



**International Convention on  
the Elimination of All Forms  
of Racial Discrimination**

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**Committee on the Elimination of Racial Discrimination**

**Combined ninth and tenth periodic reports  
submitted by Georgia under article 9 of the  
Convention, due in 2020<sup>\*</sup>, <sup>\*\*</sup>**

[Date received: 30 June 2020]

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\* The present document is being issued without formal editing.

\*\* The annexes to the present report may be accessed from the web page of the Committee.

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**List of Abbreviations**

AP	Action Plan
CEC	Central Election Commission of Georgia
CoE	Council of Europe
GLAAS	UN-Water Global Analysis and Assessment of Sanitation and Drinking-water
HRBA	Human Rights Based Approaches
LAS	Legal Aid Service of Georgia
LEPL	Legal Entity of Public Law
MIA	Ministry of Internal Affairs of Georgia
MOJ	Ministry of Justice of Georgia
MOU	Memorandum of Understanding
MRDI	Ministry of Regional Development and Infrastructure
NGO	Non-governmental organizations
ODHIR	OSCE Office for Democratic Institutions and Human Rights
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organization of Security and Cooperation in Europe
PAHCT	Prosecutors and Hate Crimes Training
PDO	Public Defender's Office of Georgia
PSDA	Public Service Development Agency
SDG	Sustainable Development Goals
SIS	Service of State Inspector
SSR	Soviet Socialist Republic
TAHCLE	Training Against Hate Crime for Law Enforcement
TCJ	LEPL Training Center of Justice (Ministry of Justice)
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
USAID	United States Agency for International Development
USSR	Union of the Soviet Socialist Republics

## I. Introduction and General Information

1. The 9th and 10th periodic report of Georgia on the Convention on the Elimination of All Forms of Racial Discrimination (further – the Convention) is prepared under Article 9 of the Convention.
2. This report aims to present information to the Committee on the Elimination of Racial Discrimination (further – the Committee) concerning measures undertaken by Georgia for the implementation obligations enshrined by the Convention. This report covered the period after 2016 when the combined 6th to 8th Periodic Reports of Georgia were reviewed.
3. Under paragraph 30 of the Concluding Observations of the Committee, in December 2017, Georgia submitted the Committee information on implementation of the recommendations contained in paragraphs 7 (implementation of anti-discrimination legislation) and 23 (stateless persons).
4. The Georgian side took into consideration the Harmonized Guidelines on Reporting under the International Human Rights Treaties, including Guidelines on a core document and treaty-specific documents<sup>1</sup> and Concluding Observations of the Committee on the sixth to eighth periodic reports of Georgia, dated June 22, 2016 (further – the Concluding Observations).<sup>2</sup> More specifically, the report presents information on the status of implementation of the Concluding Observations of the Committee. The situation in the occupied territories of Georgia is reported herein. The report also gives information on the status of implementation of commitments under different articles of the Convention.
5. All competent authorities of the executive branch of Georgia, the judiciary, and the legislative body cooperated in preparing this report. The Ministry of Foreign Affairs of Georgia coordinated the process. The following agencies participated in the process: The Human Rights Secretariat of the Administration of the Administration of the Government, the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia (further – MOIDPOTLHSA), the Ministry of Education, Science, Culture and Sport of Georgia, the Ministry of Regional Development and Infrastructure of Georgia (further – MRDI), the Ministry of Foreign Affairs of Georgia, the Ministry of Justice, the Ministry of Internal Affairs of Georgia, the State Security Service of Georgia, the Office of the State Minister of Georgia for Reconciliation and Civic Equality of Georgia, Human Rights and Civil Integration Committee of the Parliament of Georgia, the Office of the Supreme Court, the High Council of Justice, the Office of General Prosecutor of Georgia, the Legal Aid Service (further – LAS), the Central Election Commission (CEC), the National Statistics Office of Georgia, the State Inspector Service and the State Agency for Religious Issues.
6. The draft report was submitted to the Public Defender, non-governmental organizations, and international organizations for their suggestions and recommendations. According to the 2016 amendments to the Rules of Procedure of the Parliament, the Parliament reviewed the draft report. The document was updated based on the feedback from these agencies/organizations.

## II. Implementation of the Concluding Observations of the Committee

### **Recommendations (7)–(9) – anti-discrimination legislation and fight against hate speech**

#### **Legislative amendments**

7. In 2014, the Law of Georgia on the Elimination of All Forms of Discrimination and other significant legislative amendments were adopted. Namely, on May 4, 2017, the

<sup>1</sup> HRI/GEN/2/Rev.6.

<sup>2</sup> CERD/C/GEO/CO/6-8.

amendment to the Criminal Code of Georgia (further – CCG) was adopted that introduced new aggravating factors for punishment in a new Article 531. Racial discrimination and other bases of discrimination became aggravating factors for punishment under the said article. This amendment entered into force on June 1, 2017. Another amendment to this article dated November 30, 2018, defined: when imposing fixed-term imprisonment for a crime committed with the aforementioned aggravating factor, the term of a sentence to be served shall exceed at least by one year the minimum term of sentence provided for the committed crime. According to the amendment, a judge does not have the discretion to define a sanction for committing a crime based on race, skin colour, ethnic or national origin. S/he is bound by the law to aggravate a punishment by at least one year when imposing fixed-term imprisonment.

8. Amendments to the Law of Georgia on the Elimination of All Forms of Discrimination dated February 19, 2019, defined new spheres and relations wherein discrimination is prohibited. These are employment, healthcare, education, social services, and service delivery.

9. On April 17, 2018, Government Resolution #182 approved the 2018–2020 Action Plan of National Strategy for the Protection of Human Rights in Georgia. The Action Plan (AP) requires state agencies to implement various measures to prevent and fights against discrimination. It focuses on the following issues: more effective detection and criminal prosecution of discriminatory and hate crimes, proactively inform and raise public awareness of incidents of discrimination and hate crimes, eradicate any discriminatory provisions in the national legislation, and others.

10. On April 30, 2020, the Government Resolution #200 approved Rules of Ethics and Code of Conduct at Public Institutions. The Code of Ethics prohibits the use of hate speech and sexual harassment and specifies inadmissibility, identification, and prevention of sexual harassment.

11. To prevent and respond to use of hate speech by state officials/politicians, on February 22, 2019, the Parliament of Georgia adopted the Code of Ethics for the Members of the Parliament. Article 2 of the Code specifies the principle of prohibition of hate speech based on race, skin colour, sex, religion, or another basis. According to Article 3 of the Code, Members of the Parliament, in their official capacity, are prohibited to behave or make speeches and statements that are diminishing dignity, offensive, sexist and discriminatory or otherwise use hate speech.

12. The Ethics Council was created to ensure the effective implementation of the Code. It reviews and monitors violation of provisions, inter alia, on the prohibition of hate speech. If a Member of the Parliament violates the Code, the Council has the power to issue a recommendation. To ensure transparency and accountability to the public, the Council shall prepare an annual report and publish it on the website of the Parliament.

### **Strengthening Response Mechanism**

13. On May 10, 2019, the Law of Georgia on the State Inspector Service (further – the SIS) was adopted. The SIS, the legal successor of the Office of the Personal Data Inspector, was created in May 2019. The Law defines the SIS operational principles, competencies, and guarantees, as well as selection and termination of the State Inspector' term, and other issues. The SIS shall ensure independent and effective investigation of crimes against human rights and freedoms, including crimes committed based on discrimination if the crimes fall under the SIS mandate and are committed by representatives of a law-enforcement body, officers or persons equal to them (subject to the reservations specified by the Law of Georgia on the State Inspector Service). Crimes committed after 1 November 2019 fall under investigative jurisdiction of the State Inspector Service.

14. To protect the rights and freedoms of every member of the society effectively and respond to violations, in January 2018, the Ministry of Internal Affairs (MIA) established the Human Rights Protection Department. The Department's mandate expanded in 2019; it became the Human Rights Protection and Investigation Quality Monitoring Department. The primary function of the unit is to monitor the quality of investigation of cases of violence

against women, crimes committed based on discrimination and hate crimes, as well as crimes committed by and against minors.

15. The Department monitors investigation of the discrimination crimes motivated by intolerance from the very beginning based on submitted notifications and electronic review of criminal cases. The Department developed a table for registration and analysis of relevant criteria of the discrimination crimes motivated by intolerance. As a result, the quality of response improved, as well as the identification of discriminatory motives in such cases.

16. It is noteworthy that the Department prepared a recommendation on identification and effective investigations of the discrimination crimes motivated by intolerance. This recommendation is a useful tool for investigators in identifying and investigating crimes committed based on discrimination.

17. In 2017 the Strategy and Action Plan on the Prosecutor's Office for 2017–2021 were approved. These documents define strategic directions, objectives, tasks, time-frames for implementation, and indicators to ensure the effective use of the law-enforcement mechanism against hate crimes. More specifically, the fight against hate crimes was determined as the priority of the Prosecutor's Office; to implement precise criminal policy and adequate preventive measures, the following objectives were determined: develop unified approaches for the fight against crimes committed based on discrimination and hate crimes; specialization and training of prosecutors; raise the public awareness.

18. At the beginning of 2016, a recommendation for prosecutors and investigators of the Prosecutor's Office on practical implications of the article 531 – aggravating factors for criminal liability – was adopted. The recommendation addresses the qualification of hate crimes, specialized terminology, effective investigation, collection of evidence, and identification of motive.

19. For effective implementation of the 2017 recommendation on hate crimes, a specialized questionnaire was developed that specified rules of interview/examination of victims, accused, and witnesses. As a result of the education of employees of the Prosecutor's Office based on this document, the quality, and effectiveness of measures undertaken for identification of hatred motive in criminal cases increased.

20. To improve prosecutorial performance in the investigation of crimes committed based on religious intolerance, in 2017, the Human Rights Division developed a recommendation on the interpretation of statutory provisions, cases related to damages to the sacred buildings, qualification of verbal offence, and other vital issues.

21. Since 2011, the Service of Coordinator of a Witness and Victim Protection operates in the Prosecutor's office. According to amendments to the Criminal Procedural Code dated May 4, 2018, a coordinator of a witness and victim became a participant of criminal procedure, and the functions of the coordinator expanded. It is a priority to involve a coordinator in some criminal cases, including in proceedings related to hate crimes; as well as in cases wherein either victim or witness is a juvenile or a person with disabilities, victim/witness suffered grave physical/moral damage or/and communication with a victim/witness is difficult due to the stress caused by a crime.

22. To ensure adequate support to a witness and a victim, coordinators identify their basic needs, render psychological support, provide information on available services, and support them to use these services, such as the provision of shelter, health services, legal aid, support in employment and professional training. Coordinators attend investigative actions if victims participate, closed court hearings and communicate to victims the information on court proceedings and their rights using easy and understandable language. The coordinators also help victims to handle stress caused by the crime and prevent their revictimization. In 2018 and 2019, respectively, 9,292 and 8,348 persons (victims, witnesses, juvenile victims/witnesses, applicants) used the Service of Coordinator of a Witness and Victim Protection.

### **Statistical Data**

23. In 2016–2019 hatred motive was examined in 631 criminal cases, out of which 63 cases – in 2016, 86 cases – in 2017, 210 cases – in 2018, 272 cases in 2019. Criminal

prosecution was initiated against 422 persons, namely, in 2016, the prosecution was launched against 44 persons, in 2017 – 44 persons, in 2018 – 151 persons, and in 2019 – 183 persons. The annual statistics are as follows.

24. In 2016 hatred motive was examined in 63 criminal cases. National affiliation motive was examined in 1 case, ethnic origin motive – in 3 cases, religious motive – in 27 cases, racial discrimination/breach of equality of human beings – in 4 cases. Criminal proceedings were initiated against 44 persons for crimes based on discrimination motives: sexual orientation – 4 persons, religion – 16 persons, sex/gender 3 persons, nationality – 4 persons, and discrimination – 14 persons. As a result of the investigation of charges (allegedly religious motive – 1 person) ethnic origin – 2 persons) hatred motive was not identified; accordingly, it was not indicated in the decree to prosecute as the accused.

25. In 2017 hatred motive was examined in 87 criminal cases. Criminal proceedings were initiated against 44 persons for crimes based on discrimination motives: sexual orientation – 4 persons, gender identity – 4 persons, religion – 2 persons, sex/gender – 25 persons. As a result of the investigation of charges (allegedly gender identity motive – 6 persons, sexual orientation – 1 person, religion – 2 persons) hatred motive was not identified; accordingly, it was not indicated in the decree to prosecute as the accused.

26. In 2018 hatred motive was examined in 210 criminal cases. Criminal proceedings were initiated against 151 persons based on discrimination motives: sexual orientation – 15 persons, gender identity – 12 persons, ethnic origin – 1 person, race – 1 person, national affiliation – 3 persons, religious intolerance – 2 persons, based on gender/sex – 111 persons, political views – 3 persons, disability – 2 persons, and on another basis – 1 person.

27. In 2019 hatred motive was examined in 272 criminal cases. Criminal proceedings were initiated against 183 persons for crimes based on discrimination motives: sexual orientation – 19 persons, gender identity – 12 persons, race – 4 persons, national affiliation – 4 persons, religion – 13 persons, based on gender/sex – 119 persons, political views – 1 person, disability – 3 persons, race and ethnic origin – 4 persons, religion and gender – 1 person, sexual orientation and gender identity – 1 person, and on another basis – 2 persons.

28. In 2019, Human Rights Protection Division convened a conference and presented the report on measures implemented by the Prosecutor's Office to fight against hate crimes. The report covered analysis of investigation and prosecution of hate crimes (359 cases) committed in 2016–2018. In December 2019, the Human Rights Protection Division analyzed the criminal cases related to hate crimes. The analysis identified that the quality and effectiveness of measures undertaken by prosecutors for identification of hatred motive increased. Protection of human rights and fight against hate crimes are the priorities of the Prosecutor's Office, and relevant work will continue in 2020.

