

Alternative report on implementation of Framework Convention for the Protection of National Minorities by Georgia for the 4th monitoring cycle

Introduction

The present report is submitted by the members of civil society platform “No to Phobia!”. The platform was established by 13 non-governmental organizations on May 7, 2014 to enable a close cooperation of non-governmental organizations towards eliminating expressions of all forms of discrimination and hate speech in politics and media in Georgia. The platform’s mission is to reveal cases of intolerance, discrimination and hate speech in public spaces, to fight against them and support active civic engagement in development of a tolerant environment in Georgia. The platform is based on the values of tolerance, pluralism, equality, mutual respect and solidarity. Currently, the platform consists of 16 member organizations. It operates with the financial support of the United States Agency for International Development (USAID) within the program “Unity through Diversity” which is being implemented by the United Nations Association of Georgia (UNAG) together with partner organizations.

The present report addresses matters pertaining to the implementation of the Framework Convention for the Protection of National Minorities (hereinafter FCNM) by the government of Georgia. In particular, the present report covers topics mentioned in: the Fourth Report submitted by Georgia pursuant to Article 25, paragraph 2 of the FCNM (hereinafter State Report), the Third Opinion on Georgia adopted by the Advisory Committee on the FCNM (hereinafter the Advisory Committee), the Resolution CM/ResCMN(2020)5 on the implementation of the FCNM by Georgia adopted by the Committee of Ministers (hereinafter the CM Resolution) as well as other matters which are relevant in terms of rights situation of the national minorities and implementation of the FCNM.

The present report is based on reports/materials/documents/assessments prepared by: member organizations of the civil society platform “No to Phobia!”, other non-governmental organizations, the Public Defender of Georgia, international organizations as well as publicly available information and information provided by ethnic minority rights activist Samira Bayramova.

Public awareness about anti-discrimination legislation and available legal redress

The State Report mentions various measures taken to raise awareness of general public as well as national minorities about anti-discrimination legislation and available legal redress (trainings, information campaigns, meetings, etc.).¹ While these measures are generally welcome, awareness of the Georgian society about anti-discrimination laws and available legal mechanisms is still insufficient. In particular, the study conducted for the Council of Europe project reads that between 2018 and 2021, “there has been little if any change in terms of awareness of Georgian legislation against discrimination, hate crime, and hate speech. Knowledge of and appreciation of existing redress mechanisms and their effectiveness also remain stagnant. Further, there has been little change in the public’s views of different actors’ work on the issues”.² Similarly, the latest concluding observations of the UN Committee on Elimination of Racial Discrimination (CERD) state that “that awareness of the relevant legislation and redress mechanisms remains limited, particularly among ethnic minorities”.³ Thus, the government of Georgia has to give more effort to increase the public’s knowledge about anti-discrimination legislation and available legal redress.

Implementation of the State Strategy for Civic Equality and Integration for 2021-2030

In the Third Opinion on Georgia, the Advisory Committee called on the authorities to implement the State Strategy on Civic Equality and Integration (with regard to tolerance and intercultural dialogue) “in consultation with persons belonging to national minorities, but also with the active engagement of the majority”.⁴ To properly implement the Strategy, an inclusive process of development and implementation of its action plans are essential as action plans provide detailed steps for reaching the strategic objectives. In this connection, member organizations of the civil society platform “No to Phobia!” released a statement on publication of the draft of the 2023-2024 Action Plan of the State Strategy for Civic Equality and Integration for 2021-2030.⁵ In particular, the draft Action plan was published on the Facebook page and the webpage of the Office of State Minister of Georgia for

¹ The Fourth Report submitted by Georgia pursuant to Article 25, paragraph 2 of the Framework Convention for the Protection of National Minorities, ACFC/SR/IV(2022)001, pages 14-18, available at: <https://bit.ly/3HbnAoV>

² Hate Crime, Hate Speech and Discrimination in Georgia: Attitudes and Awareness, Report of Public Survey

Conducted for the Co-operation Project “Fight against Discrimination, Hate Crimes and Hate Speech in Georgia“, the Council of Europe, 2022, page 49, available at: <https://bit.ly/3LpelE1>

³ Concluding observations on the combined ninth and tenth periodic reports of Georgia by the UN Committee on Elimination of Racial Discrimination at its 108th session (14 November–2 December 2022), CERD/C/GEO/CO/9-10, §7.

⁴ Third Opinion on Georgia adopted by the Advisory Committee on the Framework Convention for the Protection of National Minorities, § 60.

⁵ Statement of the member organizations of the civil platform “No to Phobia!”, available at: <https://bit.ly/3Nrh4P1> [last accessed 24.04.2023].

