if they can, they leave the country, and Armenians like others have been doing so in order to find employment or higher education opportunities in Armenia, Russia and even the United States. Georgia has de facto excluded them from the best universities and significant fields of employment in almost complete disregard of the legal obligations it purported to accept when ratifying the FCNM, especially those flowing from Articles 10 and 14 of the treaty.

There is finally a human face and cost for Armenians, as well as Azerbaijanis and other national minorities.

Government employees have been dismissed after Georgian became for all intent and purposes the almost exclusive language of government; the degree of political representation of Armenians at the national level has decreased in 2008; Armenian students have dropped to almost insignificant numbers in Georgia's public universities; and large numbers of Armenians have in the last ten years essentially left in exile due to the lack of opportunities available to them by the change of official language and the imposition of Georgian as a necessary condition of employment and higher education. Many thousands of professionals in Georgia, including teachers, doctors, police officers, and public servants who are members of the Armenian national minority, find themselves in an extremely unpleasant, uncertain stressful and even dire situation: many of them are actually 'illegally'

occupying their jobs since they are not sufficiently fluent in Georgian. And at any time, for any reason, state authorities could bring down the guillotine, potentially seriously impacting not only them personally, but their children and their whole family's future.

The potential for hardship and distress because of their insecurity cannot, must not, be ignored or dismissed. They are human beings, individuals with faces, names, families with children, and they are increasingly facing a future with little or no prospects. All of this is intrinsically linked to compliance with the obligations contained in the FCNM. None of all this is natural or accidental: they are the result of laws, policies and practices of the Government of Georgia, laws, policies and practices that are in breach of the Council of Europe's own rules as reflected in the Framework Convention for the Protection of National Minorities.

APPENDIX I

*Unofficial translation by the European Centre for Minority Issues, Regional Office,
Georgia*

Resolution of the Parliament of Georgia**On the ratification of the Framework Convention for the Protection of National Minorities**

The Parliament of Georgia resolves:

1. To ratify the Strasbourg Framework Convention for the Protection of National Minorities of 1 February 1995.

2. To take into account, with the ratification of the Framework Convention for the Protection of National Minorities (further "the Convention") the following:

a) Georgia bases the interpretation of the term "national minorities" on the below mentioned criteria and considers that the status of "national minority" can only be conferred to a group of individuals in case members of the group:

- are Georgian citizens;

- differ from the dominant part of the population in terms of language, culture and ethnic identity;

- have been living on the Georgian territory for a long time;

- live in compact settlements on the Georgian territory;

b) In conformity with article 10 of the Convention, Georgia assumes the obligation to guarantee to persons belonging to a national minority the assistance of a translator in relations with administrative organs and in legal proceedings, thereby enabling them to enjoy the right to use the minority language as granted to them by the above mentioned article. Georgia also assumes the obligation to create, as far as possible, the conditions enabling persons belonging to national minorities to learn the State language;

c) In conformity with article 11.1 of the Convention, the obligation to write, in official documents, first names and surnames of persons belonging to national minorities in Georgian language in a way that respects, as far as possible, their pronunciation in the minority language is established by internal legislation;

d) In conformity with article 11.3 of the Convention, situations concerning the use of street names and other topographical indications in Georgian and in minority languages in regions traditionally inhabited by a significant number of

representatives of national minorities are settled by internal legislation. Georgia does not consider this right granted to national minorities as obliging the State to change existing names of territorial units and considers it inappropriate to sign further international treaties on the above-mentioned issue;

e) Georgia shares and agrees with the goals and the spirit of article 16 of the Convention. At the same time this article shall not concern settlement processes that may take place after resettlement of victims of ecological or technical catastrophes on the territory of the country, and of persons living in zones considered dangerous for their life and health. In addition the above-mentioned article shall not concern temporary or permanent settlement of refugees and forced displaced persons;

f) In relation to article 18 of the Convention, Georgia declares that the protection of national minorities' rights is recognized by the Constitution, the legislation of Georgia, conventions, treaties and agreements to which Georgia has acceded and which recognize and protect the rights of national minorities. Accordingly, Georgia recognizes the requirements envisaged by the Convention, but considers it inappropriate to sign further international treaties on the above-mentioned issue;

g) In relation to article 30 of the Convention, Georgia declares that it may ensure full and guaranteed observance of the Convention's provisions on the whole territory of the country only after the recovering of the territorial integrity of the state and the resolution of the Abkhazia and former South Ossetia autonomous region conflicts. Georgia asks for the assistance of the Council of Europe and its member states to enable the full compliance with the spirit and the provisions of the Convention in regards to the population of the Abkhazia and former South Ossetia autonomous region.

