



International Convention on the Elimination of All Forms of Racial Discrimination

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Summary record of the 2102nd meeting

Held at the Palais Wilson, Geneva, on Tuesday, 16 August 2011, at 3 p.m.

Chairperson: Mr. Kemal

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The meeting was called to order at 3.05 p.m.

**Consideration of reports, comments and information submitted by States parties
under article 9 of the Convention** (*continued*)

Fourth and fifth periodic reports of Georgia (CERD/C/GEO/4-5,
CERD/C/GEO/Q/4-5)

1. *At the invitation of the Chairperson, the delegation of Georgia took places at the Committee table.*
2. **Mr. Tchiaberashvili** (Georgia) said that the report under consideration was the result of fruitful cooperation between the main stakeholders working in the field of human rights in Georgia. In view of the ethnic, cultural, linguistic and religious diversity of Georgia, the Government gave particular attention to national minorities. Georgia had acceded to the Convention in 1999 and in 2005 had recognized the Committee's competence to consider communications from individuals. Having reviewed the public institutions and other national organizations against discrimination cited in the report, such as the Parliamentary Committee on Human Rights and Civil Integration, the Office of the Public Defender (Ombudsman), the Tolerance Centre, the National Council for Tolerance and Civil Integration and the Ministry of Reintegration, he mentioned the six policy directions contained in the National Concept for Tolerance and Civil Integration and its Action Plan (CERD/C/GEO/4-5, para. 17).
3. With regard to the first policy direction (primacy of the law), the Civil Code of Georgia had been amended on 5 July 2011 to allow religious groups to obtain religious association status. The new Code of Criminal Procedure, which had come into force in October 2010, had simplified the criminal justice system and strengthened respect for fundamental guarantees, including the right to the services of an interpreter in cases where a party or witness had little or no knowledge of the official national language (Georgian or Abkhazian in Abkhazia). In 2009, the revised legal aid strategy had given high priority to the issue of access to legal aid in regions where minorities were prevalent. A number of initiatives had been taken in the field of criminal justice in order to raise awareness among people working in the justice system concerning anti-discrimination measures and to raise public awareness of rights and fundamental freedoms. Furthermore, the list of basic procedural rights had been published in Georgian, English, Russian, Azeri and Armenian.
4. In 2009, the Ministry of Education and Science had launched a project to teach Georgian to ethnic minorities in primary schools. The State also funded programmes to raise the qualification level of teachers in minority schools. In order to promote multilingual education, 30 per cent of lessons would be conducted in Georgian and the remaining 70 per cent in minority mother tongues, bearing in mind that 297 of Georgia's 2,093 schools were managed by minorities. In 2010, a quota system was established in public universities whereby 10 per cent of places were allocated to students from Armenian and Azerbaijani minorities. "Language centres" had been established in the Samtskhe-Javakheti and Kvemo Kartli regions to improve the language skills of minorities working in the civil service and eight new centres should be established in 2011–2012. Furthermore, television news was broadcast in six minority languages and the Ministry of Culture, Monument Protection and Sports provided financial support to the Azeri and Armenian language press.
5. The Central Electoral Commission of Georgia had formed a special working group to encourage minorities to participate in the electoral process. According to the Commission, 22 per cent of local councillors in the Kvemo Kartli, Samtskhe-Javakheti and Kakheti regions were from national minorities. In addition, minorities occupied seats in central Government. With regard to the police, the Ministry of Interior gave priority to

candidates from minorities in regions with a high concentration of national minorities. With the assistance of international organizations, the police academy had supported the organization of seminars and courses on inter-ethnic relations and racist crimes since 2007. In order to ensure that minorities were integrated in economic and social terms, particular attention was given to improving living conditions and developing the infrastructure in regions populated by minorities. With regard to culture and the preservation of identity, the Ministry of Culture had implemented a special programme since 2004 that aimed to support national minority cultural centres and to help them to promote their cultures and become better integrated with Georgian culture.