Reconciliation and Civic Equality on February 16, 2023.⁶ According to the Office, comments/opinions on the draft Action Plan could be submitted at the latest on February 24, 2023.⁷ This 8-day period for submitting comments/opinions was criticized in the statement of “No to Phobia!” according to which the deadline was too short to present comprehensive, in-depth feedback as the draft Action Plan was quite voluminous.⁸ The statement also reads that involvement of CSOs working on equality and integration was not adequately ensured in development of the draft Action Plan.⁹

Transparent and non-discriminatory procedures for building or allocation of places of worship

The State Report claims that “obtaining a construction permit is transparent, prescribed by law, and non-discriminatory”.¹⁰ However, this statement is not completely true taking into account the discriminatory rejection of the requests to build prayer houses of the Savior’s Bible Church in 2015–2018¹¹, to the Catholic Church in 2013–2017¹² and to the Muslims in Batumi since 2017 to the present day. In 2017, the Batumi City Hall refused to grant the Foundation for the Construction of a New Mosque a permit to build a mosque on the land plot the Foundation owns.¹³ The Foundation applied to the Batumi City Court which ruled that the refusal to grant a construction permit was discriminatory.¹⁴ The Batumi City Hall appealed this judgement in the Batumi Appellate Court which upheld the judgement and ruled that the refusal was discriminatory and illegal. The Appellate Court reasoned that “on the one hand, the local self-government of Batumi gives the Orthodox Church the opportunity to build religious buildings on land plots owned by the municipality, in densely populated neighborhoods, and enjoy freedom of

⁶ The Facebook post is available at: <https://bit.ly/3HbukDk> [last accessed 24.04.2023]; please also view the announcement on the following webpage: <https://bit.ly/41zGfmm> [last accessed 24.04.2023].

⁷ The Facebook post is available at: <https://bit.ly/3HbukDk> [last accessed 24.04.2023]; please also view the announcement on the following webpage: <https://bit.ly/41zGfmm> [last accessed 24.04.2023].

⁸ Statement of the member organizations of the civil platform “No to Phobia!”, available at: <https://bit.ly/3Nrh4P1> [last accessed 24.04.2023].

⁹ Statement of the member organizations of the civil platform “No to Phobia!”, available at: <https://bit.ly/3Nrh4P1> [last accessed 24.04.2023].

¹⁰ The Fourth Report submitted by Georgia pursuant to Article 25, paragraph 2 of the Framework Convention for the Protection of National Minorities, ACFC/SR/IV(2022)001, page 20.

¹¹ Tolerance and Diversity Institute, Freedom of Religion and Belief in Georgia 2010–2019, page 119, available at: http://tdi.ge/sites/default/files/tdi-report-freedom_of_religion_in_georgia_2010-2019.pdf

¹² Ibid. page 124

¹³ Tolerance and Diversity Institute, Freedom of Religion and Belief in Georgia amid and beyond the Covid Pandemic 2020–2021 (May), page 21, available at: <https://bit.ly/41zU4lo> [last accessed 24.04.2023].

¹⁴ Tolerance and Diversity Institute, Freedom of Religion and Belief in Georgia amid and beyond the Covid Pandemic 2020–2021 (May), page 21.

religion, while on the other hand, declines the request of the Muslim community which is asking for the permission to build a house of worship on their own land, citing the protection of urban development interests as an argument”.¹⁵ The Batumi City Hall appealed this decision in the Supreme Court of Georgia,¹⁶ thereby preventing the construction of the mosque, despite two substantiated judgements finding discrimination.

The process of restitution of property to religious communities

Unfortunately, the state has not developed any policy of restitution of property to religious communities, except for the Georgian Orthodox Church.¹⁷ The government has not counted and recorded the damage sustained by religious associations during the Soviet period; state approaches for compensation of damages and return of community property have not been developed, there are no legal regulations enabling religious associations to demand return of religious property or compensation thereof; in some cases ownership of one and the same religious building remains disputed by several religious organizations; state funds, directed towards the religious organizations, are spent as a subsidy.¹⁸ Moreover, absence of the restitution policy leads to inequality between religious associations and the dominant religious group.¹⁹ In particular, the Georgian Patriarchate has received religious property historically owned by it as well as new State-owned property and historic property of other religious communities.²⁰ In 2017 the government gave the Armenian Tandoyants Church in Tbilisi and in 2019 the Lutheran Church in Asureti village to the Georgian Orthodox Church.²¹

The State Agency for Religious Issues

The State Report reads that “the State Agency for Religious Issues cooperates closely with all religious organisations existing in Georgia and promotes their dialogue, implementing different projects and campaigns to prevent discrimination and foster tolerance.”²² However, the report of the Public Defender of Georgia states that the State Agency for Religious Issues (SARI)

¹⁵ Coalition for Equality, the Right to Non-Discrimination in Practice for various Groups in Georgia 2021 Report, page 59, available at: <https://bit.ly/41SsfUD> [last accessed 24.04.2023].

¹⁶ The case of construction of a new mosque in Batumi has been appealed at the Supreme Court, available at: <https://bit.ly/3LpDmz7> [last accessed 24.04.2023].

¹⁷ Tolerance and Diversity Institute, Restitution Policy in Georgia, page 12, available at: <https://bit.ly/41A2NDB> [last accessed 24.04.2023].

¹⁸ Tolerance and Diversity Institute, Restitution Policy in Georgia, page 12.

¹⁹ Tolerance and Diversity Institute, Restitution Policy in Georgia, page 12.

²⁰ Tolerance and Diversity Institute, Restitution Policy in Georgia, page 12; Tolerance and Diversity Institute, Freedom of Religion and Belief in Georgia amid and beyond the Covid Pandemic 2020-2021 (May), page 20.

²¹ Tolerance and Diversity Institute, Freedom of Religion and Belief in Georgia amid and beyond the Covid Pandemic 2020-2021 (May), page 20.