### **Expanded powers of the Public Defender**

29. According to the 2014 Law of Georgia on Elimination of All Forms of Discrimination, the Public Defender of Georgia – an independent body – is responsible for the elimination of discrimination and ensuring equality. To implement the statutory obligation, a structural unit – the Equality Department was created in the Public Defender's Office (further the PDO). 6 persons work in the Department at this moment, 5 out of which are permanent civil servants, and one lawyer is a representative of the UN Women within its ongoing project.

30. The Public Defender of Georgia receives and reviews applications and claims of physical and legal persons and groups of persons who claim to be the victims of discrimination. If enough proof of discrimination is collected, the Public Defender may recommend restoration of the victim's rights to the relevant organization or physical person. While recommendations of the Public Defender are not binding, its recommendations concerning discrimination may be enforced via court. If public bodies do not respond to or implement its recommendations, the Public Defender may apply to the court and request enforcement of the recommendation.

31. It is noteworthy that on May 3, 2019, amendments to the Organic Law of Georgia on Public Defender were adopted that expanded the mandate of the Public Defender. According to the implemented amendments:

- The Public Defender of Georgia may apply to the court as a plaintiff if a legal person, or other organizational entity, a union of persons that is not a legal person or an entrepreneur did not respond to or adopt his/her recommendation and there is sufficient evidence of discrimination;
- The Public Defender of Georgia request and receive, immediately or not later than 10 days, from state and local self-government authorities or officials, from a legal person, or other organizational entity, a union of persons that is not a legal person or from an entrepreneur all certificates, documents and materials necessary for conducting an inspection;
- In his/her reports, the Public Defender of Georgia shall also specify those legal persons, or other organizational entities, unions of persons that are not a legal person or an entrepreneur that violated human rights and freedoms or ignored recommendations of the Public Defender of Georgia on measures to be taken for the restoration of those rights;
- According to Article 24 of this Law, state and local self-government authorities, public institutions, officials, legal persons, or other organizational entities, unions of persons that are not a legal person or entrepreneurs that receive recommendations or proposals of the Public Defender of Georgia shall be obligated to examine them and report in writing on the results of the examination to the Public Defender of Georgia within 20 days.

32. To implement the statutory obligations, the budget of the PDO increases systematically. In 2015 the budget was 5 mln GEL, in 2016 – 4.6 mln GEL, in 2017 – 4.8mln GEL, in 2018 – 5.5 mln GEL, and 2019 – 6.4 mln GEL.

### **Raise awareness of representatives of law-enforcement bodies**

#### *Training of the MIA employees*

33. The training for MIA employees takes place permanently; they cover, inter alia, crimes committed with a motive of discrimination, hate speech, racial discrimination, ethnic and national intolerance.

34. LEPL Academy of the MIA incorporated awareness-raising of different issues in knowledge building activities, such as an anti-discrimination policy, to ensure the protection of human rights without discrimination based on race, skin colour or national or ethnic origin.

35. The curriculum for police officers includes the following essential issues: prohibition of discrimination, its essence, basic international documents, direct and indirect discrimination, positive obligations of states, the prohibition of discrimination and national regulatory framework, the Law of Georgia on Elimination of All Forms of Discrimination, the various basis of prohibition of discrimination (race, skin colour, nationality, sex, religion, sexual orientation, gender identity, and others), investigation of discrimination cases and specific characteristics of identification of motive of hatred. Information on implemented measures and trained personnel is provided in Annex N1 of this report.

36. In the MIA Academy, the discrimination module is part of all basic training and retraining courses. The module covers the international and Georgian regulatory framework. More than 6,500 police officers have already attended this training.

37. Since 2018, more than 200 managerial level employees attended the training on preventive measures for crimes committed based on the discrimination motive and hate speech.

38. In 2018, the guiding principles on the investigation of crimes committed based on the discrimination motive was developed; the guiding principles aim at supporting personnel to identify and duly prosecute relevant cases. A guideline for investigators was developed that specified instruction on the interview/examination of alleged victims, accused, and witness. The specialization of investigators was also launched.

39. On February 19, 2019, MIA and OSCE concluded a memorandum of understanding (Further – the MOU). According to the MOU Training Against Hate Crime for Law

Enforcement (TAHCLE) was introduced in MIA. The TAHCLE was developed with the participation of ODHIR, MIA, Prosecutor's Office, PDO, and NGOs. Within the framework of cooperation, experts invited by OSCE conducted training of trainers for 30 MIA employees. Preparatory works are ongoing to launch the cascade training process for the MIA personnel in 2020; it is noteworthy that NGOs will be engaged in the process.

40. In cooperation with the Council of Europe (further – the CoE), the training of trainers on the fight against discrimination, hate crimes, and hate speech in Georgia was conducted for the MIA personnel. The training module covers the following issues: concepts of discrimination and intolerance, the definition of discrimination crimes committed with intolerance motivation, interpretation of general standards set by the European Court of Human Rights, and international practice on crimes based on discrimination (including racism and nationality basis). Cascade training is planned for 2020 based on this module.

#### **Raise awareness of the employees of the Prosecutor's Office**

41. In 2016, in cooperation with the CoE, the first online training course on the prohibition of discrimination via the HELP platform was conducted. 20 prosecutors completed the course successfully.

42. In 2016, the Prosecutors Office of Georgia and ODHIR signed a memorandum of understanding on Prosecutors and Hate Crimes Training (PAHCT).

43. In 2018, specialization was conducted in the Prosecutor's Office; selected prosecutors/investigators attended intensive courses and work on hate crimes. Specialization of prosecutors/investigators continued in 2019, and now there is specialized personnel in every territorial entity. Now, 71 prosecutors, 15 managers, 56 prosecutors and investigators are specialized. It is noteworthy that specialized prosecutors conduct procedural supervision over relevant criminal cases.

44. In 2016–2020, in total 27 knowledge-building activities on the European standards on the prohibition of all forms of discrimination (including racial discrimination) were conducted; 535 employees (managers, prosecutors, and investigators of the Prosecutor's Office) attended them.

45. In 2016–2020, 6 groups of interns (total number – 162 interns) were trained in the prohibition of discrimination (including racial discrimination) within the framework of interns' training programmes. During the same period, 26 knowledge-building activities on the effective investigation of hate crimes were conducted. In total, 336 persons attended them.

46. In 2019, with the CoE support, a new HELP programme course on the fight against hate crimes was launched for the representatives of the Prosecutor's Office, MIA, and courts. 15 prosecutors are attending it. The HELP practical course "skills for effective investigation, prosecution, and rendering judgments on hate-motivated crimes" is piloted in Georgia.

#### *Training of the SIS employees*

47. After entry into force of the investigation mandate of the SIS on November 1, 2019, the training on the effective investigation of hate-motivated crimes for 20 employees of the Investigation Department was held.

#### *Training in the penitentiary system*

48. After reforming the government structure of Georgia in 2018, the penitentiary and probation systems were merged with the MOJ, and a new structure – the Special Penitentiary Service complying with international standards was established. The primary objective of the reform was to introduce and strengthen the management systems complying with the European and international standards and human rights based approach (HRBA). To eliminate discrimination and promote a tolerant environment in the penitentiary establishments, in 2019 the TCJ organized an orientation course for escort officers. The course focuses on discrimination issues, and 5–7 hours of the course are dedicated to the topic "what is discrimination?". The training takes into consideration the peculiarity and specific character of the target groups' activities. In 2019, 130 escort officers attended the training.

### **Raising public awareness**

49. To raise public awareness on anti-discrimination legislation and discrimination-related issues among different target groups, the TCJ conducted training countrywide, including in towns and villages inhabited by ethnic minorities since 2016.

50. Since 2016, a few information events were held at the LEPL TCJ, namely training on “What is discrimination?”, “Strengthening civil society engagement”. With the support of EU-OHCHR joint project Human Rights for All, the centre conducted a training on human rights.

51. Citizens, including representatives of ethnic minorities, have an opportunity to attend free training countrywide. The training is also held in regional centres inhabited by ethnic minorities. An ethnic minority representative is always a co-trainer in these regions. Training materials were translated into Armenian and Azerbaijani.

52. UNDP Georgia presented electronic brochures on anti-discrimination in Georgian, Ossetian, Abkhaz, Armenian and Azerbaijani languages to the TCJ. The formatting of the brochures for publishing on the TCJ website will be finalized soon.

53. It is noteworthy that English language courses for children are held at Community Centres in villages since 2017. The children attending the English language courses also attend training on law and human rights.

54. On 21–22 December 2019, the MOJ, together with UNDP and the Government of Norway, organized a public lecture on HRBA and UN Sustainable Development Goals for the managers of the Ministry and its system in Kvareli TCJ. During the training, the role of HRBA, anti-discrimination legislation, and human rights policy in achieving SDG objectives were discussed. In total, 24 managers (10 women, 14 men) attended the lecture.

55. The Prosecutor’s Office pays due attention to knowledge building and awareness-raising of crimes related to vulnerable groups. In 2019, the Prosecutor’s Office participated in a campaign “I choose equality” organized within the framework of the CoE project “Fight against discrimination, hate crimes, and hate speech in Georgia”. Within the campaign, different events, inter alia, meetings with representatives of society, students, and schoolchildren were organized. The representatives of the Prosecutors Office held 7 sessions in 7 towns of Georgia. Ethnic Georgians, Armenians, and Azeris attended the meetings with 400 participants in total. The campaign’s objective was to raise awareness of crimes motivated by discrimination, hate crimes, and hate speech, including racial discrimination and racist-motivated crimes.

56. In 2019 the Prosecutor’s Office joined the Government campaign against gender-based violence. The Prosecutor’s Office organized 24 information meetings in different towns of Georgia. The objective of the campaign was to raise awareness of committed crimes related to gender-based violence, crimes motivated by discrimination, hate speech and hate crimes, including racial discrimination cases, as well as the response of the state to these crimes. In total 1,170 persons, attended the meetings.

57. To provide information on hate crimes proactively to the public, in 2017–2019 the website and social networks of the Prosecutor’s Office, information on the prosecution of and charges of crimes committed against minorities and motivated by discrimination, including racial intolerance.

58. In addition to improving the quality of investigation and the qualification of investigators, the MIA Department on Human Rights Protection and Investigation Quality Monitoring is actively engaged in preventive measures and awareness-raising campaigns concerning discrimination-motivated crimes and hate crimes.

59. The representatives of the MIA Department on Human Rights Protection and Investigation Quality Monitoring participated in meetings organized within the framework of Equality Week. The importance of equality and legal mechanisms against discrimination was discussed during these meetings (see Annex N2).

60. Since its establishment, the State Agency for Religious Issues permanently conducts training on the increase of tolerance and strengthening of inclusion in the Georgian society.

In 2015–2016 the Agency conducted training courses on secularism and religious neutrality. In total, 200 civil servants attended the training courses.

61. The State Agency for Religious Issues cooperates intensively with all religious organizations existing in Georgia and promotes dialogue with them. Since the establishment of the Agency, the International Day of Tolerance (November 16) is celebrated.

62. To increase tolerance and social inclusion in the Georgian society, the State Agency for Religious Issues conducted the series of training in the Georgian universities. The training was held in almost every university in the capital and regions. More than 1,000 students attended the lectures. To increase awareness of tolerance, equality, and religious neutrality, the Agency conducted training series for representatives of almost all TV and radio stations, and newspapers. The training was held in different towns in 2018, and many media representatives participated.

63. The Agency conducted training courses to increase awareness of freedom of religion and human rights and basic freedoms and promote a culture of religious tolerance countrywide. 770 representatives of religious organizations registered in Georgia participated in the training.

64. Since 2016, the State Agency for Religious Issues initiated a cycle of conferences on Inter-religious Dialogue for Peace. 4 conferences have already been held. Another conference is planned next year. The Agency prepares publications on the freedom of religion systematically.

65. Raising awareness of beneficiaries represents the priority of LAS. The objective of this priority is to improve the capacity of beneficiaries to protect their rights. To achieve this objective, LAS organizes systematically consultative meetings in various regions of Georgia. In 2019, LAS conducted 133 consultative meetings were held; similar activities are planned for 2020.

#### **Fight against intolerance and racism in the education sector**

66. Human rights education is part of the school programme, namely the national curriculum for secondary schools. The programmes include the objectives and principles of the Universal Declaration for Human Rights and the Convention on Elimination of All Forms of Racial Discrimination.

67. In 2016, the national curriculum for primary education (I–VI grades) was approved. It includes curricula of social sciences: “Me and the society” and “Our Georgia”.

68. “Me and the society” aims at promoting humanistic values (non-violent behaviour, tolerance, equality) among schoolchildren, understanding and rethinking of the cultural diversity of the country, understanding of child’s rights and obligations, and responsibility before the family and the society, promoting tolerance towards different culture, nationality, persons with different abilities, peaceful settlement of conflicts.

69. The teaching objectives of “Our Georgia” highlight importance of understanding by the schoolchildren that ethnographic, natural, ethnic, religious and cultural diversity is the wealth of the country. Basic questions, activities, and homework comply with the objectives and principles of the Convention on Elimination of All Forms of Racial Discrimination.

70. In the 2018–2019 academic year, the course “Me and the society” and “Our Georgia” were introduced at schools. The textbooks are ready, and part of the teachers attended the training.

71. In 2018, the national curriculum for basic stage (VII–IX grades) was adopted that improved the civic education component. A new course, “Citizenship” was developed that fully complies with the objectives and principles of the Universal Declaration for Human Rights and the Convention on Elimination of All Forms of Racial Discrimination. This course was introduced in VII grade in autumn 2019.