3. The requests foreseen by point 2 of the present resolution form an integral part of the decision of the Parliament of Georgia on the ratification of the Convention for the Protection of National Minorities.

Speaker of Parliament Nino Burjanadze

Tbilisi, 13 October 2005

<http://www.ecmi.de/40/2005/11/18/Georgias-Declarations-to-the-Council-of-Europe-Framework-Convention-for-the-Protection-of-National-Minorities.php>

APPENDIX II

Law of Georgia on Higher Education

Translation provided by the Georgian Ministry of Education and Science,
http://www.mes.gov.ge/upload/text/geo/1196078343_legislation.pdf

Article 4. Language of Higher Education

The language of instruction at a higher education institution is Georgian in Abkhazia – also Abkhazian. (Instruction in other languages, except for individual study courses, is permitted provided that this is envisaged by international agreement or is agreed with the Ministry of Education and Science of Georgia.)

Article 12. Higher Education Institution having the Status of Legal Entity of Private Law

1. A higher education institution may be established with the status of legal entity of private law as prescribed by the Law of Georgia on Entrepreneurs and the Civil Code of Georgia.
2. The state and local self-government bodies may not be founders, interest holders (shareholders) or members of such higher education institutions that are established as legal entities of private law.

Appendix III

Election Code of Georgia updated on 18 December 2007.

English translation at <http://aceproject.org/ero-en/regions/europe/GE/election-code-of-georgia/view>

Article 33. Election of Chair/member of District Elections Commission

5. Candidate of district election commission member shall be a nonpartisan person with high education, who freely possesses the state language of Georgia and has a certificate of election official.

Article 51. A Ballot Paper and Special Envelope

1. A ballot paper shall be printed on the basis of the ordinance issued, and in accordance with the sample established by the CEC, in the Georgian language, and in Abkhazia – in the Abkhazian language, and if necessary – in any other language understandable for the local population.

Article 92. Right to Passive Vote

1. Any citizen of Georgia over 25 years of age, who has permanently resided in Georgia for at least 10 years and knows the Georgian language, enjoys the right to a passive vote and may be elected a member of the Parliament of Georgia.



Civic Integration and Tolerance Council
Administration of the President of Georgia

National Concept for Tolerance and Civic Integration

Modified edition
November 1, 2008

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National Concept for Tolerance and Civic Integration

Introduction

The National Concept for Tolerance and Civic Integration was developed under 2005, August 8 Presidential decree.¹ In order to ensure broad social consensus all interested parties were given opportunity to participate in the drafting process, including different political, social, religious and ethnic groups.

The main goal of the National Concept for Tolerance and Civil Integration is to support the building of democratic and consolidated civil society based on common values, which considers diversity as a source of its strength and provides every citizen with the opportunity to maintain and develop his/her identity.

The National Concept for Tolerance and Civil Integration elaborates national strategy and objectives in six main directions: rule of law; education and state language; media and access to information; political integration and civic participation; social and regional integration; culture and preservation of identity.

Implementation of the National Concept for Tolerance and Civil Integration is not limited to regions traditionally inhabited by substantial numbers of ethnic minorities. However, special support will be provided to regions in need of specific civic integration policies. Activities implied by the National Concept for Tolerance and Civil Integration will fully apply to Abkhazs and Ossetians living throughout Georgia, and after the restoration of territorial integrity, in Abkhazia and Tskhinvali region as well.

The main financial sources for the implementation of the National Concept for Tolerance and Civil Integration are the state budget and international donor organizations.

Legal basis

The National Concept for Tolerance and Civil Integration is founded on the Constitution of Georgia, which guarantees equality before the law, regardless of race, skin color, language, religion, national and ethnic origin,² and the right of every person to freely develop his/her culture without discrimination and use his/her language in private as well as in public.³

The National Concept for Tolerance and Civil Integration is also based on the following international and regional treaties, and recommendations that Georgia is party to, or will join in the future:

- Universal declaration of Human Rights.
- International Covenant on Civil and Political Rights.
- Convention for the Prevention and Punishment of the Crimes of Genocide.