²² The Fourth Report submitted by Georgia pursuant to Article 25, paragraph 2 of the Framework Convention for the Protection of National Minorities, ACFC/SR/IV(2022)001, page 19.

has not presented to the government any “progressive recommendations or opinions which would bring about positive changes in policy and legislation concerning freedom of religion”.²³ According to the Public Defender, “the SARI is sometimes directly involved in managing and deciding financial and property matters of religious associations, beyond its consultative function”.²⁴ The Public Defender’s report also points to the high risk of interference of the state, through the SARI, in the internal affairs of religious organizations.²⁵ Moreover, the European Commission against Racism and Intolerance (ECRI) also criticized the SARI in its report: “mandate of the Agency is not entirely clear yet and neither is its procedure for developing recommendations, which is one of its functions. It is also unknown how the agency will cooperate with the Council of Religions, which has been operating under the Public Defender since 2005, or how it will involve religious minorities in its work”.²⁶ The ECRI called on the government to require the SARI to work with the Council of Religions under the Public Defender’s Office.²⁷ However, later the ECRI pointed to the low trust of religious groups towards the SARI and found that “the State Agency for Religious Issues has not taken any serious steps to cooperate with the Council of Religions, as recommended by ECRI”.²⁸ The role and activities of the SARI remained problematic during the Covid pandemic. Despite its mandate being the development of recommendations related to religious matters, the agency did not issue any statement or recommendation on freedom of religion and religious activities during the state of emergency and the pandemic.²⁹

Total State Control Over Religious Communities

The secret materials published in 2021 revealing the suspected large-scale illegal wiretapping and surveillance by the State Security Service seemed particularly alarming, for which a full investigation and identification of those responsible have not yet taken place.³⁰

²³ Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia 2022, page 183, available at: <https://bit.ly/3KUSEuc> [last accessed 24.04.2023].

²⁴ Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia 2022, page 184.

²⁵ Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia 2022, page 184.

²⁶ ECRI Report on Georgia (fifth monitoring cycle), §97, published in March 2016, available at: <https://bit.ly/41DGGwg> [last accessed 26.04.2023].

²⁷ Ibid, §103.

²⁸ ECRI Conclusions on Implementation of Recommendations in respect of Georgia subject to interim Follow-up, page 6, published in March 2019, available at: <https://bit.ly/2KR3v9x> [last accessed 26.04.2023].

²⁹ Tolerance and Diversity Institute, Freedom of Religion and Belief in Georgia amid and beyond the Covid Pandemic 2020–2021 (May), page 11.

³⁰ OSGF press-release: Prosecutors Office Delaying the Investigation into the Cases of Victims of Illegal Eavesdropping, 18.05.2022, available at: <https://osgf.ge/en/prosecutors-office-delaying-the-investigation-into-the-cases-of-victims-of-illegal-eavesdropping/> [27.04.2023].

On September 13, 2021, thousands of leaked documents appeared on online platforms containing personal data, private communications and personal information about certain individuals. According to the media that had access to the mentioned documents and that processed the materials, most of the published documents were concerned with the topic of religion and religious organizations.³¹

The materials make clear that the government illegally listens to and monitors the representatives of the Georgian Orthodox Church and other religious organizations. In addition to religious leaders, among the victims of the state's illegal actions are human rights defenders, journalists, politicians, diplomats and others related to religious affairs in one way or the other or even had brief contact with religious organizations.³²

Abolition of the State Inspector's Service

In terms of effective investigation of police abuse against national minorities, the State Report describes the mandate of the former State Inspector's Service (SIS) and mentions legislative amendments of December 2021 which abolished the SIS and created two bodies instead - the Special Investigation Service and Personal Data Protection Service.³³ The amendments were negatively assessed by local and international actors. According to the statement of local NGOs, the SIS's work had received positive feedback at the local and international levels, and there was no need to abolish the SIS, but to strengthen it.³⁴ The NGOs emphasized that the closed, non-inclusive and sped-up process of drafting and adopting the amendments was concerning in light of the great public importance of the reform and this indicated the government's goal to gain influence over an independent institution.³⁵ Similarly, the Public Defender of Georgia stated that the legislative changes were aimed at influencing the activities of an independent body considering as the draft law was discussed in the parliament hastily, without prior consultation with the interested parties.³⁶ The (process of adoption of) legislative changes were also criticized by the EU

³¹ What one should know about materials allegedly obtained by secret eavesdropping by the State Security Service, available at: <https://tabula.ge/ge/news/672924-ra-unda-itsodet-masalebze-romlebits-savaraudod> [last accessed 28.04.2023].

³² Ibid; Georgian Democracy Initiative, page 16, available at: <http://gdi.ge/storage/files/doc/019.pdf> [last accessed 28.04.2023].

³³ The Fourth Report submitted by Georgia pursuant to Article 25, paragraph 2 of the Framework Convention for the Protection of National Minorities, ACFC/SR/IV(2022)001, page 56.

³⁴ The statement of non-governmental organizations regarding the possible cancellation of the State Inspector's service: <https://bit.ly/41zMo28> [last accessed 24.04.2023].

³⁵ The statement of non-governmental organizations regarding the possible cancellation of the State Inspector's service: <https://bit.ly/41zMo28> [last accessed 24.04.2023].