72. The Ministry of Education, Science, Culture and Sports of Georgia (further – the MOESCS) is implementing a programme “the Second Opportunity at Receiving Education through Social Inclusion”. This programme aims at bringing back the beneficiaries to the

education system and increasing tolerance at public schools. Besides, the programme aims at peer integration of children with different abilities, belonging to different religions and ethnic groups, and with special education needs, and developing accountability to society among children of ethnic minorities.

73. Street children, Roma, repatriated Meskhs who do not have Georgian nationality, children, and youth with disabilities and with special education needs are the target groups of the social inclusion programme. Please see Annex N3 “The Projects of the Social Inclusion Programme” for more information on statistical data of the implemented projects of the programme.

### **Higher Education and Science**

74. According to the Law of Georgia on Higher Education, higher education institutions “ensure access to and openness of higher education, academic freedom, opportunity to acquire higher education at any time during a person’s lifetime, the participation of the academic personnel, scientific personnel and students in the process of making decisions and monitoring of their execution, publicity and transparency in managing a higher education institution and in competitions conducted in the institution, prohibition of any forms of discrimination in the field of higher education, including discrimination on any ground such as academic, ethnic, social or religious affiliation, and/or opinion, sex and other grounds.”

75. It is also noteworthy that most higher education institutions focus on human rights education in their programmes.

76. Education recognition procedures for refugees and internally displaced persons (IDPs) aim to eliminate discrimination and access to education. According to the 2019 amendments, it is also possible to recognize the education of persons under international protection.

77. According to the amendments to the Law of Georgia on Grants, citizens of other countries may also apply for grants announced by the Shota Rustaveli National Science Foundation of Georgia. Secondary legislation was also changed to comply with the amendment mentioned above.

## **Recommendation (11) – Disaggregated data**

### **Statistical data on the demographic composition of the population**

78. Georgia is a multi-ethnic country, where ethnic minorities (except in Abkhazia and Tskhinvali Region/South Ossetia) represent 13.2% of the population according to the 2014 General Population Census. The demographic composition of the population of Georgia, prepared by the National Statistics Office of Georgia, is given in Annex N4 of this report.

### **A system of data collection in cases of racial discrimination**

79. In criminal cases, statistical data is collected concerning a crime under Article 1421 (Racial Discrimination) of CCG. In 2017–2019 district (city) courts rendered judgments under Article 1421 (Racial Discrimination) concerning 15 persons in 4 cases. In 2 cases, the court passed a judgment of conviction against 3 persons; 2 persons were sentenced to imprisonment and one person – to a conditional sentence. In 2 cases, the judge delivered the judgment of acquittal to 12 persons. 2 cases were terminated due to the insanity of the accused.

80. In 2017–2019 the district (city) courts did not use aggravating factors under article 531 of CCG in cases related to Article 1421 (Racial Discrimination) of the CCG.

81. During this period, the courts did not review cases related to other articles that provide racial discrimination as an aggravating factor (e.g., CCG Articles 109.2.d, 117.5.d).

82. To improve the collection of statistical data in civil and administrative discrimination cases (including racial discrimination) in the judiciary, new primary registration statistical forms replaced existing ones. The new forms disaggregate every basis of discrimination, including racial discrimination, which allows for the collection of more sophisticated data. These forms were piloted in the judicial system in October 2019.

83. Amendment to the statistical cards of criminal cases (adding sections) is also noteworthy. According to this amendment, it is possible to collect comprehensive data on discrimination cases reviewed by courts, accused persons in these cases, applied sanctions and use of aggravating factors under Article 531. Courts will be able to use these forms at the beginning of 2020.

84. Within the framework of the CoE project “Fight against discrimination, hate crimes, and hate speech in Georgia”, work on improvement of data collection mechanism for racial discrimination cases is ongoing since 2018. The MIA Monitoring Department, the Prosecutor’s Office and courts equally participate in this project. The project aims to introduce a unified data collection mechanism on hate crimes in MIA, the Prosecutor’s Office, and the Supreme Court that will improve the registration of crimes and the quality of data processing.

## **Recommendations (12)–(13) – National or ethnic minorities**

### **Strategies and Action Plans**

85. The State Strategy for Civic Equality and Integration for 2015–2020 and Action Plan are essential instruments for civic integration. The “more diversity, more integration” approach is the basis of the Strategy. It aims to increase political involvement and improve civic participation of ethnic minorities, ensure equal social and economic conditions and opportunities, ensure access to high-quality education, improve the level of the state language knowledge, and preserve the cultural identity of ethnic minorities.

86. The Office of the State Minister of Georgia for Reconciliation and Civic Equality of Georgia coordinates the development and implementation of the Strategy and the Action Plan. A government commission is created responsible for the effective implementation of the Strategy. Thematic working groups operate under the commission.

87. Within the framework of the 2015–2020 Action Plan, annual action plans are developed that specify programmes and activities. The Strategy spells out reporting, evaluation, and monitoring mechanisms to measure progress and impact.

88. During the last years, many programmes and activities were realized to achieve the Strategy objectives. Implementation of specific and targeted mechanisms resulted in the improvement of civic integration in various directions.

### **Education and the state language**

89. The government pays great attention to ensuring access to high-quality education and improving the level of the state language knowledge as a useful tool for civic integration. Ethnic minorities have access to education at all levels (pre-school, secondary, higher, and vocational) in their native language. There are 207 non-Georgian public schools and 84 non-Georgian sectors at schools in Georgia.

90. The national curriculum is available in languages of ethnic minorities. A bi-lingual programme developed within the framework of a new school model will be implemented in non-Georgian schools. The selection of bi-lingual teachers is ongoing; selected candidates will teach in non-Georgian schools. In the 2019–2020 academic year, the updated national curriculum is being introduced in non-Georgian schools. All authorized textbooks for I–VI grades are translated; quality assurance mechanisms guaranteed the quality of translation.

91. Representatives of ethnic minorities have access to higher education. The programme “1+4” that provides simplified enrolment procedures at higher education institutions for representatives of ethnic minorities is very popular (statistical data: according to official data, in 2010, 299 non-Georgian school graduates enrolled at high education institutions, in 2011 – 429, in 2012 – 584, in 2013 – 890, in 2014 – 673 and in 2015 – 741, in 2016 – 960, in 2017 – 1047; in 2018 – 1,231; in 2019 – 1,335). See detailed statistical data in Annex N5.

92. During the 2016–2017 academic year, 114 teacher-consultants and 136 assistant teachers of the Georgian language, geography, and history were assigned to 179 non-Georgian schools in Kvemo Kartli, Samtskhe-Javakheti, and Kakheti. During the 2018–2019

academic year, 285 teachers were dispatched. During the 2019–2020 academic year, 121 teacher-consultants, 75 supporting teachers, and 69 bilingual support teachers work at 169 non-Georgian schools.

93. The LEPL National Centre for Teachers' Professional Development under the MOESCS prepared a training module "Create a safe education environment at schools for integration of students under international protection in the schools". The module targets training of teachers who teach children under international protection. The module provides for 8-hour contact training for two days. In 2018, 180 teachers attended the training.

94. The MOESCS developed a mechanism that will promote access to vocational education for ethnic minorities. Since 2016, representatives of ethnic minorities can pass vocational education tests in Armenian, Russian, or Azerbaijani languages and enrol in courses at vocational educational institutions that are fully funded by the State. Upon enrolment, the students attend the course of Georgian language (module) and only after they study the professional subjects.

95. In 2017, 33 students joined the vocational education courses based on non-Georgian tests, in 2018 – 49 students, and in 2019 – 76 students. The programme on the development of professional skills development was launched in 2017. The programme facilitates cooperation between the schools and vocational educational institutions to assist students in defining their vocational education interests. Schools and vocational educational institutions developed the programme jointly. It provides for organizing seminars at schools with teachers' engagement. The students of upper grades are beneficiaries of the programme. About 10 schools participate in the programme; representatives of ethnic minorities also attend these schools.

96. The Government of Georgia approved the State Programme on Vocational Education and Improvement of Qualification of Jobseekers on February 12, 2018 (Ordinance #76). The document applies to persons living in Abkhazia and Tskhinvali Region/South Ossetia and representatives of ethnic minorities. The programme provides the state funding, including accommodation at the campus of the state-owned vocational educational institutions. At the beginning of 2018, the Abkhazian language circle opened at #14 Batumi public school and Abkhazian language Sunday school – at public school of village Peria.

97. THE LEPL Zurab Zhvania School of Public Administration implements the programme on teaching state language in its 10 regional training centres (Akhalkalaki, Ninotsminda, Tsalka, Bolnisi, Dmanisi, Marneuli, Gardabani, Sagarejo, Akhmeta, Lagodekhi) and through mobile groups in towns and villages that are far from the regional training centres. In 2016–2019, 13,385 representatives of ethnic minorities benefited from the programme. The beneficiaries are 16–83 age range; representatives of different religious and social groups participate in the programme.

98. Since 2018, the Georgian language course was introduced in the armed forces (military personnel serving at military bases). With the initiative of the Office of the State Minister of Georgia for Reconciliation and Civic Equality of Georgia, the Georgian language courses were introduced in Marneuli and Dmanisi Municipalities for clergymen serving at Akhalkalaki and Ninotsminda eparchies of the Armenian Apostolic Church (the beneficiaries requested). The Georgian language courses are available for inmates at the penitentiary establishments. In 2014–2019, 449 beneficiaries attended Georgian language courses.

99. Millennium Challenge Account supported the development of the programme for support to professional development and career promotion of teachers working at schools in the regions densely inhabited by ethnic minorities. The process ended in June 2019. This programme aims to improve schools' infrastructure, the quality of education, and the professional development of teachers. See Annex N6 for more details on the programme.

#### **Support to small groups of ethnic minorities**

100. The Government supports the preservation of languages of small groups of ethnic minorities. The languages' teaching standards (Ossetian, Chechenian, Khundzian, Kurdish, Udiuri, and Assurian are approved. The teaching of these languages is provided upon request. Besides, support and the popularization of the culture of small ethnic groups are provided.

101. Within the framework of State Commission on Civil Equality and Integration, the Office of the State Minister of Georgia for Reconciliation and Civic Equality of Georgia developed a 2019–2020 Action Plan for the Pankisi Valley development. According to the Action Plan, different ministries and agencies will implement measures considering the needs and opportunities of the region. The development of local infrastructure and tourism is a priority. The number of higher education state-funded grants for students from the region increased to 15. The tourist trails were identified and launched; rehabilitation and construction of schools and kindergartens are ongoing.

102. During the reporting period, various events were conducted at the Community Centre of Kvareltskali (Pankisi Valley), such as Georgian and English language courses for the local population, training courses on gender equality and women’s rights, meetings on rights of persons with disabilities, meetings on visa-free travel in EU and migration, informative meetings on agriculture and state-funded grants programmes.

103. The MOJ provides a 6-month English language course for A1 and B1 level studies to support the population in Pankisi Valley in improving their English language skills and access to foreign language studies. The local English language teachers tutored the courses. The venue of the courses was the Community Centre of Kvareltskali. The courses were held within the framework of State Strategy on Civic equality and integration and Action Plan for the PankisiValley Development.

104. Concerning the 12(b) and 13(d) paragraphs of the Concluding Observations of the Committee, it should be mentioned that the Government of Georgia implements rural development policy without discrimination and on equal basis. Singling out any particular region might become the reason for stigma. Various forms of discrimination and stigmatization of certain groups of society are known factors to contribute to terrorism, extremism and radicalization. This is duly noted in the National Strategy of Georgia on Fight against Terrorism and its 2019–2021 Action Plan, approved on 23 January 2019. The document notes that the state, together with active participation of civil society, ensures protection of the rights and freedoms of its citizens, regardless of their race, color, language, sex, religion, political or other opinions, national, ethnic and social affiliation, origin, property and social status, place of residence, as well as their civil equality and involvement in public life. The Strategy puts an important emphasis on the chapter of Prevention. The document is based upon the whole-of society approach and various stakeholders including central and local authorities, public-private organisations as well as civil society are engaged in implementation of the Strategy.

### **Political participation**

105. Eleven members of the Parliament are the representatives of ethnic minorities. In the regions densely populated by ethnic minorities, their representatives in the local self-governments are proportional to the population composition.

106. Since 2017 community-consultative councils operate at the offices of the administration of the state representative/governors in Kakheti and Kvemo Kartli regions that ensure engagement of ethnic minority representatives in the decision-making process. This format of communication improved the participation of the representatives of ethnic minorities in the decision-making process.

107. Increased participation in civil society means engagement of the representatives of ethnic minorities in public administration. In summer 2017, the Office of the State Minister of Georgia for Reconciliation and Civic Equality of Georgia launched a “1+4” pilot internship programme for the ethnic minority students. It covers skills-training and access to public services for participants. Due to the popularity of the programme, in December 2017 the Office of the State Minister of Georgia for Reconciliation and Civic Equality of Georgia initiated amendments to the #410 Ordinance of the Government of Georgia (dated June 18, 2014) on State Programme on Rules and Requirements of Internship at Public Service. The amendments provided simplified procedures for the “1+4” programme beneficiaries. By January 2020, the number of beneficiaries of the programme was 294.

### **Promote voting rights for ethnic minority representatives**

108. During last several years the citizens residing in the regions densely populated by national minorities actively participate in elections (Parliamentary, Presidential, local self-governments) carried out in Georgia. The CEC promoted equal electoral rights of the ethnic minorities. All necessary documents are available in Armenian and Azerbaijani languages. The CEC supports projects by NGOs that aim at awareness raising of national minorities on electoral issues.