¹ "On the development of the National Concept and Action Plan for Tolerance and Civic Integration" (№639).

² Article 14.

³ Article 38.

- International Covenant on Economic, Social and Cultural Rights.
- Convention concerning Discrimination in respect of Employment and Occupation.
- European Cultural Convention.
- International Convention on the Elimination of All Forms of Racial Discrimination.
- International Convention on the Suppression and Punishment of the Crimes of Apartheid.
- European Convention for the Protection of Human Rights and Fundamental Freedoms.
- European Charter of Local Self-government.
- Framework Convention for the Protection of National Minorities.
- European Outline Convention on Transfrontier Cooperation between Territorial Communities and Authorities.
- European Charter for Regional and Minority Languages.
- Hague Recommendations regarding the Education Rights of National Minorities.
- Oslo Recommendations regarding the Linguistic Rights of National Minorities.
- Lund Recommendations on the Effective Participation of National Minorities in Public Life.

Goals

The National Concept for Tolerance and Civil Integration has following goals:

- Create an environment of tolerance and respect among ethnic, cultural, linguistic and religious groups living in Georgia.
- Provide to every citizen of Georgia equal opportunities to avail of civil, political, economic and social rights regardless of ethnic, cultural, linguistic or religious belonging.
- Create necessary conditions for effective participation of minorities in the political, social, economic and cultural life of Georgia.
- Provide equal access of minorities to every level of education, and the right to receive education and communicate in their native language.
- Provide support for the development of minorities' cultures and preservation of essential elements of their identity, including religion, language, traditions and cultural heritage.

Principles

The National Concept for Tolerance and Civil Integration is based on the following principles:

- Equality of every citizen of Georgia, nondiscrimination and strengthening of the tradition of tolerance.

- Maintenance of balance between civic integration and protection of minorities' identities, voluntary participation in the civic integration process and unacceptability of forced assimilation.
- Right of minorities to choose whether or not to be treated as such or use the rights provided accordingly.
- Right of minorities to use the rights and freedoms provided for by the Georgian Constitution and legislation individually as well as collectively.
- Effective participation of minorities in the decision-making process on issues directly or indirectly related to the protection and development of their identity.
- Partial delegation of state functions related to the implementation of the National Concept for Tolerance and Civil Integration to civil society organizations.

Rule of Law

The Rule of Law is one of the strategic directions of the National Concept for Tolerance and Civil Integration, which implies development of effective legal mechanisms against discrimination on ethnic, religious, cultural and linguistic grounds. In particular, it ensures elaboration of relevant legislation and proper procedures for the identification of anti-discrimination needs, and provision of immediate response to them through judicial or other mechanisms.

Objectives

1. Harmonize Georgian legislation with the international obligations.
2. Ensure effective access of minorities to the judicial system.
3. Strengthen and implement effectively legislation and internal public service procedures against discrimination.
4. Raise awareness of public officials on the rights of minorities and anti-discrimination legislation.
5. Investigate effectively crimes committed on racial, religious, ethnic and national grounds.

Education and State Language

One of the most serious challenges for civic integration process in Georgia is the lack of knowledge of the state language among ethnic minorities, which significantly impedes their employment in the public service sector and participation in the political, economic and social life of the country. One of the main goals of the education system reform since 2004 is to improve the level of knowledge of the state language among ethnic minorities. Fluency in the state language is a long-term objective. In the meantime, however, specific measures must be taken that will, notwithstanding the low level of knowledge of the state language, ensure

the increased participation of ethnic minorities in the political, economic and social life of the country and strengthen their motivation to study the Georgian language.

Objectives

1. Improvement of the quality of preschool education by the Government
2. Support the study of the Georgian language by the Government.
3. Support the study of minority languages by the the Government.
4. Ensure opportunities for minorities to receive education in their native language.
5. Promote minority languages as a value of the country.
6. Provide opportunities for minorities to receive private education.
7. Ensure access of minorities to the higher and vocational education.
8. Stimulate employment through vocational education.