³⁶ The statement of the Public Defender of Georgia regarding the attempt to cancel the service of the State Inspector, available at: <https://bit.ly/40PcBst> [last accessed 24.04.2023].

representation in Georgia,³⁷ the US Embassy in Georgia,³⁸ the UN Human Rights Office³⁹ and the ODIHR. According to the latter, the implementation of legislative changes without prior consultations and in a sped-up process contrary to international standards posed a risk to the functioning of the rule of law and independent institutions in the country and the draft law could have a (negative) impact on protection against human rights violations committed by law enforcement.⁴⁰

It is noteworthy that on November 17, 2022, the Constitutional Court issued a decision that partially satisfied the lawsuits of the former State Inspector and the Public Defender who had challenged the constitutionality of the legislative changes.⁴¹ Before adopting the decision, the Constitutional Court did not suspend the disputed norms/provisions despite requests/calls from the former State Inspector, the Public Defender and NGOs.⁴² Thus, the SIS was abolished hastily, without proper and transparent consultations and prior assessment of the constitutionality of this reform.

Investigation of hate crimes

In the Third Opinion on Georgia, the Advisory Committee encouraged “the authorities to pursue their efforts in efficiently combating hate crimes by systematically investigating in a timely manner all crimes committed with discriminatory intent. It also calls on the authorities to step up their efforts to more efficiently prosecute and sanction such crimes”.⁴³ In this connection, the

³⁷ The representation of the European Union in the Parliament responds to the consideration of draft laws related to the state inspector's service and the judicial system in an accelerated manner, available at: <https://bit.ly/3Ai95fq> [last accessed 24.04.2023]; Hartzel: We still do not see the objective reasons for the hasty dissolution of the inspector's service, available at: <https://bit.ly/3EBXZEU> [last accessed 24.04.2023]; Hartzel: The state inspector's service was one of the conditions of visa liberalization, available at: <https://bit.ly/3E9N1F7> [last accessed 24.04.2023].

³⁸ "We expressed concern about the inspector, we call for postponement" - Degnan met with the MPs, available at: <https://bit.ly/3tS7iKN> [last accessed 24.04.2023].

³⁹ United Nations: We call on the parliament to withdraw the initiative to abolish the state inspector, available at: <https://bit.ly/3UXueUc> [last accessed 24.04.2023].

⁴⁰ OSCE/ODIHR Opinion on the Legislative Amendments on the State Inspector's Service of Georgia, 18 February 2022, Warsaw, page 2, available at: <https://bit.ly/3hADAqv> [last accessed 24.04.2023].

⁴¹ The Constitutional Court partially satisfied Toloraia's claim against the Parliament, available at: <https://bit.ly/3EKpBqi> [last accessed 24.04.2023]; The Constitutional Court partially satisfied the constitutional lawsuits No. 1673 and No. 1681 ("Londa Toloraia and the Public Defender of Georgia v. the Parliament of Georgia"), available at: <https://bit.ly/3XxsrYj> [last accessed 24.04.2023].

⁴² Why should the Constitutional Court hurry | Inspector's case, available at: <https://netgazeti.ge/law/591836/> [last accessed 24.04.2023]; The Public Defender appealed to the Constitutional Court regarding the state inspector's service. Available at: <https://bit.ly/3GhA66I> [last accessed 24.04.2023]; We call on the Constitutional Court to consider Londa Toloraia's lawsuit in a timely manner, available at: <https://bit.ly/3X7wCJP> [last accessed 24.04.2023].

⁴³ Third Opinion on Georgia adopted by the Advisory Committee on the Framework Convention for the Protection of National Minorities, § 68.

latest parliamentary report of the Public Defender of Georgia points to weak trust of minorities/vulnerable groups towards the law enforcement and lack of effectiveness and timeliness of investigation of hate crimes.⁴⁴ Indeed, insufficient level of effectiveness of investigations has remained problematic. To name examples, the alleged cases of religiously motivated hate crimes from 2013–2014 indicate ineffectiveness of the state response. In particular, investigations into persecution due to religious activities in Kobuleti, illegal interference in performance of religious activities in the village Samtatskaro and the case of causing fire in Tbilisi are still ongoing and no one has been charged or recognized as victim yet.⁴⁵

The alleged hate crime committed against ethnic minority rights activist Samira Bayramova is also concerning. In particular, on March 14, 2022, Samira Bayramova painted the flags of Ukraine and the EU on the facade of the office of the political party “Conservative Movement” (founded by the pro-Russian hate group “Alt Info”) in order to demonstrate protest against opening of the office in Marneuli.⁴⁶ In response, comments/messages threatening Samira were posted on social media.⁴⁷ One of the threats posted on social media referred to Samira with a derogatory word “ურჯულო” (“urjulo” – meaning someone who rejects or does not have a religion).⁴⁸ Moreover, members of the aforesaid hate group recorded a video in Marneuli which also contained threats against Samira.⁴⁹ The video depicts Samira’s act of painting flags over the cross-shaped sign of the aforementioned party as an act offending the religious symbol of Christianity – the cross.⁵⁰ However, the cross-shaped form of the sign of a political party does not equal it to a religious symbol and the aforesaid video is actually an attempt to depict Samira’s protest against the pro-Russian party as opposition to Christianity.⁵¹ The Prosecutor’s office recognized Samira as a victim on March 22, 2022 and a special measure of protection was applied to her as well.⁵² No one is charged as of now.

The issue of qualifying the crime as a murder committed on the grounds of ethnic intolerance and anti-Semitism remained a problem in the case of the

⁴⁴ Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia 2022, page 181.

⁴⁵ Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia 2022, page 183.