6. The Government was taking specific steps to facilitate exchanges not only between the Roma population and the central and local authorities but also between Roma and other communities. Since 2008, the Ministry of Justice had cooperated with non-governmental organizations to implement a programme to improve birth registration and to raise public awareness of the need to obtain personal identification documents. The rights of aliens and stateless persons were guaranteed by the Georgian Constitution and legislation, under which they enjoyed the same rights as Georgians, with some exceptions. There were 1,781 stateless persons in Georgia, which had undertaken to accede to the 1954 Convention relating the Status of Stateless Persons. In 2010, a reception centre for asylum-seekers had been opened, with the assistance of the Office of the United Nations High Commissioner for Human Rights (OHCHR), the American Government and the European Union. According to official data, 547 persons had been granted refugee status to date.

7. In 2007, Georgia had adopted a law on the repatriation of persons forcibly displaced by the Soviet regime in the 1940s, and in 2008, it had established procedures for the examination of repatriation applications. To date, a total of 5,841 applications had been received, of which 75 had been accepted.

8. More than 500,000 people had been displaced, mainly inside Georgia, as a result of the conflicts in Abkhazia and the Tskhinvali region (South Ossetia) in 1991 and 2008. Georgia had adopted a strategy and plan of action to protect the rights of displaced persons, thanks to which durable housing solutions had been found for 27,000 families. Persons displaced as a result of the 2008 conflict had access to social security or received payments from the State.

9. The Government of Georgia was not in a position to exert real control over the occupied territories of Abkhazia and South Ossetia, which were under military occupation by the Russian Federation. Consequently, the legitimate authorities of those regions, which were currently in exile, were not able to ensure compliance with the Convention. The Convention had been violated in those regions. Ethnic Georgians there experienced discrimination, in that they were not able to move freely and exercise their linguistic, cultural and educational rights. The Government of Georgia had adopted a strategy and plan of action for the occupied territories that was designed to reconcile the communities on both sides of the occupying line and to protect their fundamental rights.

10. **Mr. Diaconu** (Country Rapporteur) said that according to the 2002 census, Azeri, Armenian, Russian and Ossetian minorities represented 16.7 per cent of the Georgian population; however, it would be interesting to have data on the composition of the population after the 2008 conflict. It was regrettable that the Criminal Code did not prohibit racist discourse, incitement to racial discrimination and racist organizations; he wished to know why racial motivation constituted an aggravating circumstance only for certain serious crimes.

11. Ethnic minorities had difficulty exercising their fundamental rights, including their political rights and their right of access to employment and education, owing to their poor knowledge of the Georgian language. Additional measures should be taken to teach

Georgian to adults and children from ethnic minorities. In view of the fact that certain ethnic and religious minorities suffered from prejudice and stereotyping transmitted by politicians and the media, the State party should restore confidence between all groups of the population and promote tolerance. He asked what action had been taken to facilitate the reintegration into society of persons deported from Georgia in the 1940s, including Meskhetian Turks, and to combat discrimination against them. In particular, he wished to know how many Meskhetian Turks were in Georgia and how many had been able to return to their country. He would like further information on the situation of Roma, including with regard to housing, school enrolment, employment and health. Given that Azeri and Armenian minorities did not have the infrastructure or the means of transportation and communications necessary to be fully linked to other parts of the country, he urged the Government to consult the representatives of those minorities on those issues. He would also like further information on other minority groups, such as Jews, Greeks, Kurds or Ukrainians, and on the implementation of the Convention in the autonomous republic of Ajara.

12. Some 30,000 persons displaced as a result of the 2008 conflict had still not been able to return home; although their situation had improved, they faced difficulties with regard to registration, housing, poverty and access to education and employment. He asked what measures were envisaged to remedy that situation. In addition, he urged the Government to take action to ensure that minorities, in particular Azeris and Armenians, participated in political life. The Committee would like information on measures to promote the employment of members of ethnic minorities in the public and private sectors and on the discrimination experienced by ethnic minorities with regard to employment and the administration of justice. He referred to reports of arbitrary arrest and ill-treatment of members of ethnic groups and aliens and urged the State party to continue to provide training to police and investigation officers on the legislation on racial discrimination. He asked what stage the bill on refugees and asylum-seekers had reached and requested specific information on the number, origin and situation of that group. He would like to know the measures that the State party intended to take in order to improve the situation of women and girls who were displaced or belonged to ethnic minorities with regard to education, health and employment.