Media and Access to Information

An important step in respect of access to information by minorities has been taken by the Georgian Public Broadcaster, which since 2005 broadcasts news programs in ethnic minority languages (Abkhazian, Ossetian, Armenian, Azerbaijani, and Russian). Under the recent legislative amendments at least 25% of the public Broadcaster's budget must be used for broadcasting programs in minority languages. Considering the low level of knowledge of the Georgian language it is important to carry out specific activities to ensure that the ethnic minorities are better informed.

Objectives

1. Ensure access to national and community broadcasting in regions traditionally inhabited by substantial numbers of ethnic minorities.
2. Provide access to broadcasting programs in minority languages.
3. Ensure coverage of minority related issues and their participation in the broadcasting programs.
4. Support development of electronic and print media in minority languages.
5. Support tolerance and cultural pluralism in the media.

Political Integration and Civic Participation

In order to raise the level of political integration of minorities public service skills development trainings have been recently carried out; in regions traditionally inhabited by substantial numbers of ethnic minorities they are encouraged to participate in the public service recruitment process; election materials and bulletins are published in minority languages, and competitive environment is created for campaigning by political parties. Active involvement of minorities in the political and social life of the country will depend on

an increased level of knowledge of the state language, and encouragement of minorities to work in the public service sector.

Objectives

1. Ensure equal suffrage and equal representation of minorities in the elected state bodies.
2. Improve minority participation in the decision-making process.

Social and Regional Integration

Important steps have been made in recent years to ensure increased participation of minorities in the economic and social life of the country: corruption in government bodies has been eliminated; large-scale infrastructure rehabilitation projects have been implemented in regions traditionally inhabited by substantial numbers of ethnic minorities; after the closure of the Russian military base in Samtskhe-Javakheti region, the Georgian army has started to purchase agricultural products from the local population; process of the land distribution among the local population has started in Kvemo Kartli region.

Objectives

1. Develop infrastructure and support job creation in regions traditionally inhabited by substantial numbers of ethnic minorities.
2. Provide professional retraining of minorities in accordance with structural changes in the economy and market demands.
3. Encourage social and regional mobility of minorities.
4. Provide equal opportunities for employment in the public service sector.
5. Implementation of social protection programs by the government

Culture and Preservation of Identity

In recent years, the state has taken some important steps to encourage participation of minorities in the cultural life of the country and protect their cultural heritage. Nevertheless, any substantial success in this field will mainly depend on close cooperation between the government and the business sector.

Objectives

1. Promote civic consciousness.
2. Support preservation of the cultural identity of minorities and protection of their cultural heritage;

3. Support intercultural dialogue and contacts, raise awareness among the general public about different cultural traditions;
4. Ensure participation of minorities in the cultural life of Georgia;
5. Present the culture and history of minorities as cultural values of the country.

Action Plan

Education and State Language

OBJECTIVE #1	Name of the program/Activity		Implementing organization/ Partner	Timeframe	Remark
Improvement of the quality of preschool education by the Government	1) Promote diversified models of services in preschool education by the government		Ministry of Education and Science of Georgia	2009-2010	
	1.1.1	With an aim to improve the quality of preschool education service, promote the establishment of children's day schools in regions populated by national minorities	National Curriculum and Assessment Center	2009-2010	
	1.1.2	With an aim to improve the quality of preschool education, prepare preschool teaching programs	National Curriculum and Assessment Center	2009-2010	
	1.1.3	Increase awareness of parents of minority representatives of the importance of preschool education	Parliamentary Alliance for Early Child Care; National Curriculum and Assessment Center	2009-2010	
	1.1.4	Draw up a state policy in the field of preschool education	Ministry of Education and Science of Georgia	2009	
	1.1.5	With an aim to promote the increase of preparedness to go to school, implement preparatory programs in the regions where preschool education is inaccessible.			
	1.1.6	With an aim to increase the level of preparedness to go to school in regions populated by national minorities, Introduce special preparatory programs that will be focused on the improvement of knowledge of the official language.			
	1.1.7	Introduce elements of inclusive education at the pre-school education level			
OBJECTIVE #2	Name of the program/Activity		Implementing organization/	Timeframe	Remark