⁴⁶ GYLA: threats against Samira Bayramova must be stopped in time, available at: <https://bit.ly/4OBJXLc> [last accessed 24.04.2023].

⁴⁷ GYLA: threats against Samira Bayramova must be stopped in time, available at: <https://bit.ly/4OBJXLc> [last accessed 24.04.2023].

⁴⁸ “I will chop your head off like a chicken” – Alt Info activists threatened Samira Bayramova to kill her, available at: <https://bit.ly/3AigB3n> [last accessed 24.04.2023].

⁴⁹ GYLA: threats against Samira Bayramova must be stopped in time, available at: <https://bit.ly/4OBJXLc> [last accessed 24.04.2023].

⁵⁰ GYLA: threats against Samira Bayramova must be stopped in time, available at: <https://bit.ly/4OBJXLc> [last accessed 24.04.2023].

⁵¹ GYLA: threats against Samira Bayramova must be stopped in time, available at: <https://bit.ly/4OBJXLc> [last accessed 24.04.2023].

⁵² The Prosecutor’s Office applied special protection programme to Samira Bayramova, available at: <https://bit.ly/3LnPdh5> [last accessed 24.04.2023].

murder of Vitaly Safarov.⁵³ Vitaly Safarov, who was a Georgian citizen and a human rights defender, was murdered on September 30, 2018. The factual and legal circumstances of the case indicate that two people were involved in the murder, and the openly anti-Semitic and xenophobic language of the attackers pointed that the crime was committed on the grounds of intolerance. Nevertheless, the verdict of the Tbilisi City Court delivered on June 22, 2019 removed racial, religious, national or ethnic intolerance from the list of possible motives for murder, declared the defendants guilty of group murder only and sentenced each of them to 15 years in prison. On February 16, 2023, the Tbilisi Court of Appeals announced the verdict at the last trial and upheld the decision of the court of the first instance.

Participation in political life

The Third Opinion on Georgia adopted by the Advisory Committee reads that “representation of minorities in the Parliament is satisfactory”.⁵⁴ This opinion was adopted in 2019 after which parliamentary elections were held in 2020. Unfortunately, the 2020 elections saw a significant decrease of the number of ethnic minority representatives to 6 members of the parliament.⁵⁵ Moreover, ethnic minorities are disproportionately represented in local self-governments of multiple municipalities densely populated with ethnic minorities, including Marneuli, Bolnisi and Dmanisi while municipalities of Ninotsminda and Akhalkalaki are positive exceptions in this regard.⁵⁶ Ethnic minorities are also underrepresented in the central government bodies and the consultative mechanisms at the level of the executive government are ineffective.⁵⁷ The latest concluding observations of the CERD also note “the continued low representation of minorities in political and decision-making bodies and public administration, including at the municipal level”.⁵⁸ Additionally, the research by “Sapari” – member organization of the “No to Phobia!” platform – shows that the majority of ethnic minority women are not involved in civil

⁵³ “Details and Legal Assessment of the Murder Case of Human Rights Defender Vitaly Safarov”, humanrights.ge, September 5, 2019, available at: <http://www.humanrights.ge/index.php?a=main&pid=19945&lang=eng> [last accessed 29.04.2023].

⁵⁴ Third Opinion on Georgia adopted by the Advisory Committee on the Framework Convention for the Protection of National Minorities, §20

⁵⁵ Coalition for Equality, the Right to Non-Discrimination in Practice for various Groups in Georgia 2021 Report, page 67.

⁵⁶ Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia 2022, pages 285-286.

⁵⁷ Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia 2022, page 285.

⁵⁸ Concluding observations on the combined ninth and tenth periodic reports of Georgia by the Committee at its 108th session (14 November–2 December 2022), CERD/C/GE0/CO/9-10, §11.

society and political life.⁵⁹ The research also notes that this lack of participation is not the desire of women.⁶⁰

Response to the Covid-19 Pandemic

The State Report describes various measures undertaken to inform national minorities about regulations/restrictions introduced in response to the Covid-19 pandemic.⁶¹ However, minority religious organizations were not sufficiently informed, according to a report of Tolerance and Diversity Institute (TDI) - one of the member organizations of the “No to Phobia!” platform. In particular, religious organizations interviewed by TDI did not confirm that they had been invited to and participated in the meetings held in connection to the Coronavirus under the auspices of the Human Rights Council of the Government.⁶² Moreover, representatives of minority religious organizations interviewed by TDI also stated that “they did not receive any information about the types of restrictions and regulations that applied to religious activities”.⁶³

The state response to the Covid-19 Pandemic was also problematic in that some of the regulations introduced by the government to stop the spread of the Coronavirus were discriminatory. In particular, driving cars was prohibited between 17 and 27 April, 2020 because of the risk of mobility and spread of the virus during the Easter period, as explained by the government.⁶⁴ In response, the Patriarchate of the Georgian Orthodox Church stated that it had been figured out in a telephone call that the clergy, chanters and chaplains of the Orthodox Church would be allowed to travel by car for the Easter service.⁶⁵ In contrast, other religious organizations did not enjoy such an exceptional opportunity but had to individually obtain the special driving permits.⁶⁶ Representatives of some religious organizations stated that they were not

⁵⁹ Sapari, Study of Problems and Needs of Women Members of Ethnic Minorities living in Marneuli Municipality, available at: <https://sapari.ge/wp-content/uploads/2023/04/marneuli.pdf> [last accessed 28.04.2023].