109. During 2016–2019 the CEC translated and disseminated electoral documentation, informational videos and information leaflets on available services for awareness raising of Armenian and Azerbaijani voters residing in regions densely populated by ethnic minorities. The CEC also ensured accessibility of the unified voter list ([voters.cec.gov.ge](http://voters.cec.gov.ge)), ability of ethnic minority population to obtain information through telephone/information center and translation of various electoral documentation for Armenian and Azerbaijani members of the precinct election commissions.

110. During 2016–2019 the election administration (EA) implemented four informational-educational projects in the regions densely populated by ethnic minorities. The projects targeted pupils of XI–XII grades of the public schools, students, youth and the voters of all ages. During 2016–2019 grants were issued to local NGOs for implementing projects aiming at awareness raising of ethnic minorities on electoral issues and at promoting their participation in the elections. 38 projects were funded with the total budget of up to 1 000 000 GEL.

111. During 2017–2019 the EA implemented an information campaign “Talk to Voters”. The meetings were organised throughout Georgia, including in the municipal centres and villages of regions densely populated by ethnic minorities, including villages populated by Kists (Pankisi Gorge) and Roma population. Leaflets in Armenian and Azerbaijani languages were disseminated during the campaign.

112. For the 28 October 2018 Presidential elections, “Ethical Principles” for the candidates participating in elections promoting a culture of elections free of violence and hate speech was elaborated. This was a totally new initiative which was facilitated by the CEC with the support of the government of Switzerland. Signatories of the document agreed to respect Georgian legislation, to act in line with the principles of democratic governance, encourage peaceful campaign environment, and abstain from acts of violence. According to the “Ethical Principles” the candidates carry out their campaign without any discrimination based on ethnic, religious, gender or other affiliations, refuse to use hate speech, or statements containing xenophobic rhetoric or intimidation.

### **Infrastructural Projects**

113. Many infrastructural and economic projects are implemented based on consultations with the local population in regions densely inhabited by ethnic minorities. Namely, energy infrastructure rehabilitation, gasification, irrigation and drinking water canals rehabilitated/construction, water reservoir restoration, road rehabilitation, and roads, bridges and streets lights refurbishment projects were implemented. One house of justice and eight community centres (one more community centre is under construction) were built and opened in the regions inhabited by ethnic minorities.

114. Information on MRDI infrastructural projects in Pankisi Valley implemented in 2016–2019 Valley is available in Annex N7.

115. According to Water Global Analysis and Assessment of Sanitation and Drinking-water (GLAAS) results, 86% of the population (95% in towns and 76% in villages) have access to upgraded sanitation establishments. 100% of the population, including in the regions inhabited by ethnic minorities, have access to safe drinking water.

### **Access to employment, economic empowerment**

116. The Government of Georgia implements an active labour market policy through employment facilitation programmes since 2015. The State Programme for Vocational Training and Retraining of Job Seekers aims at facilitating employment and increasing job

seekers' competitiveness in the most demanded areas of the job market through vocational training and retraining and/or internships at workplace. Vulnerable groups are the priority beneficiaries of the programme. It has two components: short-term vocational training and retraining and internships at workplace.

117. The state programme on the development of employment support services in Georgia aims at the development/implementation of the active labour market and employment support services. Representatives of ethnic minorities are the primary beneficiaries of this programme.

118. The Labour and Employment National Strategy prioritized increased access to the employment of representatives of ethnic minorities and improved social-economic conditions and opportunities for them. In 2019 the LEPL Employment Support State Agency was created to facilitate labour and employment of the population.

119. Amendments to the Georgian legislation were adopted on February 19, 2019. The amendments introduced an obligation for employers to respect the equality of participants not only in contractual labour relations but also in pre-contractual relations. This obligation prohibits any form of discrimination when publishing a vacancy notice and at a selection stage. Awareness-raising activities are also implemented. In 2018, information booklets on support to employment and labour rights were prepared in Armenian and Azerbaijani languages.

120. In July and August 2019 in Marneuli and Dmanisi municipalities, information meetings on employment support services, occupation safety and labour rights for ethnic minorities were organized. Representatives of local municipalities, non-governmental organizations, and other stakeholders (around 100 persons) attended the meetings.

121. Women's economic empowerment is a priority. In 2018–2019 the Office of the State Minister initiated training course "How to begin and develop business" for women residing in Kvemo Kartli and Pankisi Valley. The course aimed at providing knowledge and skills necessary for launching and developing business. UN Women financed the best 11 business projects.

122. A large-scale door-to-door information/awareness-raising campaign is ongoing that aims at dissemination of information on human rights, civic integration policy, education, women's rights, domestic violence, European and Euro-Atlantic integration process in minority languages among ethnic minorities.

123. In 2018–2019 more than 300 information meetings on social-economic programmes and services were held. The Office of the State Minister of Georgia for Reconciliation and Civic Equality of Georgia in cooperation with UN Association Georgia (with the financial support of USAID) implemented project "Yung European Ambassadors". The objective of the project was to increase awareness of the perspectives of the European and Euro-Atlantic integration of Georgia among ethnic minorities. In 2017–2019, 6,349 persons participated in 302 meetings organized by the project in 241 villages of 39 municipalities.

### **Healthcare**

124. According to Article 28 of the Constitution of Georgia, the right of a citizen to affordable and quality health care services shall be guaranteed by law. According to Article 4 of the Law of Georgia on Health Care, the principles of healthcare policy are, inter alia, protection of human rights and freedoms in the field of health care, and acknowledgement of the honour, dignity, and autonomy of the patient, and universal and equal accessibility of health care for the population within the limits of the State obligations provided for by the state health care programmes. Article 6 of the Law reiterates the right to health and prohibits discrimination.

125. Ethnic minorities in the regions densely inhabited by ethnic minorities have access to information on state healthcare programmes and social benefits, various disease, and their prevention. Information materials are available in minority languages.

126. In 2016–2019, within the framework of state programmes on "Healthcare promotion", "Safe blood", and "Early detection and screening of diseases", educational materials were translated and published in Azerbaijani and Armenian languages. In 2018–2019 various

information meetings concerning existing state programmes were held. Videos in Armenian and Azerbaijani languages were produced and broadcasted on TV.

127. In the regions inhabited by ethnic minorities, various studies of the population were conducted with donor support, such as early marriage in Georgia, healthcare behaviour of schoolchildren and others.

### **Protection services for victims of trafficking in human beings and violence**

128. The internal regulations of the LEPL Agency State Care and Assistance for the (statutory) Victims of Human Trafficking (from 1 February, 2020) (further – the State Agency) and its territorial units (branches) require non-discriminatory treatment of beneficiaries; a dedicated article enshrines the protection of beneficiaries from violence, discrimination, and disregard. Besides, the internal regulations of the State Agency’s territorial units – service providers to victims of domestic violence (shelters and crisis centres) – provide that the shelters are accessible without discrimination. Accordingly, victims of trafficking in human beings (together with their dependants), victims of violence against women and domestic violence (together with their dependants) and victims of sexual crimes have access to shelters and crisis centres irrespective of race, skin colour, language, sex, age, citizenship, origin, place of birth or residence, property or social status, religion or belief, national, ethnic or social origin, profession, marital status, health, disability, sexual orientation, gender identity and expression, political or other opinions, or other characteristics.

129. The target groups can access without discrimination the following services:

- Psycho-social support/rehabilitation;
- Organizing/receiving medical services;
- Legal aid (including representation at the court and law-enforcement bodies);
- Temporary daily accommodation (in shelter or Tbilisi Crisis Centre);
- Translation and other services, if necessary.

130. The internal labour regulations of the State Agency also prohibit discrimination. This document specifies that beneficiaries may receive services specified in the document and other legal acts equally, without discrimination based on race, skin colour, language, sex, age, citizenship, origin, place of birth or residence, property or social status, religion or belief, national, ethnic or social origin, profession, marital status, health, disability, sexual orientation, gender identity and expression, political or other opinions, or other characteristics. These regulations provide sanctions for breach of internal labour regulations and other regulations of the State Agency.

131. In 2016–2019 the State Fund regularly conducted awareness-raising campaigns on trafficking in human beings, violence against women and domestic violence, and relevant services for ethnic minorities living in Tbilisi and regions.

132. In 2016, within the framework of the preventive component of the USAID funded project “reduction of Domestic Violence in Georgia”, brochures on prevention of domestic violence were prepared and published in four languages (Georgia, Russian, Armenian and Azerbaijan languages – 500 copies). The brochure describes the forms of domestic violence, victims’ support mechanisms, the State Fund services, and target groups. Also, in 2018 trilingual brochures were printed for the crisis centres.

133. Since 2017, beneficiaries may receive consultations on domestic violence, violence against women, trafficking in human beings, and sexual abuse via consultation hotline (116 006) that is available 24/7 in Georgian and seven other languages (English, Russian, Turkish, Azerbaijani, Armenian, Arabic, and Farsi).

134. In 2019, with the support of UN Women, the State Fund opened a crisis centre (service provider to violence victims) in Marneuli (Kvemo Kartli). This measure aimed at reducing violence against women in the region inhabited with ethnic minorities.

135. Besides, the State Fund conducts information meetings with national minorities in Tbilisi and regions. Information on these meetings is available in Annex N8 of this report.

### **Preservation of Cultural Identity**

136. The state supports activities aimed at promoting the culture of ethnic minority representatives and inter-cultural dialogue. The Ministry of Education, Science, Culture and Sports (MESCS) supports ethnic minority theatres, museums and cultural centres. It also implements a program to support culture of ethnic minorities. The registration of monuments of cultural heritage is ongoing and various buildings receive the monument status. The monuments of various ethnic minorities are being monitored and rehabilitated.

137. For the purposes of preservation, development and promotion of culture of ethnic minority representatives, self-expression and promotion of their further integration within Georgian space without discrimination, various activities were carried out by the LEPL Petros Adamian Tbilisi State Armenian Drama Theatre, LEPL Heydar Aliyev Tbilisi State Professional Azerbaijani Drama Theater, LEPL Al. Griboedov Russian State Drama Theatre and LEPL Circassian (Adyghe) Cultural Center.

138. In the framework of the contest organized by the MOESCS within the scope of the project “Supporting Ethnic Minorities”, which aimed at preservation of original culture of ethnic minority representatives and promoting their traditions, number of exhibitions, cultural events and performances of ethnic minority artists were held and publications were printed during the reporting period.

139. Number of cultural events were organised in the Pankisi Gorge in the framework of supporting ethnic minorities during the reporting period. Namely: the World Day of Cultural Diversity for Dialogue and Development was celebrated in village Duisi; Joint folk concert with participation of Tushetians and Vainakh people organised within the scope of the project “Promotion of Cultural Heritage of National Minorities”; ABCs of art of photography was taught to students of public schools in Pankisi Gorge in the framework of the project “School of Photography in Pankisi Gorge”. At the end of the project their photos were exhibited and the album “Vainakh Art” was published; “Vainakh Fairytales” were developed for publication. Numerous festivals, concerts, performances and exhibitions were held.

140. A contest with the objective of preserving original culture of ethnic minorities and promotion of creative arts was organised in the framework of the project “Supporting Culture”. The contest aimed to protect, present and promote cultural diversity of Georgia and to encourage enhanced inter-cultural dialogue; to support events to present ethnic minority culture and publish anniversary editions. Within the winner projects of the contest, five books-albums describing life and works of public figures representing different ethnic minorities residing in Georgia were published and audio discs were released; a play on the motifs of Abkhazian myths and folk tales “Sara Bara Bzia Bzo or I Love You” was performed on the grand stage of the State Youth Theatre.

141. For further promotion of cultural diversity and integration of ethnic minority representatives living in Georgia as well raising awareness of young people and developing their creative skills, the LEPL Giorgi Leonidze Georgian Literature Museum has implemented a project “Supporting Diverse Georgia” and organised the event dedicated to the World Day of Cultural Diversity (21 May) with participation of Sukhishvili National Ballet, where national dances of various ethnic minorities residing in Georgia were performed. More detailed information about the projects that were implemented is available in Annex 9 of this Report.

### **Access to media and information**

142. The State Strategy for Civic Equality and Integration and its Action Plan prioritize access to media and information for ethnic minorities. The Georgian Public Broadcaster broadcasts news with a companion sound tracks in Georgian, Armenian and Azerbaijan languages. In 2017, the Georgian Public Broadcaster launched the website [www.itv.ge](http://www.itv.ge) in 7 languages (Georgian, Abkhaz, Ossetian, Armenian, Azerbaijani, English and Russian) where news is published for interested persons. The State continues financial support to Azerbaijani (Gurjistan) and Armenian (Vrastan) newspapers. The newspapers are

disseminated in the regions densely inhabited by minorities and the penitentiary establishments.

143. Ethnic minority inmates have access to TV programmes in their language in the penitentiary establishments. 22 TV channels broadcast in minority languages. Besides, Armenian and Azerbaijan newspapers are delivered in the libraries of every penitentiary establishments once a month.

#### **Access to legal aid**

144. The reform of legal aid system is gradually implemented with an aim to ensure access to effective and quality free legal aid for national and ethnic minorities, internally displaced persons from the occupied territories, asylum seekers and stateless persons in line with international standards.

145. LAS provides legal aid through its bureaus and consultation centres. In 2019, LAS priority was to increase access to legal aid with special emphasis on regions inhabited by ethnic minorities wherein access to legal remedies is limited due to social and cultural peculiarities.

146. In 2019 LAS opened 1 bureau (in Ozurgeti) and 3 consultation centres (in Duisi, Tsageri, Shuakhevi). Opening of a consultation centre in Duisi was crucial for the local population as it enables them to address their legal problems locally.

147. In 2020, improvement of territorial coverage of legal aid services is the priority of LAS. Therefore, LAS plans to open additional 33 consultation centres gradually in different regions, including municipalities inhabited by ethnic minorities (Gardabani, Bolnisi, Lagodekhi, Tetrtskaro, Dmanisi and others). New consultation centres will be equipped with necessary inventory and equipment.