		Partner			
Promote education in minority languages by the government	1) Schools financed by the state		Ministry of Education and Science of Georgia	2008-2013	
	2.1.1	Supporting 121 Armenian schools, and 140 sectors			
	2.1.2	Supporting 97 Azerbaijani schools, and 124 sectors)			
	2.1.3	Supporting 15 Russian schools, and 141 sectors			
	2.1.4	Supporting 1 Ukrainian school			
	2.1.5	Mixed schools (414)			
	2.1.6	Grants for national minority language teaching programs	Ministry of Economic Development of Georgia	from 2009	
	2.1.7	Ossetian Sunday schools	Ministry of Education and Science of Georgia	2008	Three Sunday schools (one in Tbilisi public school #11, two in Tskhinvali district villages)
	2) Translating textbooks into Armenian, Azerbaijani, Ossetian, Abkhazian and Russian languages		Ministry of Economic Development of Georgia, National Curriculum and Assessment Center	2007-2009	
	3) Translating the National Curriculum into Russian and providing relevant trainings to teachers and directors		National Curriculum and Assessment Center	2007-2009	
	4) Journal Mastsavlebeli [A Teacher] is being published in Armenian and Azerbaijani languages		Teacher Professional Development Center	from 2008	
5) Teacher's book (in three parts) is being translated into Armenian and Azerbaijani languages		Teacher Professional Development Center	2009		

Introduction of bilingual teaching	6) Development of a multilingual teaching concept		Ministry of Education and Science of Georgia; OSCE	2008	
	7) Development and implementation of multilingual teaching models		National Curriculum and Assessment Center	from 2008	
	8) Assessment in Georgian language		National Curriculum and Assessment Center	from 2009	
OBJECTIVE #3	Name of the program/Activity		Implementing organization/ Partner	Timeframe	Remark
Assisting state language teaching	1) Georgian as a second language teaching program in non-Georgian language schools		Ministry of Education and Science of Georgia; OSCE	2008-2013	
	3.1.1	Publishing of Georgian language textbook and its free dissemination in Samtskhe-Javakheti and Kvemo Kartli	Ministry of Education and Science of Georgia	2005-2008	
	3.1.2	Development of Armenian-Georgian, Azerbaijani-Georgian, Ossetian-Georgian and Abkhazian-Georgian phrasebooks	Ministry of Education and Science of Georgia	2009	
	3.1.3	Training in Samtskhe-Javakheti and Kvemo Kartli for Georgian language teachers from non-Georgian language schools (special professional vouchers for teachers to study “Georgian as communication language” and “Georgian as a second language”)	Ministry of Education and Science of Georgia, Teacher Professional Development Center	2008 from 2009 with vouchers	
	3.1.4	Program for assisting teenagers and adults in learning state language: open language teaching houses in Samtskhe-Javakheti and Kvemo Kartli	Ministry of Education and Science of Georgia; OSCE	2008-2009	
	2) Civic Integration of Georgia		Ministry of Education and Science of Georgia	2008-2009	

	3) Creation of a web-site that will empower civic integration	Ministry of Education and Science of Georgia	2009	
	4) Summer schools for Georgian and ethnic minority representative children	Ministry of Education and Science of Georgia	from 2007	
	5) Grants competitions for informal education in regions densely populated with ethnic minorities	Ministry of Education and Science of Georgia	2009	
OBJECTIVE #4	Name of the program/Activity	Implementing organization/ Partner	Timeframe	Remark
Promote higher education	1) Ensure access to higher education for national minorities by the government	Ministry of Education and Science of Georgia	2008-2013	
	4.1.1 Prepare general ability test in Russian, Armenian and Azerbaijani languages	Ministry of Education and Science of Georgia	from 2008	Before, the test was translated in Russian
	4.1.2 Preparatory program for unified national exams for national minorities and residents of conflict zones. Preparatory centers will open in regions populated by national minorities and will be accessible for everyone.	National Examination Center	from 2008	The program will start in Autumn in Samktskhe-Javakheti district as well as in Kvemo Kartli and Kakheti
	4.1.3 Social Grants Program. Financing students from Samtskhe-Javakheti and Kvemo Kartli as well as from conflict regions	Ministry of Education and Science of Georgia, Teacher Professional Development Center	Yearly	
	4.1.4 Sending national minority representatives abroad to study on Bachelor's and Master's programs	Development and Reform Fund	2008-2013	
OBJECTIVE #5	Name of the program/Activity	Implementing organization/ Partner	Timeframe	Remark
Stimulate employment through vocational training	1) Presidential program - Rehabilitation of Vocational Training Centers	Ministry of Education and Science of Georgia	2008-2013	