⁶⁰ Ibid.

⁶¹ The Fourth Report submitted by Georgia pursuant to Article 25, paragraph 2 of the Framework Convention for the Protection of National Minorities, ACFC/SR/IV(2022)001, pages 89, 91.

⁶² Tolerance and Diversity Institute, Freedom of Religion and Belief in Georgia amid and beyond the Covid Pandemic 2020-2021 (May), page 15.

⁶³ Tolerance and Diversity Institute, Freedom of Religion and Belief in Georgia amid and beyond the Covid Pandemic 2020-2021 (May), page 15.

⁶⁴ Tolerance and Diversity Institute, Freedom of Religion and Belief in Georgia amid and beyond the Covid Pandemic 2020-2021 (May), page 11.

⁶⁵ Tolerance and Diversity Institute, Freedom of Religion and Belief in Georgia amid and beyond the Covid Pandemic 2020-2021 (May), page 11; please also view: <https://netgazeti.ge/news/444219/> [last accessed 24.04.2023].

⁶⁶ Tolerance and Diversity Institute, Freedom of Religion and Belief in Georgia amid and beyond the Covid Pandemic 2020-2021 (May), page 11.

given the required number of permits and, often, only one permit was issued per a religious organization.⁶⁷

The Georgian government also adopted a discriminatory approach in allowing exceptions from the curfew introduced in response to the Covid pandemic. In particular, one of the regulations imposed curfew between 9pm and 5am from November 28, 2020 and determined exceptions from the curfew only on 31 December 2020 and 6-7 January, 2021 (Orthodox Christmas night).⁶⁸ In this regard, the Vice Prime Minister at that time stated that exception was made to this restriction considering that most of the population was Orthodox and celebrated Christmas on the night between 6 and 7 January.⁶⁹ In contrast, other religious groups/associations/denominations had to obtain special permit to be exempt from the restriction on their religious holidays.⁷⁰ The “No to Phobia!” platform condemned this statement as well as the decision to lift the curfew only on the Orthodox Christmas night, thereby placing religious minorities in a disadvantaged and unequal position vis-à-vis the religious majority.⁷¹ Unfortunately, the government also adopted a similar discriminatory approach in 2021. In particular, members and activists of the Azerbaijani community, the Public Defender of Georgia and the National Minority Council under the Public Defender’s Office requested the government to temporarily lift restrictions on freedom of movement on March 21 2021, so that they could freely celebrate Nowruz holiday.⁷² The authorities rejected this request by referring to an increase risk of spreading the Coronavirus.⁷³ This arguments is weak as the government temporarily suspended the aforementioned restrictions for Orthodox Christmas on January 7th,⁷⁴ in contrast to the Novruz holiday. Thus, the government treated the Azerbaijani ethnic minority unequally vis-à-vis the dominant ethnic and religious group by lifting the restrictions for the latter community and not the former one as well.

The beginning of the Covid-19 pandemic also saw intensification of hate speech towards the Azerbaijani ethnic minority. In response to spread of the Coronavirus, Bolnisi and Marneuli - municipalities densely populated with Azerbaijani minority - were declared quarantine zones.⁷⁵ This was followed by

⁶⁷ Tolerance and Diversity Institute, Freedom of Religion and Belief in Georgia amid and beyond the Covid Pandemic 2020-2021 (May), page 12.

⁶⁸ Statement of “No to Phobia!” on allowing exception on the Christmas night, available at: <https://bit.ly/3NgpZCC> [last accessed 26.04.2023].

⁶⁹ Tskitishvili: majority of the population is Orthodox and that’s why 7 January is exception, available at: <https://bit.ly/4432W42> [last accessed 26.04.2023].

⁷⁰ Nothing is unusual - Tskitishvili on permits for non-dominant denominations, available at: <https://bit.ly/3Na2tap> [last accessed 26.04.2023].

⁷¹ Statement of “No to Phobia!” on allowing exception on the Christmas night, available at: <https://bit.ly/3NgpZCC> [last accessed 26.04.2023].

⁷² Georgian Democracy Initiative, Human Rights in Georgia 2021, page 20, available at: <https://bit.ly/41RINMp> [last accessed 24.04.2023].

⁷³ Georgian Democracy Initiative, Human Rights in Georgia 2021, page 20.

⁷⁴ Georgian Democracy Initiative, Human Rights in Georgia 2021, page 20.

⁷⁵ The civil platform “No to Phobia!” reacts to statements made about the population of Kvemo Kartli, available at: <https://bit.ly/444FlOr> [last accessed 26.04.2023].

hate speech and comments having the effect of spreading discrimination against the Azerbaijani population.⁷⁶ Such statements/comments were made by public figures/officials as well on (social) media.⁷⁷ The “No to Phobia!” platform condemned these statements/comments and called on the authorities as well as the media to refrain from hate/discriminatory speech and to publicly support equality.⁷⁸

The Covid-19 pandemic negatively affected migrants. In this connection, the state policy had various shortcomings.⁷⁹ These included inadequate provision of access to information, public services, health and social programs, barriers created when crossing the Georgian state border, new challenges related the pandemic for international students in Georgia, etc. Foreign nationals of certain countries pointed out that they faced increased xenophobic, racist, and discriminatory attitudes in both public and private spaces during the pandemic. The targeted state aid programs developed by the government covered only persons with a permanent residence permit and refugee or humanitarian status. Foreign nationals and stateless persons with other legal statuses were excluded from state aid. International students had problems both with the study process and returning to Georgia.