148. Raising awareness of beneficiaries represents the priority of LAS. The objective of this priority is to improve the capacity of beneficiaries to protect their rights. To achieve this objective, LAS organizes systematically consultative meetings in various regions of Georgia. In 2019, 133 consultative meetings were held, including in the regions inhabited by ethnic and religious minorities.

149. LAS presented the following important and topical legal issues during the meetings: prohibition of discrimination and right to equality; right of ethnic and religious minorities; violence against women and domestic violence; family and hereditary law; labour rights; child rights; land registration; programmes supporting agricultural development and business.

150. In 2020, LAS plan meetings in regions inhabited by ethnic minorities to raise their awareness of important and topical legal issues.

151. LAS concluded a memorandum of understanding with the Translator's Bureau to address the language barriers of national and ethnic minorities. The interpreters participate in information meetings and other activities, if necessary.

152. LAS develop innovative projects to support ethnic minorities in realization of their legal rights. The project "Mobile groups" provide legal aid service to persons living in border regions. The project "Video and radio" aim at promoting awareness-raising through videos and radio reports.

153. In 2019 7 000 information booklets (triplets) were distributed in Armenian and Azerbaijanian languages about new electronic services of the business registry under the LEPL National Agency of Public Registry of MOJ in the villages resided by ethnic minorities (Kumurdo, Poka, Baraleti, Sadaxlo, Kazreti, Iormughanlo, Kabala, Martkopi, Sartichala community centres) for the purpose of enhancing ethnic minorities' access to public services.

154. The information on the web-page of the LAS is provided for in 4 ethnic minority languages, in particular, in Abkhazian, Ossetian, Armenian and Azerbaijanian.

**Recommendation (15) – Roma and children who live on the street**

155. Roma community resides on the territory of entire country. According to the 2014 Census data, 604 members of Roma community reside in Georgia. According to the data collected by the Office of the State Minister for Reintegration and Civic Equality, there number is about 2 300.

**Registration and identification**

156. The LEPL Public Service Development Agency (further – PSDA) issues identification documents under a general rule and equal conditions are guaranteed for all irrespective of race, ethnic origin, gender of other characteristics (it is noteworthy that PSDA does not register persons based on race or ethnic origin and therefore, statistical data on this issue is not available).

157. PSDA, together with the Innovations and Reform Centre and UNHCR, implements a project Reduction and Prevention of Statelessness to facilitate access to identification documents by Roma population. In 2015–2019, within the framework of the project, PSDA supported 55 Roma persons to solve issues related to their identification.

158. A working group under the Interagency Council on Combating Trafficking in Persons (the working group created on November 14, 2014) drafted amendments to up to 10 legal acts to address legal issues of children who live and work on the street. These amendments aimed to improve documentation of homeless children and the child protection referral procedures to prevent violence.

159. The legislative amendments introduced a term “street child” – a minor living in the street and/or a minor working in the street, who has been identified as such by an authorised social worker, in accordance with the profile of the person. After the introduction of the term, the State can issue identification documents to these children that enable them to access healthcare, education, social and other state programmes.

160. To address problems related to identification documents, the LEPL Social Service Agency may request PSDA to issue identification documents free of charge for street children and children victims of violence. Before, only a parent or a guardian could request it.

161. The legislative amendment upgraded child protection mechanisms from violence. The role of a social worker, a person with the relevant qualification and experience, was increased. In case of emergency, s/he may decide to separate a child from an abuser. Violation of a separation decision is subject to administrative liability; if a person violates the decision after being sanctioned under administrative legislation, s/he will face criminal responsibility.

162. The Parliament of Georgia adopted this legislative amendment on June 22, 2016, that entered into force on August 10, 2016. During 2016–2019, identification documents were issued free of charge to 25 street children and 10 children victims of violence.

163. For the purpose of protection of children from all forms of violence, the Government of Georgia adopted a decree on Child Protection Referral Procedures in 2016. The document broadened the number of entities involved in the referral system, which serves the purpose of protection of children from all forms of violence at or outside their home through the establishment of well-coordinated and effective system.

164. The MOIDPOTLHSA, MIA and the Prosecutor’s Office are obliged to form a unified database on children victims of violence to ensure effective administration of referral procedures. MIA is the technical administrator of the database.

165. After legislative amendments, the MOJ issues grants for projects on street children with the total amount of 54,000 GEL. The objective of the grant competition was to offer educational, cognitive, social, cultural, sport and other programmes to children living and working on the street; another objective was to identify new locations of street children during the non-working hours and day-offs.

166. In 2017, the MOJ held another grant competition (25,000 GEL) aimed at raising awareness of the risks of children who live and work on the street, giving money to street

children as it might encourage staying on the street, as well as raise awareness of the state mechanisms and services for child protection. The information brochures were prepared and disseminated in 6 languages (Georgian, English, Russian, Turkish, Azerbaijanian and Armenian).

167. UNICEF, in collaboration with the MOIDPOTLHSA, World Vision International in Georgia and the Open Society Georgia Foundation, decided to conduct a new study with the objective of improving the understanding of phenomena involving children's street lives. The aim was also to map existing institutional responses in order to develop policy responses and improve existing policy, services and institutional mechanism. Based on the recommendations of this study, the Government of Georgia launched work to develop a unified vision and national policy on street children.

168. On June 13, 2018, the Parliament of Georgia adopted the Law of Georgia on Social Work. Working with children with special needs and identifying and addressing their needs are part of the social workers' tasks. Strengthening the institute of social workers represents an essential prerequisite for addressing problems of children, including minors who live and work in the street.

169. The Human Rights and Civil Integration Committee of the Parliament approved an implementation plan of the Law of Georgia on Social Work. The plan provides an implementation of measures aimed at the education of social workers, popularization of social workers' profession, increase of a number of social workers and twofold growth of their salaries by 2024.

170. In 2019, the Parliament of Georgia adopted the Code on the Rights of the Child. The Code defines the fundamental rights and freedoms of a child, the state system for their protection and support and legal basis for the operation of this system.

171. The principal provisions of the Code shall enter into force on 1 September, 2020. Code on the Rights of the Child guarantees rights of all children, including Roma children, as well as ensures realization of these rights in an environment that is free from discrimination, stigma and isolation from the society.

172. The long-term results of the Code are addressing the child poverty, adequate protection of children from violence and other forms of exploitation, the harmful influence of drugs and gambling, and threats from media and internet; the Code will also ensure increased access to inclusive education and high-quality healthcare programmes. High-risk groups will benefit from the Code the most.

### **Educational measures**

173. The Social Inclusion Support sub-programme is being implemented. It aims at the integration of children, including Roma Children, in the formal education system. Within the framework of the programme, clubs were opened in the regions wherein the densely populated Roma children with Georgian peers participate in different educational and cultural events, including learning of the Georgian language. The programme resulted in an increased number of Roma children who get formal education (88 in 2015 and 289 in 2017).

174. In 2016–2017 an educational module was developed that aimed to increase awareness of Roma among schoolchildren. Information conferences, seminars and working meetings on issues related to Roma population were organised.

175. The Ministry of Education implements many activities to attract Roma children to the education system. The Ministry regularly identifies the needs of Roma children. Besides, the Ministry also takes steps to increase trust in the education system and raise awareness of the importance of education among Roma population (organisation of clubs and community activities).

176. Within the frameworks of the program, the events are dedicated to the International Roma Day, including the exhibitions, where the items characteristic to Roma and Meskhetians are presented in cooperation with the programme volunteers and beneficiaries (Roma, Meskhetians). Nowadays, even in boarding schools, there are online lessons in

handcrafting, where local peers make the items in order to study the uniqueness of Roma and Meskhetians (100 participants).

177. In 2017–2019, within the framework of the grant competition, the public schools of Zugdidi and Poti organized field training for the subprogramme beneficiaries where Roma adolescents and their peers had an opportunity to exchange information on Roma culture and living.

178. Within the framework of the programme “the Second Opportunity at Receiving Education through Social Inclusion”<sup>3</sup>, the Ministry of Education works towards the second opportunity at receiving education for out-of-school children to ensure the right to education for the children living and working in the streets, including Room children. A State programme on data exchange was developed to introduce and develop a monitoring system of children who are out-of-school or at risk to be out of school. This programme enables to identify every child who left the education system or are out-of-school and reasons, and support based on the educational needs.

179. Since 2015 Transit Education programme is being implemented. Its beneficiaries are street children who are out-of-school or at high risk to be out of school. The objective of the programme is to integrate children into primary or basic levels of the general education system or promote their vocational education, considering the age of these children. Another objective is to support beneficiaries who are at high risk of leaving schools through their social engagement and improvements of their academic results.

180. In 2015–2018, approximately 250 children (Georgian, Moldavian and Roma children) used the services. Out of them, 40 children who were not studying were enrolled in public schools, 10 enrolled in vocational education institution; the preventive measures were undertaken to avoid early leaving schools by other beneficiaries. In 2019, the number of beneficiaries fluctuated between 120–150.

181. The Ministry of Education, Science, Culture and Sport of Georgia carried out many activities to attract Roma adolescents in educational space and promote their full participation in public life (see Annex N10).

### **Improvement of socio-economic conditions**

182. The State Strategy for Civic Equality and Integration and respective Action Plan 2015–2020 envisages implementation of various projects and activities (social, educational, cultural) directed at improving socio-economic conditions of Roma people, improving their access to educational opportunities and maintaining their unique culture. Within the Government Commission (established for effective implementation of the Civic Integration Strategy) a working group on smaller and vulnerable ethnic minorities, including Roma, is operational which ensures close cooperation with civil society organizations working on Roma issues and also with some Roma community representatives who serve as a link with the community. All persons residing in Georgia are equal and the social protection rights guaranteed by laws are equally accessible for all. Fairness and impartiality are the main principles when deciding upon the issues of provision of social protection.

183. All persons living in Georgia are equal and provisions on social protection are equally applicable to them. Decision-making related to safeguarding social protection rights to population is based on fairness and impartiality principles.

184. Persons with Georgian identification documents, with status-neutral identification documents, status-neutral travel documents, stateless persons with a status in Georgia, asylum seekers, persons with the refugee or humanitarian status are beneficiaries of state healthcare programmes. Roma and repatriate persons if belong to any of the aforementioned category have access to universal healthcare programme and other state programmes targeting 23 diseases.

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<sup>3</sup> See more information on other components of the programme in sections dedicated to Recommendations 7 and 9.

185. According to the Law of Georgia on Elimination of All Forms of Discrimination, principle of equal treatment is applicable to, *inter alia*, social protection, social care, social benefits and others. According to the State Programme on Social Rehabilitation and Child Care, its different services are available to Georgian citizens, as well as to persons who are not Georgian citizens but have other identification documents.

186. The objective of the Subprogramme on Ensuring Accommodation for Street Children is to rehabilitate and integrate children living and working on the street. Under this programme, there are 6 shelters (Tbilisi, Rustavi, Kutaisi) and 6 daycentres (Tbilisi, Rustavi, Kutaisi). 6 mobile groups (4 in Tbilisi and 1 in Kutaisi, 1 in Rustavi) work with homeless children. Within the framework of the subprogramme, 3 Roma are employed.

187. In 2016–2018 within the sub-programme “Providing shelter for homeless children”, services were provided to 672 beneficiaries (among them 288 beneficiaries belonging to ethnic minorities, including 62 from Roma community); 9 beneficiaries were placed in foster care; 28 children returned to biological families; 13 children were placed in the small family-type home; 28 beneficiaries were engaged into the formal education process by enrolling in schools; in 2016 families of 12 beneficiaries engaged in the Emergency Assistance Programme for families with children in crisis; in 2016–2018 documents of 21 children were arranged. In 2017 the Ministry of Education and Science of Georgia provided special educational services within all active services of the programme for the homeless children – 74 beneficiaries.

188. In 2019 within the sub-programme “Providing shelter for homeless children”, the mobile groups in Tbilisi, Rustavi and Kutaisi interacted with 428 homeless children (including Roma children); 259 beneficiaries were served by daycare centers and the 24-hour shelters, including 183 children, who benefitted from daycare centres and 76 children – who stayed in the shelters. As of today 3 Roma children are employed.

189. It shall be noted that within 2018–2019 the MOIDPOTLHSA organised informational meetings to raise awareness on social programmes in the regions densely populated by ethnic minorities in the framework of large-scale information campaign for the representatives of ethnic minorities.

190. The data on ethnic composition (including of Roma) of groups is not being processed. Representatives of ethnic minorities and/or Roma community belonging to the target groups of respective social/labour/health protection programmes, have full access to benefits/services without any restriction.

191. The information concerning access to employment is provided within responses to Recommendations 12 and 13.

### **Child marriage prevention**

192. According to the Georgian legislation, marriage shall be permitted from the age of 18. Amendment to the Civil Code of Georgia dated December 16, 2015 cancelled the provision that allowed marriage of a minor from the age 16 with the consent of a parent of a guardian. On January 1, 2017, the provision allowing marriage of a 17-year old minor with his/her own will and the consent of the court due to the birth of a baby was also cancelled. Accordingly, the minimum age of marriage in Georgia is 18.

193. Legislative amendments were adopted to prohibit child marriage and/or forced marriage. Namely, on March 30, 2018 the Criminal Code of Georgia was amended; Article 1501 introduced a new aggravating factor in forced marriage crime – committing the crime knowingly against a minor. Besides, to prevent child marriages, new aggravating factors were added to Article 140 and sanction was increased. Namely, penetration of a sexual nature into the body of a person below 16 years of age, committed knowingly by an adult by a group of persons or repeatedly shall be punished by imprisonment for a term of eight to ten years.