	5.1.1.	Vocational training center in Akhaltsikhe	National Professional Agency		
	5.1.2	Vocational training center in Kaspi	National Professional Agency		
	5.1.3	Tsinamdzgvirshvili Vocational training center (Mtskheta)	National Professional Agency		
	5.1.4	Vocational training center in Kareli	National Professional Agency		
	5.1.5	College for higher professional education in Akhalkalaki	National Professional Agency		
	5.1.6	Vocational training center in Kazreti	National Professional Agency		
	5.1.7	Vocational training center in Rustavi	National Professional Agency		
	2) Zurab Zhvania School of Public Administration		Ministry of Education and Science of Georgia	from 2005	
	5.2.1	Intensive program for studying Georgian language			
	5.2.2	Program of Public Administration in Georgian			
	3) Translating information and auxiliary brochures in minority languages				
	5.3.1	A brochure on qualifications system will be translated into Armenian and Azerbaijani languages	National Professional Agency	2009-2010 academic year	
	5.3.2	A brochure on the system of recognition of informal education will be translated into Armenian and Azerbaijani languages	National Professional Agency	2009-2010 academic year	
OBJECTIVE #6	Name of the program/Activity		Implementing organization/ Partner	Timeframe	Remark
Access to internet for national minority representatives	1) Program “Deer Leap”		Ministry of Education and Science of Georgia	2005-2009	
	6.1.1	Equip schools with computers and furnish them with internet	“Deer Leap”	Will end in 2009	

	6.1.2	Hold competition on the development of website layouts and placing them on internet			
	2) My First Computer		President's National Program "Deer Leap"	2008	Successful school children were awarded with laptops

Action Plan

Media and Access to Information

OBJECTIVE #1	Name of the program/Activity		Implementing organization/ Partner	Timeframe	Remark
Provide information in minority languages	1) TV news programs		Georgian Public Broadcaster	2008-2013	
	1.1.1	Moambe in Abkhazian (frequency: once a week)			
	1.1.2	Moambe in Ossetian (frequency: once a week)			
	1.1.3	Moambe in Armenian (frequency: once a week)			
	1.1.4	Moambe in Azerbaijani (frequency: once a week)			
	1.1.5	Moambe in Russian (frequency: once a week)			
	2) Radio news programs		Public Radio FM 102.4	2008-2013	
	1.2.1	News program in Abkhazian (frequency: daily)			
	1.2.2	News program in Ossetian (frequency: daily)			
	1.2.3	News program in Armenian (frequency: daily)			
	1.2.4	News program in Azerbaijani (frequency: daily)			
	1.2.5	News program in Russian (frequency: daily)			
	1.2.6	News program in Kurdish (frequency: daily)			
	3) Periodicals published within the frames of a Support to Literature Program:		Ministry of Culture, Monuments Protection and Sport of Georgia	2008-2013	
	1.3.1	Armenian newspaper "Vrastani"			

	1.3.2	Azerbaijani newspaper “Gurjistan”			
	1.3.3	Russian newspaper “Svobodnaya Gruzya”			
OBJECTIVE #2	Name of the program/Activity		Implementing organization/ Partner	Timeframe	Remark
Promote discussion	Talk show “Italiuri Ezo” [the Italian Yard]		GPB, UNA, within the frames of USAID-supported program about the national integration of Georgia	2008-2013	
OBJECTIVE #3	Name of the program/Activity		Implementing organization/ Partner	Timeframe	Remark
Cognition and promotion of cultural and historic values of national minorities	1) Series of documentaries - Multiethnic Georgia		GPB, UNA, USAID-supported program about the national integration of Georgia	2008-2013	
	3.1.1	A documentary - The Armenians			
	3.1.2	A documentary - The Azerbaijanis			
	3.1.3	A documentary - The Jews			
	3.1.4	A documentary - The Greeks			
	3.1.5	A documentary - The Kurds			
	3.1.6	A documentary - The Kists			
	3.1.7	A documentary - The Udins			
	3.1.8	A documentary - The Ukrainians			
	3.1.9	A documentary - The Ossetians			
	2) Private Show Chveni Sakartvelo [Our Georgia]		Public radio FM 102.4	2008-2013	
OBJECTIVE #4	Name of the program/Activity		Implementing organization/ Partner	Timeframe	Remark