Education

Adequate access to and quality of education remains a challenge for ethnic minorities. In its latest concluding observations, the CERD expressed concern over “the insufficient resourcing of schools in areas densely populated by ethnic minorities, in particular with regard to access to preschool education, teacher training and resource materials for teachers of the Georgian language and ethnic minority languages, and the quality of school infrastructure in some municipalities”.⁸⁰ At the level of pre-school education, bilingual teaching model has not been established and the number of human resources/personnel remains low, according to the report of the Public Defender of Georgia.⁸¹ According to a research by Sapari, in the rural areas populated by ethnic minorities, there are not enough preschool education institutions in rural areas populated by ethnic minorities and this hinders

⁷⁶ The civil platform “No to Phobia!” reacts to statements made about the population of Kvemo Kartli, available at: <https://bit.ly/444FlQr> [last accessed 26.04.2023]; The statement of the civil platform “No to Phobia!” about the intensified xenophobia against ethnically Azerbaijani citizens, available at: <https://bit.ly/41X7VSb> [last accessed 26.04.2023].

⁷⁷ Ibid.

⁷⁸ Ibid.

⁷⁹ Tolerance and Diversity Institute, *The Legal Status of Migrants in Georgia Amid and Beyond Covid Pandemic, 2020-2021* (June), available at: http://tdi.ge/sites/default/files/migrants_rights_2020-2021-eng.pdf [last accessed 28.04.2023].

⁸⁰ Concluding observations on the combined ninth and tenth periodic reports of Georgia by the UN Committee on Elimination of Racial Discrimination at its 108th session (14 November–2 December 2022), CERD/C/GEO/CO/9–10, §11.

⁸¹ Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia 2022, page 288.

children's development.⁸² In particular, there are a total of 84 villages and only 14 functioning kindergartens in Marneuli.⁸³

In terms of school education, the Public Defender notes absence of comprehensive conceptual approach, shortcomings in professional development for bilingual teachers and inadequate provision of educational programmes, handbooks and other material-technical resources.⁸⁴ Moreover, development and publication of native language and literature textbooks for Armenian, Azerbaijani or Russian-language schools as well as development of language textbooks for small ethnic minorities (Ossetian, Chechen, Khundzuri/Avaric, Udi, Assyrian, and Kurdish/Kurmanji) and training of the respective language teachers remain challenging.⁸⁵ Specifically in terms of improvement of teaching materials, the last CM Resolution called on the authorities to “adapt the content of teaching materials so they contribute to the creation of a climate of tolerance and mutual understanding in Georgian society”. In this connection, a 2021 report by the Georgian Young Lawyers' Association (GYLA) – a member organization of the “No to Phobia!” platform – pointed to the frequent cases of description of facts from a narrow ethnic and nationalist perspective, incorrect interpretations of ethnic diversity, depiction of minorities as enemies and underestimation of their political or civic contribution in handbooks of social sciences.⁸⁶ Authors of handbooks interviewed by the GYLA named ethnic minorities and diversity as the topics on which they needed more work, guidance and support.⁸⁷ Moreover, the interviewed authors noted that they needed to develop their skills in researching and using reliable sources, selecting the right terminology, applying inclusive and neutral description techniques, creating content balanced in terms of gender, avoiding positive discrimination.⁸⁸ Interviewed authors also lacked sensitivity towards certain topics as well as information about relevant human rights organizations and experience of working with them.⁸⁹

⁸² Sapari, Study of Problems and Needs of Women Members of Ethnic Minorities living in Marneuli Municipality, available at: <https://sapari.ge/wp-content/uploads/2023/04/marneuli.pdf> [last accessed 28.04.2023].

⁸³ Sapari, Study of Problems and Needs of Women Members of Ethnic Minorities living in Marneuli Municipality, available at: <https://sapari.ge/wp-content/uploads/2023/04/marneuli.pdf> [last accessed 28.04.2023].

⁸⁴ Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia 2022, page 288.

⁸⁵ Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia 2022, pages 288, 290-291.

⁸⁶ Georgian Young Lawyers' Association, Study of Needs of Authors of School Textbooks Main Findings and Recommendations, 2022, page 13, available at: <https://bit.ly/3Lnsi4r>

⁸⁷ Georgian Young Lawyers' Association, Study of Needs of Authors of School Textbooks Main Findings and Recommendations, 2022, page 14.

⁸⁸ Georgian Young Lawyers' Association, Study of Needs of Authors of School Textbooks Main Findings and Recommendations, 2022, page 14.

⁸⁹ Georgian Young Lawyers' Association, Study of Needs of Authors of School Textbooks Main Findings and Recommendations, 2022, page 15.