194. Civic education programme was fundamentally changed during national curriculum revision. During this process the duration of civil education component increased. “Citizenship” curriculum for primary level that reflects on early marriage problem is already approved.

195. In 2015–2016, the Ministry of Education and Science implemented the Subprogramme on education and engagement of parents. One of the strategic directions of the subprogramme was to educate parents on the risks of early marriage. Within the framework of this subprogramme, meetings with parents of schoolchildren living in the regions where early marriages were often occurrences, were systematically conducted.

196. Gender mainstreaming is an important direction of the State Strategy for Civic Equality and Integration which includes implementation of information/awareness raising campaigns on human rights, anti-discrimination legislation, early marriage, domestic violence and trafficking. As a result of implementation of the project “Youth for Gender Equality” (initiated by the Office of the State Minister of Georgia for Reconciliation and Civic Equality and supported by USAID) 282 meetings were conducted by volunteer-educators in 196 villages of 21 municipalities, attended by 7849 beneficiaries.

197. As the part of awareness raising activities, on October 6 and 23, the representatives of the MOJ and the LEPL Social Service Agency conducted training on early marriage for the Samtskhe-Javakheti Gender Equality Group which consisted of youth centre members of the PITA, Tbilisi State University, Ilia University, Ninotsminda, Akhalkalaki and Akhaltsikhe, and Kartl-Kakheti Gender Equality Group. During the meetings, participants discussed regulatory framework on early marriage, its causes and results, including medical and social outcomes. The training participants conducted meetings on early marriage for different target groups – schoolchildren, teachers and community leaders – in the villages of Samtskhe-Javakheti and Kartl-Kakheti.

198. On March 31, 2018, the TCJ and the MOJ organized a conference on the role of women in public and political life II. The objective of the conference was strengthening economic, political and social gender role of women and raising awareness of regulatory framework on early marriage, its causes and results among the youth, schoolchildren and students from Kakheti region.

199. In 2019, MIA conducted 18-day campaign “Do Not Take Childhood Away” aimed at prevention of early marriages, elimination of crimes supporting early marriage, raising awareness among public and promoting immediate notification to police of such crimes.

### **Recommendation (17) – Recommendation (17) – Persons who were forcibly removed during USSR**

200. The Strategy on Repatriation of Persons Involuntarily Displaced by the Former USSR from the Georgian SSR in the 1940s approved by the Government of Georgia on September 12, 2014, enshrines the principle of dignified and voluntary return of persons with the repatriate status and their integration.

201. 5,841 persons submitted an application under the Law of Georgia on Repatriation of Persons Involuntarily Displaced by the Former USSR from the Georgian SSR (the Soviet Socialist Republic of Georgia) in the 1940s. These applications were reviewed individually, considering the principle of the unity of a family. The most applications were with defects; applicants could rectify these defects within the specified time (later this time was extended). Applicants did not rectify any defects.

202. Only a few applicants could submit documents certifying involuntary displacement. Therefore, the Government established a Council of Doyens that consisted of the elderly Meskhs. The function of the Council was to establish involuntary displacement if the submission of certifying documents was not possible. This measure aimed at eradicating obstacles for the repatriate status seekers and protecting their interests. In total, 1,998 adults acquired the status of a repatriate (all minor members of the family who were born before or after the submission of the application also acquired the status).

203. The Georgian legislation provides the simplified procedure for acquiring Georgian citizenship for persons with a repatriate status. According to this procedure, requirements concerning knowledge of the official language, history, and basic principles of the law of Georgia within the established limits, possession of the property, employment, and other requirements do not apply to these persons.

204. A person with a status of a repatriate may apply for Georgian citizenship under a simplified procedure after two years of granting the status. S/he should submit the following documents: a) a copy of the birth certificate (if an applicant is minor or was born abroad); b) a document certifying her/his status of a repatriate.

205. 494 persons with the status of a repatriate have already applied for Georgian citizenship. All of them acquired Georgian citizenship. None of them denounced the citizenship of other countries that was a precondition for entry into effect of the Georgian citizenship. Amendments to the Law of August 23, 2016 extended timeframe from 2 to 5 years for submission of a document certifying renunciation of the citizenship of another country for all 494 persons. However, citizenship of any person has not taken effect at this moment. These persons claim that the renunciation of Azerbaijan citizenship is difficult that falls beyond the competence of the Georgian authorities.

206. It is noteworthy that since 2016 persons with a repatriate status have not applied for acquiring Georgian citizenship under the simplified procedure. Even more so, only 30 persons with a repatriate status live in Georgia. The reason could be that a person with a repatriate status who is well established and integrated into another country finds it difficult to give up his/her houses and lives despite the readiness of Georgia to accept them.

207. It is noteworthy that, according to the Organic Law of Georgia on Georgian Citizenship, it is possible to acquire Georgian citizenship by naturalization. Any descendants of forcefully displaced persons can use this possibility.

208. According to Article 17.1 of the Organic Law of Georgia on Georgian Citizenship, Georgian citizenship may be granted by way of exception to a citizen of another country who has made a contribution of exceptional merit to Georgia. The President of Georgia may also grant Georgian citizenship by way of exception to an alien based on state interests.

### **Recommendation (19) – Labour Inspection Service**

209. In 2015, the Ministry of Labour, Health and Social Affairs created a Labour Conditions Inspection Department. The mandate of the Department was expanded gradually. In 2015–2017 the Department had a recommendatory mandate.

210. The #112 Ordinance of the Government of Georgia (dated 2016) introduced the implementation rules of state inspection to prevent and respond to forced labour and labour exploitation. According to this document, Labour Inspection is a competent authority that conducts planned and unplanned supervision to identify and respond to forced labour and labour exploitation.

211. In 2018, the Law of Georgia on Occupational Safety was adopted. After the adoption of the Law, in August 2018, the Inspection began inspections of sectors related to heavy, harmful and hazardous work involving an increased level of danger. In 2019 the Law of Georgia on Occupational Safety became organic Law that enhanced safety standards; at the same time standards of occupational safety and defects of the Law that created obstacles to the effective protection of occupational safety were addressed.

212. Namely, the mandate of the Inspection was expanded; its activities cover every sector of economic activities. Besides, before September 1, Labour Inspection could carry out unplanned control of an enterprise/company only based on the court permission. Based on the amendments, the Inspection is authorized to inspect any working space subjected to inspection procedures and conduct inspections, scrutiny, or checks of a working space at any time of the day.

213. Work on the Law of Georgia on Labour Inspection is ongoing. The objective of amendments is to introduce high standards for protecting labour rights and bring Georgian legislation and enforcement procedures in compliance with the country's international commitments.

214. Amendments to the Labour Code of Georgia are also under preparation. According to the amendments, the Law of Georgia on Labour Inspection shall also apply to labour relations.

Now the Labour Inspection may supervise labour relations based on its recommendatory mandate that constitutes a challenge.

215. It is noteworthy that in 2019 amendments to the Labour Code entered into force that introduced a provision on the prohibition of all forms of discrimination and sexual abuse. The Public Defender is a competent authority to control the implementation of the relevant provisions. According to draft amendments, the Labour Inspection will become responsible for the implementation of the relevant anti-discrimination provisions.

216. In January 2020, the Government of Georgia increased the number of labour inspectors from 40 to 100. It was necessary to implement effectively expanded mandate of the Labour Inspection.

## **Recommendation (21) – Asylum-seekers**

### **Compliance of the Law of Georgia on International Protection with international standards**

217. The Parliament of Georgia adopted the Law of Georgia on International Protection on December 1, 2016. It entered into force on February 1, 2017. The following by-laws were adopted based on this Law:

- The asylum procedure;
- Procedures for the placement at a reception centre or for accommodation at other places;
- The form of a certificate of an asylum seeker, and the procedures for issuing and changing such certificate;
- Procedures for taking the fingerprints of an asylum seeker and for the processing of such personal data;
- The terms for the storage of personal data processed based on Law of Georgia on International Protection.

218. The Law defines 3 forms of international protection: the refugee status, humanitarian status and temporary protection.

219. UNHCR actively participated in drafting the Law and by-laws. The Law fully complies with the 1951 Geneva Convention Related to the Status of Refugees and incorporates provisions of EU 2011/95/EU and 2013/32/EU Directives.

220. The Law establishes standards for reception and treatment of asylum seekers, legal status, rights and obligations, social and economic guarantees of asylum seekers and persons under international protection, procedures for granting, terminating, revoking and withdrawing international protection, competences of government institutions and coordination mechanism for effective and fair implementation of asylum procedures.

221. The Law also established basic principles, standards applicable to all stages of the asylum procedure, procedures applicable to persons with special needs, rights, and freedoms of asylum seekers and persons under international protection.

222. The Law defines the following principles: the principle of non-expulsion, the prohibition of discrimination, confidentiality principle, the principle of family integrity, derived status, best interests of the child, mass entry, persons with special needs, an alternative of internal displacement, single parent, release from criminal liability for illegal border crossing, etc.

### **Fair and efficient asylum procedure**

223. International Protection Division of the MIA Migration Department is a responsible agency for asylum-related issues. There are four subdivisions in the division: refugee status defining subdivision, Reception Centre for Asylum Seekers, collection of information on states of origin and quality assurance divisions.

224. It is noteworthy that temporary reception facility that is equipped with modern standards is under the Migration Department.

225. In Georgia, the asylum procedure means the legal process, which involves actions implemented by state agencies responsible for the enforcement of the Law on International Protection, from the moment of a request for international protection until a final decision on international protection is made, including until a court decision enters into legal force.

226. Aliens or stateless persons have the right to request international protection at the state border of Georgia at the moment of their entry into Georgia, as well as during their stay in the territory of Georgia. In the case of the illegal entry into or stay in the territory of Georgia of an alien or a stateless person, he/she shall immediately apply to the state agency with a request for international protection. In such case he/she shall be released from criminal liability in accordance with Article 7 of the Law on International Protection.

227. The state agency shall ensure the translation of information for an alien or a stateless person into a language understandable for him/her, which is required for ensuring the availability of the asylum procedure. The state agency shall draw up a protocol immediately after the receipt of a request for international protection and directs a person to the Ministry within 3 days; a person with special needs shall be directed immediately. If an asylum seeker is minor, a guardian/caregiver shall be appointed immediately.

228. The Ministry shall take a decision on granting or refusal of international protection within 6 months (the term of review may be extended up to 21 months). Any decision made by the Ministry may be appealed to a court in accordance with the legislation of Georgia within a month after the issuance of the decision.

229. Prior to the entry into force of a court judgment, an asylum seeker shall enjoy the rights and guarantees defined the Law on International Protection. The decisions of the first instance court may be appealed to the Court of Appeal within 15 days. Decision of the Court of Appeal is final and cannot be appealed.

230. According to Article 69 of the Law on International Protection, a potential threat to the state security of Georgia created by asylum-seekers or internationally protected persons may be a reason for rejecting the application on international protection. A well-grounded decision on refusing to grant international protection status shall be sent to an asylum seeker in Georgian or translated into a language understandable for him/her.

231. Any decision made by the Ministry during the asylum procedure, including refusal to grant international protection based on state security considerations, may be appealed to a court in accordance with the legislation of Georgia within a month after the issuance of the decision to the asylum seeker.

232. Courts have full access to the information related to state security that served as the basis for refusal of granting international protection. The Public Defender can also access this information.

233. If the first instance court rejects the asylum seeker's application, s/he may appeal the decision to the Court of Appeal. The decision of the Court of Appeal is final and cannot be appealed.

234. Prior to the entry into force of a court judgment, an asylum seeker shall enjoy the rights and guarantees defined the Law on International Protection, such as access to free legal aid, including concerning their application on international protection.

235. LAS provides free legal aid (all forms) to asylum seekers and stateless persons irrespective of their social status and other criteria.

236. LAS permanently reviews the need for expanding its mandate. Based on the review, it is planned to expand its mandate in 2020. After the legislative amendments, asylum seekers and stateless persons will have access to free legal representation in administrative bodies as well.

237. LAS is planning to create a group of highly qualified lawyers working on asylum-seekers' cases. LAS will select lawyers through competition; lawyers who are ethnic minorities, as well as knowledge of minority languages will be prioritized. The assignment

of cases to these lawyers will be different; they will also have benefits. LAS will ensure training and continuing legal education of selected lawyers.

### **Recommendation (23) – Stateless persons**

238. Georgia takes active measures to reduce and prevent statelessness as manifested by the adoption of the Law of Georgia on the Legal Status of Aliens and Stateless Persons in 2014. The working group on statelessness of the State Commission on Migration Issues drafted the Law based on the national legislation and practice analysis. Representatives of different state agencies, international and non-governmental organizations participated in the working group.

239. The Organic Law of Georgia on Georgian Citizenship does not provide a provision concerning a child who would otherwise be stateless. However, the Law provides different possibilities to acquire Georgian citizenship for “child who would otherwise be stateless”. During the drafting, children’s statelessness risks were evaluated, and the following regulations were included in the Law based on the analysis of legislation and practice:

240. A child will acquire Georgian citizenship by birth if:

- S/he is born on the territory of Georgia through extracorporeal fertilization (surrogacy) and the country of citizenship of neither of his/her parents recognises her/him as its citizen;
- A child is born in the territory of Georgia to persons having a status of stateless person in Georgia;
- A child is born on the territory of Georgia, one of her/his parents has a status of a stateless person in Georgia and the other parent is unknown;
- A minor is living in Georgia and her/his both parents are unknown (the identity of parents or nationality of parents are unknown).