13. He recommended that the State party should accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, in addition to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Lastly, he said that according to a Georgian non-governmental organization, the Armenian army had engaged in violent acts against Azeris living in Georgian villages situated along the border and asked the delegation to provide further information in that regard.

14. **Mr. Avtonomov** expressed concern about the highly critical position adopted by the Georgian Government with regard to the Committee on several occasions, including by a Georgian lawyer in Georgia's case against the Russian Federation before the International Court of Justice. He would like to hear the delegation's views on that issue.

15. In addition, he asked for further information on action taken to improve the situation of Roma children in general and their low school enrolment rate in particular. According to paragraph 20 of the report, the Roma community in Georgia consisted of 1,000 persons, including the Moldovan settlement in Tbilisi and a small community living in Khutaisi, who all followed the Roma way of life. He asked for detailed information in this connection, such as information on the languages written and spoken by Roma living in Georgia. He emphasized that the State party should endeavour to improve relations between the Roma population and the Georgian police.

16. He asked why so few Meskhetians had been able to return to Georgia and obtain Georgian nationality when they wished to maintain ties with their homeland. He wished to know whether the law on repatriation had been publicized and to know the reasons why deadlines had been imposed for the submission of repatriation applications. Lastly, he would like to know more about the situation of the Kist people in Georgia.

17. **Mr. de Gouttes** asked what measures the State party intended to take in order to supplement the criminal legislation on racial discrimination. Article 14 of the Georgian Constitution provided that all citizens were equal and articles 142 and 142 (1) of the Georgian Criminal Code guaranteed that constitutional principle by penalizing racial discrimination; however, gaps remained in the criminal legislation, which was not yet fully in conformity with article 4 of the Convention on the penalization of the dissemination of ideas based on racial superiority or hatred.

18. With regard to article 6 of the Convention, it was to be regretted that the report did not contain statistics on the number of complaints lodged, prosecutions brought or sentences handed down for acts of racial discrimination. The lack of information was surprising in a country in which there was inter-ethnic tension and where the risks of discrimination were very real. The lack of complaints was not necessarily a positive sign, as it could indicate that victims were not well-informed, feared being stigmatized, lacked confidence in the police or even that the efforts to raise public awareness that such acts were unlawful were inadequate.

19. He asked how members of the Office of the Ombudsman were appointed and how independent they were. He said that in April 2010, the European Commission against Racism and Intolerance (ECRI) had expressed concern over the increase in manifestations of xenophobia and racism since the armed conflict of August 2008, such as propaganda, stereotypes disseminated not only by the media and politicians but also in schoolbooks, verbal attacks against minorities such as Russians, Abkhazians and Ossetians, who were described as enemies, or against Armenians, Azerbaijanis, Chechen and Roma. He wished to know whether the State party had taken action to counter that worrying development.

20. **Mr. Calí Tzay** asked about the teaching of minority languages in Georgia. According to paragraph 29 of the report, particular attention was given to the translation of textbooks in minority languages and to the improvement of teachers' skills. He asked whether textbooks already used in schools were translated, or textbooks that were being developed. It would also be interesting to know whether those textbooks dealt with the history of Georgia and its constituent minorities. According to paragraph 32 of the report, the national curriculum required schools to promote the participation of all students in the educational process; he asked whether that requirement might perhaps give rise to discriminatory practices as certain students might refuse to participate in the activities proposed, including on confessional grounds.

21. **Mr. Kut** asked about the means employed by Georgia to prevent hate speech and racist insults and whether it intended to criminalize such acts. In view of the rise in xenophobia, it would be interesting to have further information on inter-ethnic marriages. In view of the fact that hate speech was also disseminated via the Internet, he wished to know whether Georgia intended to ratify the Convention on Cybercrime of the Council of Europe and the Additional Protocol thereto concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems.

22. He requested detailed information concerning the place of the Armenian and Azeri minorities in the State party's political, administrative and judicial life. It was important that Georgia should respect the principle of self-identification with regard to the Meskhetian Turk minority. Lastly, he invited the delegation to explain why the State was making changes to place names in regions inhabited by minorities.