Ensure access to information for national minorities	Rehabilitation of GPB's coverage system	GPB	2008-2013	
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Action Plan

Civic participation

OBJECTIVE #1	Name of the program/Activity	Implementing organization/ Partner	Timeframe	Remark
Improve the level of participation of national minorities in the decision-making process	1) Conclude memorandums of mutual cooperation between the council of ethnic minorities under the Ombudsman of Georgia and the following ministries: a) State Ministry for Reintegration Issues b) Ministry of Education and Science of Georgia c) Ministry of Culture, Monument Protection and Sport of Georgia d) Ministry of Justice of Georgia e) Ministry of Internal Affairs f) Ministry of Economic Development of Georgia g) Ministry of Refugees and Accommodation	Executive Government	2008-2009	

	<p>2) Conclude memorandums of mutual cooperation between the council of ethnic minorities under the Ombudsman of Georgia and Governors offices in the following regions:</p> <p>a) Kvemo Kartli region</p> <p>b) Samtskhe-Javakheti region</p>	Executive Government	2008-2009	
OBJECTIVE #2	Name of the program/Activity	Implementing organization/ Partner	Timeframe	Remark
Ensure equal electoral rights for national minorities and their equal representation in electoral governmental bodies	Amendments to legislation	Executive Government	2008-2010	

Action Plan

Social and Regional Integration

OBJECTIVE #1	Name of the program/Activity		Implementing organization/ Partner	Timeframe	Remark
Infrastructure rehabilitation in the regions densely populated by national minorities	1) Samtskhe-Javakheti road rehabilitation project		Millennium Challenge Georgia	2006-2010	
	1.1.1	Rehabilitation of road and transportation network in Samtskhe-Javakheti and Kvemo Kartli regions			
	2) Energy infrastructure rehabilitation project		Millennium Challenge Georgia	2006-2010	
	1.2.1	Rehabilitation of the damaged sections of North-South main pipeline			
	3) Regional infrastructure development project		Millennium Challenge Georgia	2006-2010	
	1.3.1	Improvement of municipal services			
OBJECTIVE #2	Name of the program/Activity		Implementing organization/ Partner	Timeframe	Remark
Promote employment in densely populated regions	1) Presidential program for rehabilitation of vocational education centers		Ministry of Education and Science of Georgia	2006-2009	
	2.1.1	Rehabilitation of several vocational education centers in the regions densely populated by national minorities			
	2) Zurab Zhvania School of Public Administration and retraining of public servants		Ministry of Education and Science of Georgia	2008-2013	
	2.2.1	Attract representatives of national minorities in public sector			
	3) Governmental program of Cheap Loan projects to be implemented in regions densely populated by national minorities:		Ministry of Economic Development of Georgia	2008-2013	

	2.3.1	Technology upgrade for plants producing rose essential oil and processing timber (Kakheti, Lagodekhi, Telavi)			
	2.3.2	Developing construction materials production and honey production (Kvemo Kartli region, in particular, Gardabani)			
	2.3.3	Establishment of milk collection centers, development of livestock-farming and foodstuff production (Samtskhe-Javakheti, specifically in Ninotsminda, Akhaltsikhe, Aspindza)			
	2.3.4	Upgrading grain crops processing plant (Shida Kartli, specifically, Kaspi)			
	2.3.5	Equipping plants for the production of wood-pulp and shavings and twisted furniture (Mtskheta-Mtianeti, specifically, Mtskheta)			
	4) Making small production a profitable agribusiness. Agribusiness development project:		Millennium Challenge Georgia	2006-2011	
	2.4.1	Primary production			
	2.4.2	Establishing service centers for farmers			
	2.4.3	Small scale processing			
	2.4.4	Creation of a production chain			
	5) Georgia's regional development fund's projects: Investing in small and medium-size plants		Millennium Challenge Georgia	2006-2011	
OBJECTIVE #3	Name of the program/Activity		Implementing organization/ Partner	Timeframe	Remark
Implementation of social protection programs by the government	1) Program for the provision of services to socially vulnerable citizens:		Municipal Service of Social Service and Culture of Tbilisi City Hall	2008-2013	
	3.1.1	Provision of free tutorials in desired spheres to socially vulnerable children studying in Youth Palace, art college and sport schools		2008-2013	
	3.1.2	State pension	Ministry of Labor, Health and Social Protection of Georgia	2008-2013	