241. The aforementioned provisions minimize the risks of rendering a child born in the territory of Georgia stateless. It is noteworthy, that in practice there were no cases when a person born in Georgia needed acquisition of Georgian citizenship as s/he would otherwise be stateless. Before 2014, some cases caused risks of child’s stateless as a child was born through extracorporeal fertilization (surrogacy) and the country of citizenship of neither of his/her parents recognises her/him as its citizen. New regulations were adopted to address this problem. There is a theoretical possibility for a child to become stateless, if a child is born in Georgia and parents’ citizenship is not applied to her/him due to jus soli or on the ground of gender discrimination. However, in this case, a child shall be granted a status of statelessness and s/he may acquire Georgian citizenship after living in Georgia for five years upon her/his application on citizenship.

242. The Law provides for stateless persons the possibility to acquire Georgian citizenships by naturalization under regular, simplified and restoration procedure.

243. The following requirements are prescribed for granting Georgian citizenship under regular procedure:

- (a) Lawful residence in Georgia for the last 10 consecutive years up to the day of applying for Georgian citizenship;
- (b) Knowledge of the official language, history, and basic principles of law of Georgia within the established limits;
- (c) Having a job and/or real estate in Georgia, or business in Georgia territory or holding an interest or shares in a Georgian enterprise.

244. Georgian citizenship under simplified procedure shall be granted to a person who is married to a Georgian citizen and who has continuously lawfully resided in Georgia for the last 5 years up to the day of applying for Georgian citizenship, s/he knows the official language, history, and basic principles of law of Georgia within the established limits and there are no grounds for a refusal to grant Georgian citizenship by naturalisation.

245. Georgian citizenship should be granted to a person by way of its restoration if her/his citizenship was terminated unlawfully, by a renunciation of citizenship or as a result of the choice of his/her parent. According to the Law, a person who wants to acquire Georgian citizenship should know the official language within the established limits and there should not be grounds for a refusal to grant Georgian citizenship by naturalization. These requirements do not apply to a person whose citizenship was terminated unlawfully.

246. Since July 2016, local municipalities participate in the procedures related to the establishment of Georgian citizenship. They may establish the fact of living (presence) of a person in the territory of Georgia. The Agency establishes Georgian citizenship based on the certificates issued by municipalities. If Georgian citizenship cannot be established under this procedure, a person may acquire Georgian citizenship under a simplified procedure. In this case, a person should know the official language, history, and basic principles of law of Georgia within the established limits, and there should not be grounds for a refusal to grant Georgian citizenship by naturalization.

247. It is noteworthy that Georgia continues measures to reduce and prevent statelessness. In October 2019, during the UNHCR executive commission session, Georgia committed to grant Georgian citizenship by naturalization to stateless persons and improving their rights. Under this commitment, no later than 2021, Georgia will amend the Organic Law on Georgian Citizenship to change a requirement of 10-year living in Georgia and reduce it to 5 years for stateless persons living in Georgia who wish to acquire Georgian citizenship.

248. The principle of the 1954 UN Convention concerning the child who would otherwise be stateless is on the working group's agenda on statelessness of the State Commission on Migration Issues. In 2019, the working group decided to study the EU legislation, practice, and migration risks in Georgia. The working group will decide whether the principle mentioned above should be incorporated into the Georgian legislation based on the findings of the study.

## **Response to Concluding Recommendations**

### *Adherence to international treaties*

249. Georgia adhered to the Optional Protocol to the Convention on the Rights of the Child on a communications procedure dated December 19, 2011. The Protocol entered into force for Georgia on December 19, 2016.

250. According to the recommendations, Georgia initiated the national procedure to adhere to the following international legal acts: the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance, Optional Protocol to the Convention on the Rights of Persons with Disabilities, Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. All competent authorities participate in this process.

### *Amendment to article 8 of the Convention*

251. According to the recommendation, the national procedures were initiated and are ongoing.

### *Update of the common core document*

252. The update of the common core document is ongoing.

### *Dissemination of information*

253. As mentioned above, this report was prepared with the participation of all competent agencies. The draft report was submitted to the PDO, international and non-governmental organizations working in the field for their comments and suggestions. The draft report was also submitted to the Parliament for review, and it was publicly available. The Concluding Observations of the Committee were translated into Georgian and communicated to all

relevant agencies. The national human rights action plans incorporated the committee's recommendations to facilitate coordinated efforts for their implementation.

### **III. Situation in the occupied territories, discrimination of ethnic Georgians**

254. The human rights situation in occupied regions is more and more deteriorating. Georgians living in Abkhazia and Tskhinvali regions are victims of discrimination on ethnic grounds that create a real threat of another wave of ethnic cleansing. Russian occupation regimes in Sokhumi and Tskhinvali grossly violate fundamental human rights and freedoms, including violation of the right to life, torture and ill-treatment, kidnapping and illegal detention, violation of the right to receive education on Native language, restriction of freedom of life, property and, movement etc.

255. Despite the efforts of the international community, as a result of various ethnical cleansing, hundreds of thousands of refugees and internally displaced persons still are deprived the opportunity to return to their homes safely and with dignity.

256. Deprivation of life of the citizens of Georgia has become a disturbing trend in recent years, as demonstrated by facts like the murder of David Basharuli in 2014, Giga Otkhзорia in 2016 and Archil Tatunashvili in 2018. It should be stressed that representatives of the Russian occupation regime directly participated in all murders. It is noteworthy that in the case of Archil Tatunashvili murder, he was mercilessly tortured, which was confirmed by the expertise. Besides, Irakli Kvratskhelia, illegally detained citizen of Georgia by Russian occupation forces, has died on the Russian military base in the occupied Abkhazia region. It is alarming that despite repeated urges from the international society and constructive cooperation of the Georgian Government, justice cannot be enforced on mentioned cases. Thus, the offenders remain unpunished. The mentioned approach not only aggravates the syndrome of impunity but also encourages violence on ethnic grounds and crime against the Georgian population.

257. One of the main challenges in occupied territories remains the freedom of movement, which represents one of the tools of ethnic discrimination. Russian occupational regime in Sokhumi and Tskhinvali are deliberately trying to restrict the freedom of movement of the population by erecting barbed wires and human-made barriers along the occupation line, by illegally detaining and abducting people, as well as imposing various discriminative restrictions.

258. The Russian occupation forces (FSB troops) continue to strengthen the occupation line in Abkhazia and Tskhinvali region by erecting barbed wires and other human-made barriers. As a result, more than 800 families are affected as the locals are deprived the possibility to visit families, have no access to their property, agricultural lands, religious places and cemeteries; they cannot receive the healthcare and education services in Government controlled territory. Due to the mentioned discriminative restrictions, many Georgian families were forced to leave their places of residence.

259. In order to restrict the freedom of movement, the occupational regimes frequently close so-called "crossing points". In 2016 and 2017 four "crossing points" were closed in the region of Abkhazia. In January and February 2019, the traffic was restricted for a month in the Abkhazian region and two months in Tskhinvali region. In June 2019, the occupation border in Abkhazia was closed causing significant damage to the Georgian entrants living in Gali region, who wanted to enrol in higher education institutions on Georgian controlled territory. The occupation borderline is closed for an indefinite period since September 2019, causing full isolation of the region and bringing the local population to the edge of a humanitarian crisis, especially in the Akh'algori district which is inhabited by ethnic Georgians. The whole region faced food and medicine shortage problem. Closure of "crossing points" mainly affected vulnerable groups, who are no longer able to receive medical treatment or the pension on Georgian controlled territory. Denial of medical evacuation from Akh'algori district led to 14 cases of death since September 2019. Due to irresponsible and completely non-humanitarian approach, death toll of innocent people continues to rise. People are denied emergency evacuation on the basis of their ethnicity.

260. Number of illegal detentions and abductions is disturbing. According to the Government data, since 2016, Russian occupation forces detained 305 persons in Abkhazia and 468 – in Tskhinvali region. These statistics reflect the data collected by the Government of Georgia, which represents only 15–20% of actual cases. Occupational regimes do not take a humanitarian approach and do not hesitate to arrest women, elderly, children, doctors and clergy.

261. In Gali region (Abkhazia), occupational regime forces local Georgians to register as “foreigners” on their homeland since 2016. This process restricts the fundamental rights of local Georgians, such as right to private life, work, freedom of movement and the right to property.

262. In terms of ethnic discrimination, prohibition of education on native language is also alarming. Education in Georgian language was forbidden in the Abkhazia since 2015 and in Tskhinvali region since 2017, resulting in leaving more than 4,000 students every year unable to receive education in their native Georgian language.

263. The cases of harassment and oppression of human rights defenders and civil activists in the occupied territories, frequently on ethnic grounds, should be noted separately.

264. The right to property of ethnic Georgians is regularly violated in occupied territories. During the 2008 Russian-Georgian war and onwards, tens of thousands of houses of ethnic Georgians were deliberately burned and destroyed. Special “bill” has been initiated in the so-called “Parliament” of occupied Abkhazia, which prohibits the property inheritance rights even of the family members of persons who fought against so-called “independence” of Abkhazia in 1992–1993. In Autumn 2017, the occupational regime of Tskhinvali destroyed up to 300 houses of internally displaced Georgians in village Eredvi and in 2019 started works to set up landfill in the mentioned area, which is expected to be operational by the end of this year. Furthermore, the destruction of village Dzartsemi and its transformation into a military training area is also noteworthy. As a result of Russian aggression and follow up to illegal actions directed towards rooting out of Georgian traces from the occupied Tskhinvali region/South Ossetia, among others 11 Georgian villages (Tamarasheni, Kvemo Achabeti, Zemo Achabeti, Kurta, Kekhvi, Kheiti, Dzartsemi, Kemerti, Argvitsi, Berula, Eredvi) were completely destroyed.

265. Ongoing ethnic discrimination in the occupied territories puts a heavy burden on the population affected by the conflict, who permanently live under stress and oppression and is forced to become the hostage of illegal russification or leave home and join hundreds of thousands of IDPs and refugees displaced due to various waves of ethnic cleansing. Russia does not allow human rights international mechanisms to enter the region. It continues to hinder creation of international security mechanisms on the ground and deprives the EU Monitoring Mission of access to both Abkhazia and Tskhinvali regions, although the Mission’s mandate covers the entire territory of Georgia.

266. Due to illegal occupation and actual annexation of regions of Abkhazia and Tskhinvali by the Russian Federation, the Georgian Government is deprived of the opportunity to exercise legitimate jurisdiction in the mentioned regions. Russian Federation exercises the effective on-site control and therefore, the Russian Federation, as the occupational force is fully responsible for facts of gross violation of fundamental human rights and freedoms in the regions of Abkhazia and Tskhinvali.

267. Despite illegal activities of Russia, the Government of Georgia carries out the policy of peaceful resolution of the conflict, which includes, the efforts towards de-occupation of territories of Georgia by Russian Federation on the one hand, and promotion of reconciliation and trust-building process between the societies torn apart by the war and occupational border lines, on the other hand.

268. The Government of Georgia, with the support of and close cooperation with the international community, uses all diplomatic and legal leverages to ensure the protection of rights of all IDPs and persons currently living in the occupied territories. In this regard, the Government tries to utilize negotiation platforms – Geneva international negotiations and the mechanisms of incident prevention and responding within its frameworks. However, Moscow deliberately politicizes the humanitarian issues through its destructive activities,

preventing substantive discussions and thus achieving results within the scopes of the negotiations. Due to the abovementioned approaches, meetings in occupied Gali, within the mentioned format, have not been held since 2018, similarly as in occupied Tskhinvali – since 2019.

269. The Government of Georgia continues to inform the international community in terms of the human rights situation and ethnic discrimination of Georgian in the occupied territories. These issues are actively raised in all relevant bilateral and multilateral formats and reflected in many documents adopted by states or international organizations.

270. In 2018, Georgian Government adopted the List of Persons Accused and Convicted of Murder, Abduction, Torture and Inhuman Treatment, Serious Health Injury of Citizens of Georgia as well as Concealment of those Crimes in the Occupied Territories – the “Otkhozoria-Tatunashvili List” and continues to actively cooperate with international organisations and partner states in order to introduce the respective restrictive measures against the persons responsible for those violations.

271. From the very beginning of the COVID-19 pandemic, the Government of Georgia expressed its readiness to provide full-fledged support to the population residing on the other side of the occupation line. Free medical treatment to the COVID-19 patients (as well as the persons with chronic diseases, including cancer) from the occupied regions were provided in the hospitals that are located on the controlled territory. EUMM-facilitated hotline mechanism has been operational to facilitate medical evacuation of people from the occupied regions. Furthermore, the construction of multi-functional medical hospital in Rukhi was sped up. Opened on 24 April 2019, it is the closest point to the occupation line in the direction of Abkhazia region. Government managed to provide significant humanitarian aid to the people living in the occupied Abkhazia region, while the Tskhinvali occupation regime continues to refuse receiving any assistance. The Georgian side has utilized the EUMM-facilitated hotline mechanism and different people-to-people channels in order to transmit humanitarian aid.

## **IV. Implementation of other obligations under the Convention**

### **Article 2**

#### **Human Rights Strategy and Plan**

272. Since 2016 the Government carried out significant reforms to raise the standards of protection of human rights.

273. Georgia is a party of all major international human rights agreements. According to the Constitution, an international treaty of Georgia shall take precedence over national normative acts unless it comes into conflict with the Constitution or the Constitutional Agreement of Georgia. (Paragraph 5, Article 4).

274. The National Strategy of Human Rights 2014–2020 and relevant Action Plans are crucial documents for the protection of human rights. During the reporting period, the Government approved Action Plans 2014–2015, 2016–2017 and 2018–2020.

275. Human Rights Secretariat of the Government of Georgia and the Interagency Council at the Prime-Minister of Georgia oversee effective implementation of action plans. Representatives of local civic organizations and international organizations participate in the work of Interagency Council with the right to deliberative voting. The Government submits the reports on the status of implementation of the action plans to the Parliament.