23. **Mr. Lindgren Alves** endorsed Mr. Kut's observation concerning the right of Meskhetian Turks to self-identification. He asked why information leaflets aimed at the Meskhetian population concerning simplified procedures for granting Georgian citizenship had been translated into three languages (Russian, English and Azeri) but not into Meskhetian Turkish.

24. **Mr. Saidou** requested further information on the Office of the Ombudsman, including the budget allocated to it for the period 2010–2012.

25. **Mr. Prosper** asked the delegation of Georgia to indicate, from the Government's point of view, what the future prospects of the occupied territories, including Abkhazia, were and what action had been taken further to the judgment handed down by the International Court of Justice in the case of *Georgia v. Russian Federation*.

26. **Mr. Ewomsan** said that he would like to know if any Africans lived and studied in Georgia, as had been the case under the Soviet regime.

27. **The Chairperson** wished to know whether the global economic crisis and the conflict of 2008 had had an impact on programmes to combat racial discrimination.

28. **Mr. Tchiaberashvili** (Georgia) said that a large number of Africans lived in Georgia and some were even media figures. His country had indeed felt the effects of the global economic crisis and the 2008 conflict had had serious political and financial consequences; however, assistance programmes to national minorities had not suffered as a result. The financial support given by the United States of America and the European Union after the conflict had enabled Georgia to return to growth. The autonomous republic of Ajara was the most prosperous of Georgia's three autonomous territories, in part because of the significant investments made by Turkey, which was geographically close. The population of the autonomous republic of Ajara was predominantly Muslim.

29. The 2007 Act concerning the repatriation of persons forcibly displaced by the former Union of Soviet Socialist Republics (USSR) during the 1940s had been adopted in order to establish a legal framework for the return of those persons and their direct descendants. The right of persons with "returnee" status to obtain Georgian citizenship was guaranteed, in accordance with the procedure established by the Georgian Nationality Act. The deadline for the submission of repatriation applications had initially been established as 1 January 2009; however, on the basis of recommendations from a number of international organizations, including the Council of Europe, that deadline had been postponed on two occasions, until 1 July 2009 and, subsequently, 1 January 2010. In 1999, repatriation formalities had been amended in order to simplify them and to better meet the needs of the Meskhetian population. More than 5,000 persons had submitted repatriation applications. The majority of applicants lived in Azerbaijan but also in Ukraine, Kazakhstan and in the United States. Processing delays were frequently due to the submission of incomplete applications.

30. There was no Meskhetian language; the Meskhetian population spoke mainly Russian and Azeri, as most had been deported in the former Soviet republics. The term "Meskhetian Turks" should not be used, as Meskhetians were an ethnic subgroup of Georgia. A number of Meskhetians lived in the United States, following its decision to come to the aid of 15,000 stateless persons who were living in the Krasnodar region and who, when the Soviet Union collapsed, were not recognized by the Russian Federation and consequently became de facto stateless. In response to the concerns that had been expressed, by the Council of Europe in particular, with regard to the risk of some persons becoming stateless after obtaining returnee status, Georgia had abolished the requirement that persons with returnee status must renounce their citizenship of other countries.

31. **Ms. Kintsurashvili** (Georgia) said that in 2009, the Ministry of Reintegration had established an inter-agency commission in order to promote the integration of all ethnic minorities residing in Georgia and to coordinate the activities of government agencies with regard to repatriation. Administrative correspondence informing potential returnees that essential documents were missing from their applications had been translated into the mother tongue of the persons concerned.

32. **Ms. Goletiani** (Georgia) said that the Office of the Ombudsman had been established by the Organizational Act of 16 May 1996. In accordance with the Paris Principles, the Ombudsman was independent in the performance of his duties and was elected for a term of five years by Parliament, to which he was accountable. He could not be prosecuted, arrested or imprisoned and could not be held personally liable for decisions made in the course of his duties. He had available the necessary logistical and financial resources to ensure his independence. Following the armed conflict of 2008 between the Russian Federation and Georgia, the budgets of all Georgian public bodies had been scaled down, apart from that of the Ombudsman, which had actually increased.

33. **The Chairperson** said that the Committee would continue consideration of the fourth and fifth periodic reports of Georgia at the following meeting.

The meeting rose at 6 p.m.