	3.1.3	Social aids	Ministry of Labor, Health and Social Protection of Georgia	2008-2013	
	3.1.4	Health insurance vouchers	Ministry of Labor, Health and Social Protection of Georgia	2008-2013	
	3.1.5	Monetization of social benefits	Ministry of Labor, Health and Social Protection of Georgia	2008-2013	
	3.1.6	Program for the promotion of social integration and adaptation of people with disabilities	Ministry of Labor, Health and Social Protection of Georgia	2008-2013	

Action Plan

Culture and Preservation of Identity

OBJECTIVE #1	Name of the program/Activity		Implementing organization/ Partner	Timeframe	Remark
Preserve cultural identity	1) Assistance program to the culture of Georgia's national minorities		Ministry of Culture, Monuments Protection and Sport of Georgia	2008-2013	
	1.1.1	Supporting LAPL (legal entity of public law) Davit Baazovi Georgia's Jews historic and ethnographic museum			
	1.1.2	Supporting the activities of Georgia's cultural relations center - the Caucasian House			
	1.1.3	Supporting the activities of LAPL Mirza Patali-Akhundov's Azerbaijani cultural museum			
	1.1.4	Supporting the activities of the Russian cultural center of Georgia			
	1.1.5	Supporting LAPL Tbilisi Adamiani Theatre			
	1.1.6	Supporting LAPL Tbilisi Azerbaijani Theatre			
	1.1.7	Fine art development program. Series of exhibitions of pictorial and graphical works of Georgian and Azerbaijani artists – “Palette of Friendship”	Ministry of Culture, Monuments Protection and Sport of Georgia	2008-2013	

	1.1.8	Theatrical art development program: financing theatres of local importance, including A. Griboedov State Academic Russian Drama Theatre	Tbilisi City Hall	2008-2013	
OBJECTIVE #2	Name of the program/Activity		Implementing organization/ Partner	Timeframe	Remark
Protection of Cultural Heritage	1) Protection of Material and nonmaterial cultural heritage of national minorities:				
	2.1.1	Registration and inventory of cultural monuments of national minorities	Ministry of Culture, Monuments Protection and Sport of Georgia	2008-2013	
	2.1.2	Monuments' restoration	Ministry of Culture, Monuments Protection and Sport of Georgia	2008-20013	
	2.1.3	Program for supporting pantheons in Tbilisi and care of cultural monuments: Protection and care of pantheons in Tbilisi, including those of Armenian writers and public figures	Tbilisi City Hall	2008-20013	
OBJECTIVE #3	Name of the program/Activity		Implementing organization/ Partner	Timeframe	Remark
Development of regional cultural centers	1) Provide assistance to regional libraries, clubs and art schools				
	3.1.1	Supporting Baghlojiani musical school in Kvareli	Kvareli council	2008-2013	
	3.1.2	Supporting a musical and art school, 14 clubs (ten of them is Armenian) and 4 libraries (two of them is Armenian) in Akhalkalaki	Akhalkalaki council		

	3.1.3	Supporting a musical school, 21 libraries (18 of them is Armenian) and 20 clubs (18 of them is Armenian) in Ninotsminda	Ninotsminda council	2008-2013	
	3.1.4	Supporting a musical school, 18 libraries (11 of them is Azerbaijani, 4 of them is Armenian) and 4 rural clubs in Marneuli	Marneuli council	2008-2013	
	3.1.5	Supporting a musical school, a library (for the Armenian population) and a cultural house in Tsalka	Tsalka council	2008-2013	
	3.1.6	Supporting Eredvi musical school and 18 libraries (five of them Ossetian) in Gori	Gori council	2008-2013	
	3.1.7	Supporting 19 libraries (one of them is Azerbaijani) and one club in Gardabani	Gardabani council	2008-2013	
	3.1.8	Supporting 9 libraries in Bolnisi (two of them is Azerbaijani)	Bolnisi council	2008-2013	
	3.1.9	Supporting 4 libraries in Dmanisi (one of them is Azerbaijani)	Dmanisi council	2008-2013	



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