276. The changes made in 2020 expanded both the composition of the Interagency Council as well as its the mandate. Consultative group was also established at the Council, which consists of the representatives of non-governmental organizations.

277. In March 2020, the Government established an interagency working group with the purpose to develop second in line – National Human Rights Strategy and fourth in line – Human Rights Action Plan.

278. The Government of Georgia actively participates with the non-governmental sector in various fields to establish better standards of human rights within the country. It is noteworthy that Human Rights Action Plans, which are approved by the Government in every two years to enforce the National Human Rights Strategy (2014–2020), are usually prepared based on an inclusive process with the involvement of the local and international organizations. Similarly, various sectoral plans within the field of human rights protection are prepared with the involvement of the non-governmental sector.

279. In 2019, after the functional strengthening of the Human Rights Council under the Prime Minister of Georgia four main priorities of its work were defined: Commission on Gender Equality, Violence against Women and Domestic Violence, Interagency Commission on Implementation of UN Convention on the Rights of the Child and on Rights of Child, Interagency Working Group on Equality and Anti-Discrimination and Interagency Commission on Implementation of UN Convention on Rights of Persons with Disabilities and Rights of PwDs. The interested non-governmental organizations take an active part in the works of the Council in the form of advisory groups and are thematically involved in various processes. Currently, over 70 organizations have joined the consultative group.

#### **Article 4 Prohibition of Racial Discrimination**

280. Prohibition of racial discrimination under Article 142<sup>1</sup> of the Criminal Code of Georgia includes *inter alia* such actions which incite national or racial rivalry or discord.

281. In 2015, a new Article was added to the Criminal Code, which prohibits Public incitement to acts of violence. In particular, “public incitement to acts of violence orally, in writing or using other means of expression in order to cause a discord between certain groups based on their racial, religious, national, provincial, ethnic, social, political, linguistic and/or characteristics, provided that this poses clear, direct and substantial risk of acts of violence” is considered as a crime.

282. Under the Constitution, the establishment and activity of a political party that propagates war or violence or incites national, ethnic, provincial, religious or social strife, shall be inadmissible. (Article 23(3)).

283. During the assembly or demonstration, it shall be prohibited to call for actions that are intended to propagate war or violence and that incite national, regional, religious or social hostility and pose obvious, direct and essential threat.

#### **Article 5 Freedom of Religion**

284. Freedom of religion and belief is recognized and protected by the Constitution, international treaties in force for Georgia and the law of Georgia on “Elimination of all forms of Discrimination”.

285. Creation and registration of religious organizations in Georgia is free. Based on their own choice, they can be registered as Legal Entity of Public Law as well as Legal Entity of Private Law, or they can operate as unregistered unions.

286. Inter-religious Council was established and is operating at the State Agency of Religious Issues, with the participation of almost all religious associations of Georgia.

287. Even though Georgia is not the legal successor of the Soviet Union, the State gradually returns the cult buildings to the religious organizations, which have become the State property after the independence was restored and symbolically and partially compensates for the damage caused during the Soviet regime.

288. Since 2014 until today 212 Mosques were returned to the Muslim community, 20 Synagogues to the Jewish community, 2 churches to the Evangelical Protestant Church, 1 – to the Evangelical Lutheran Church. In 2015 the State purchased two four-stored buildings and transferred them with the right to use to the LEPL Supreme Religious Administration of

Georgia's All Muslims (a total value of 5 million Gel), and Yezidi community was transferred the land with the right to use, where they build cult building and cultural centre. The process of returning cult buildings continues. In 2014–2019 the Muslim community was given 14 300 000 GEL in 2014–2019, Roman Catholic Community – 2 800 000 GEL, Armenian Apostolic Community – 4 100 000 GEL, Jewish Community – 2 050 000 GEL.

## **Article 6**

### **Judicial Reform and Mediation**

289. In 2016–2019, with the changes made within the frameworks of so-called “third” and “fourth” waves of judiciary reform, the guarantees of judicial independence, accountability, efficiency, transparency and accessibility have increased. The law defined the detailed criteria for selection of judicial candidates, refined the procedures for selection and appointment of the candidates. All judicial candidates shall be appointed to the position of a judge through competition.

290. In order to increase the independence and efficiency of the judiciary and the public confidence in the judiciary, cases' random electronic distribution system was launched within the common courts' system since 2018, and a unified database of court decisions – since 2019.

291. The reform increased the independence and accountability of the High Council of Justice (further HCoJ). Within the framework of the reform the following measures were adopted: the rules on conflict of interest elaborated; the obligation to substantiate and publish decisions of the Council on the life-long appointment of judges and appointment of court chairpersons established; the independence of the High School of Justice increased.

292. The institute of independent inspector was established to conduct an objective, impartial and thorough investigation and preliminary examination of the alleged disciplinary misconduct of a judge, which carries out activities independently from the High Council of Justice. The process of disciplinary proceedings against judges was also improved.

293. The legislative changes were adopted to address the issue of delay of cases and overloading of the courts. To that end, narrow specializations of judges were established, and the number of court clerks was increased; alternative means of dispute resolution are also being developed. Judiciary continues active works in this direction.

294. In 2016 legislative changes were made to improve the jury trial system and to bring in line with the international standards, providing additional guarantees for the impartiality and security of jurors.

295. Since 2015, the authorities of the legal Aid Service have expanded significantly: free legal aid has become available, including on cases of family, inheritance and social disputes, if the person is insolvent and the case is difficult and significant. Earlier, representation in court was available in criminal cases.

296. In 2018–2019, a legislative package was drafted “On mediation”, after its adoption (adopted on September 18, 2019) institutionalization of court and private mediation was carried out. Mediation institute allows the parties to solve the disputes in a more rapid way and with less costs, out of court/or with its minimal participation, through a qualified mediator, registered in the Unified Registry of Mediators.

297. On December 20, 2018, the MOJ signed the Memorandum of mutual understanding with the International Court of Arbitration (ICC). According to the memorandum, the parties shall study the market for dispute resolution in the region and make a joint effort, to support Georgia, as the regional hub of international arbitration.

298. On August 7, 2019, Georgia signed the UN Convention on International Settlement Agreements Resulting from Mediation. The flexible mechanism provided by the Convention will further encourage the use of mediation to resolve trade and business disputes, as an additional source for dispute resolution together with the court and arbitration.

## V. Human Rights Protection during the COVID-19 Crisis

299. In terms of right to public health, medical care, social security and social services as pointed out in Article 5 e IV of the Convention, Government of Georgia has elaborated and implemented comprehensive measures to deal with the challenges of COVID-19 pandemic.

300. All of the combative measures taken by the Government against COVID-19 were aimed primarily at protecting the principal rights such as the right to life and the right to health. The Government also continuously took steps with the aim to preserve the economy, encompassing the protection of citizens' social and economic rights, both in the short term and a long one.

301. The measures taken by the Government of Georgia to protect human rights during the COVID-19 crisis:

302. From the beginning of the COVID-19 outbreak in the world, the Georgian Government began the fight in two directions – to protect the health and lives of the people, and to shield the economy.

303. Since the beginning of the crisis, the Government of Georgia has been taking proactive measures to ensure the protection of social, civil, and economic rights, especially of vulnerable and minority groups – including persons with disabilities, large families, single parents, the elderly, ethnic, sexual, and religious and other minorities through access to information, access to services, access to basic subsistence support, access to health and education. One of the most crucial parts of the Government's anti-crisis plan was dedicated to the socio-economic support to the citizens.

304. Activities conducted by the Government to protect human rights during the COVID-19 crisis and care for the vulnerable communities include, but are not limited to:

- Ensuring access to COVID-19 related information in six languages, including ethnic minority languages.
- Ensuring access to information for Persons with Disabilities by providing daily Governmental briefs with sign-language interpretation and preparing Persons with Disability-friendly informational videos and printed material.
- Conducting regular consultations with civil society representatives and international organizations.
- Collecting segregated data in regards to COVID-19 confirmed cases.
- Continuing efforts to protect personal data during the crisis.
- Continuing cooperation with the Persons with Disability community to include in the decision-making process to the best possible extend.
- Protecting children's rights, including opening a crisis center for children in the streets.
- Protecting the rights of ethnic, religious minorities, and LGBTQI+ people and ensuring their access to basic subsistence support.
- Enhancing services for older people by expanding home care programs.
- Protecting people living in occupied territories of the country by providing medical and basic subsistence support.

305. During COVID-19 pandemic Government of Georgia has continued support of Georgian citizens – ethnic minority representatives – tailored to newly emerged needs. Information/awareness raising campaign on COVID-19 preventive measures has been launched. Government of Georgia has run web-portal – [www.StopCov.ge](http://www.StopCov.ge) – on COVID-19 as well as hot line 144, also in minority languages. The Government informational web-portal [www.StopCov.ge](http://www.StopCov.ge) on COVID-19 is fully accessible in six languages – Georgian, Abkhazian, Ossetian, English, Armenian and Azerbaijanian. Information materials on prevention recommendations and regulations have been prepared in ethnic minority languages (Armenian and Azerbaijanian) and circulated in electronic media. The most critical

information on COVID19 is being shared with population in the regions of compact settlement of ethnic minority representatives through cellular SMS system; SMS messages are being sent also in Armenian and Azerbaijani languages.

306. Over half million printed material, among them non-Georgian language newspapers/special editions, has been prepared in minority languages and disseminated to the municipalities of compact settlement of ethnic minority representatives. Access to education was ensured through rapid shift to remote/online learning format with use of digital education platforms. Also, a television project “TV School” is under implementation; it implies broadcasting TV lessons in various subjects for schoolchildren and entrant students, including ethnic minority representatives.

307. In order to provide timely access to information on pandemics to the citizens with disabilities, the Government briefings are broadcast in sign language. For those, however, who do not have knowledge of sign language, transcripts of briefings are uploaded to the Governmental social media page (in agreement with the Persons with Disability community) immediately after briefings. In collaboration with the Public Broadcaster, the information was also translated in the ethnic minority languages.

308. Special attention was given to vulnerable group as Roma. 148 Roma families were provided with food and hygiene supplies to mitigate socio-economic effects of coronavirus disease.

309. In addition, special attention was paid to children living and working on the streets and their protection from the virus. In order to protect children living and working on the streets and to avert the possible spread of COVID-19, a quarantine space has been opened in Tbilisi during the crisis. Space served the purpose of accommodating beneficiaries under the state care who were left without the service and their contacts were unidentified. In addition, children, caregivers and foster parents under the state care are provided with psychological support services to deal with stress caused by COVID-19 and to overcome the crisis. Throughout the crisis, small family type homes were equipped with appropriate disinfectants and medical supplies.

310. In order to disseminate information and to identify the needs, – following the principle of “nothing about us without us” – the Government of Georgia regularly cooperated with minority organizations and activists. Within the scope of the Human Rights Council, a communication platform was set up to hold regular meetings with LGBTQI+ activists, community and international organizations. Representatives of the Government of Georgia conducted regular meetings and consultations with representatives of ethnic and religious minorities.

311. Government has unequivocally expressed its readiness to assist all people living in occupied territories. Protecting the residents living in these territories – access to information, access to health care, and the right to health have been prioritized. The support involved promptly delivering information, sharing expertise, providing with medical equipment, and treating transferred patients.

312. In order to protect the right to health, infectious disease specialists remotely advised and shared experience, when needed, with local doctors. In addition, the Abkhaz region has repeatedly been equipped with various medical supplies, equipment, and hygiene kits. This process continues to this day. In order to treat infected patients, Rukhi Hospital was equipped and began to operate. The hospital was built for long-term purposes, including to simplify access to medical care for people living in the occupied territories.

313. The first confirmed case of COVID-19 was registered in Georgia on February 26. As of June 17, there are 888 confirmed novel coronavirus cases (all cases of COVID-19 infection in Georgia were confirmed by PCR testing); 731 – recovered, 14 – fatal outcome (fatality rate 1.6), 2710 – under quarantine and 267 – under hospital supervision.

314. During the period from January 30 to June 17 2020 PCR method testing was conducted on the first samples of 79,843 possible cases. In total, the number of confirmed cases is 1.1%, which indicates that the quality of case detection in the country is quite high and probability that timely detection of cases cannot occur is low. Epidemiological analysis

shows that the virus is most prevalent among age group of 30–69 years (64%). The average age of mortality is 74.

315. Main statistical data on COVID-19 is available at the governmental website – [www.StopCov.ge](http://www.StopCov.ge).

316. Testing with PCR (polymerase chain reaction) method to detect COVID-19 in Georgia began on January 30, 2020 at the Richard G. Lugar Center for Public Health Research. The PCR method is considered to be a gold standard in the COVID-19 diagnostics. Its advantages include high sensitivity and specificity, which minimize the risk of false-positive (as well as false-negative) results. In addition to PCR testing, the country is conducting serological studies – rapid simple tests in certain groups based on antigens and antibodies, however, the cases are confirmed only by PCR testing.

317. In total, 297 inpatient facilities (86% privately owned) operate across the country with 17,514 beds, out of which 2,290 are for intensive care and emergency medical services and own 2043 operating or reserved ventilators. 1749 are suitable for the management of respiratory distress syndrome.

318. According to the MOIDPOTLHSA Order N 01-119/O of March 24, 2020 all patients with confirmed coronavirus disease of any level of severity are subject to hospitalization.

319. In order to reduce the health risks to the population and spread of the infection, the government started creating quarantine spaces from March 4, which still ensures the placement of suspicious cases or the persons with high risk of the COVID-19.

320. The Government of Georgia continues its efforts to effectively contain the spread of the COVID-19 and to provide necessary and adequate medical treatment to all persons regardless of their race, color, language, sex, religion, political or other opinions, national or ethnic origin, place of residence or nationality.

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