In terms of higher education, the Public Defender points to the need to increase funding for ethnic minority students as a large part of these students remained without funding in recent years.⁹⁰ Similarly, the latest concluding observations adopted by the CERD mention “the low number of State-funded places in the “1+4” Georgian language preparatory programme, which facilitates access to higher education for ethnic minority students by including a preliminary year of Georgian language studies before students begin a university degree”.⁹¹

As to knowledge of the state language, the CERD concluding observations point to “the low level of knowledge of the Georgian language among minorities, particularly among the ethnic Azerbaijani minority, which constitutes a significant barrier to effective integration into Georgian society, including access to public information and services”.⁹² Although the LEPL Zurab Zhvania School of Public Administration teaches Georgian language programme for adult citizens, only 51,6% of the participants finished the programme and received certificates in 2019–2022.⁹³

Proselytism in schools

The last CM Resolution called on the authorities “to systematically monitor cases of proselytism in schools”.⁹⁴ In this connection, TDI noted “frequent cases of non-academic display of religious symbols in public schools”.⁹⁵ Moreover, representatives of religious minorities interviewed by TDI stated that students were often differentiated based on religion and specific religious groups/denominations were frequently addressed by offensive terminology in educational establishments.⁹⁶ In terms of proselytism in schools, the Public Defender’s position on the lessons of “Homeland Studies” is also noteworthy. In particular, the Public Defender’s statement reads that “on December 16, 2020, the Public Defender’s Office was informed about the “Homeland Studies” lessons organized by the Patriarchate and the “Chokhosanta (Folk Dress) Society”, which, according to reports, have been held in Rustavi and

⁹⁰ Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia 2022, page 292.

⁹¹ Concluding observations on the combined ninth and tenth periodic reports of Georgia by the UN Committee on Elimination of Racial Discrimination at its 108th session (14 November–2 December 2022), CERD/C/GEO/CO/9-10, §11.

⁹² Concluding observations on the combined ninth and tenth periodic reports of Georgia by the UN Committee on Elimination of Racial Discrimination at its 108th session (14 November–2 December 2022), CERD/C/GEO/CO/9-10, §11.

⁹³ Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia 2022, page 291.

⁹⁴ The Resolution CM/ResCMN(2020)5 on the implementation of the FCNM by Georgia adopted by the Committee of Ministers, page 2.

⁹⁵ Tolerance and Diversity Institute, Freedom of Religion and Belief in Georgia amid and beyond the Covid Pandemic 2020–2021 (May), page 22.

⁹⁶ Tolerance and Diversity Institute, Freedom of Religion and Belief in Georgia amid and beyond the Covid Pandemic 2020–2021 (May), page 22.

Tbilisi for 4-5 years”.⁹⁷ The Public Defender’s Office assessed publicly available videos of the lessons and concluded that the lessons spread stereotypical views on, inter alia, national origin and “were of a confessional nature, built on the Orthodox religion, ... loaded with discriminatory views”.⁹⁸ Moreover, the Public Defender found a manifestation of indoctrination and proselytism in participation of public school teachers in organization of lessons with such religious content and mobilization of pupils.⁹⁹

Anti-Semitism

The Georgian Orthodox Church clergy has made antisemitic statements from December 2020 onwards. The Georgian Orthodox Church has not acknowledged or condemned antisemitism of high-ranking clergymen, nor has the state assessed these statements critically. Such statements sparked public debates and comments from diplomats and international organizations.¹⁰⁰ This antisemitic wave also continued in 2022. Since the start of the Russian military aggression against Ukraine, the propagandist messages of the Kremlin, the Moscow Patriarchate and the clergymen representing the Orthodox Church of Georgia have often coincided. The Jewish roots of the Ukrainian President Zelensky has been emphasized in a derogatory context and he has been often referred to as a “gay activist”, while the Russian war has been described as a battle between the West and Russian “Orthodox values” in Ukraine.¹⁰¹

According to the media,¹⁰² unknown fascist groups launched an alarming anti-Semitic campaign against the young human rights defender Vitaly Safarov murdered in 2018 and his family. On March 4, 2022, unidentified persons sent messages containing anti-Semitic and hate speech content to Vitaly Safarov’s mother on the social network. At the same time, several anti-Semitic Facebook profiles and pages appeared, using photos of the

⁹⁷ Public Defender’s Statement on Lessons of "Homeland Studies", available at: <https://bit.ly/41yU7gV> [last accessed 24.04.2023].

⁹⁸ Public Defender’s Statement on Lessons of "Homeland Studies", available at: <https://bit.ly/41yU7gV> [last accessed 24.04.2023].

⁹⁹ Public Defender’s Statement on Lessons of "Homeland Studies", available at: <https://bit.ly/41yU7gV> [last accessed 24.04.2023].

¹⁰⁰ The full chronology and information on antisemitic statements and relevant developments is available in TDI’s document <http://tdi.ge/en/statement/antisemitism-church-updated-summary>

¹⁰¹ Tolerance and Diversity Institute (TDI), New Alarming Incidents of Antisemitism in Georgia, March 2022, available at: <http://tdi.ge/en/news/1021-new-alarming-incidents-antisemitism-georgia> [last accessed 28.04.2023].

¹⁰² “They are spreading violent calls using Vitaly's photos”, - when will the Ministry of Internal Affairs become interested in what happened?”, Radio Liberty, April 14, 2022, available in Georgian: <https://bit.ly/446JN1r> [last accessed 28.04.2023].

deceased Safarov and spreading fascist, anti-Semitic messages, including calls for the extermination of Jews.

The member organizations of the “No to Phobia!” platform, signatory to the present report:

Georgian Democracy Initiative

Georgian Young Lawyers' Association

Tolerance and Diversity Institute

Sapari

Human Rights Center

International Society for Fair Elections and Democracy

Georgia's Reforms Associates

Georgian Strategic Analysis Center

Rights Georgia