



# **CERD - International Convention on the Elimination of All Forms of Racial Discrimination**

## **The situation in Georgia on implementation of the International Convention on the Elimination of All Forms of Racial Discrimination**

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**Caucasus Center of Human Rights Monitoring (CCHRM)**

Kiacheli 21, Tbilisi, Georgia  
cchrngeorgia@gmail.com

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1. Caucasus Center of Human Rights Monitoring (CCHRM), is a non-governmental international organization that is an independent oversight and monitoring body specialized in questions relating to racism and intolerance. It is composed of independent and impartial members appointed on the basis of their moral authority and recognized expertise in dealing with racism, xenophobia, anti-Semitism, and intolerance in South Caucasus. Objectives of the organization: to facilitate the development of a tolerant civil society and the advancement of knowledge in the field of human rights and fundamental freedoms, to protect the rights and freedoms in the Caucasus. The activity of CCHRM is based on the organization of events with experts in the field of human rights.

2. In the framework of its statutory activities, CCHRM conducts in Caucasus countries monitoring work, which analyses the situation of three member States of the Council of Europe regarding racism and intolerance and draws up suggestions and proposals for dealing with the problems identified.

3. The working methods for the preparation of the reports involve documentary analyses, a visit to the country concerned, and then a confidential dialogue with the national authorities.

4. CCHRM 's reports are not only the result of inquiries or testimonial evidence. They are analyses based on a great deal of information gathered from a wide variety of sources. Documentary studies are based on a large number of national and international written sources.

5. Georgia is a multinational state that creates democratic institutions and forms relations of citizenship. However, the country's success in protecting the rights of ethnic minorities in the Kvemo Kartli region from discrimination is insignificant. In the Kvemo-Kartli region, where the Azerbaijani community mainly lives compactly, which accounts for more than 6 percent of the total population of Georgia, the tension in relations is obvious, which over the past two years has made itself felt by demonstrations, statements about police brutality, the spread of domestic discrimination, hidden and veiled forms of discrimination and, finally, open forms of discrimination and xenophobia.

6. The participation of Azerbaijanis and other represented national minorities of the region in all areas of the public life of the country remains very limited, especially since they are insufficiently represented in the governing, regional bodies. This problem most acutely affects Azerbaijanis living compactly in Kvemo Kartli - ethnic Georgians occupy most of the important positions here, despite the fact that in some areas of the region more than 80% are ethnic minorities. The degree of participation and representation of minorities in the political life of the country, which is a key condition for more effective integration, is alarmingly low. Due to the lack of dialogue with Tbilisi, the feeling of discrimination and alienation is increasing in the communities. Ethnic minorities are remembered only from elections to elections when the authorities are interested in "tearing away" more votes from the region.

7. The process of emigration of ethnic minorities to Azerbaijan, Greece, Turkey, Russia and EU countries is underway in the Kvemo Kartli region. In the whole region, several reasons have been identified that encourage ethnic minorities to leave Georgia. The country's authorities explain this only by the presence of economic difficulties that have arisen throughout the country. The CCHRM has identified a number of factors that stimulate emigration: the presence of a form of veiled discrimination, direct discrimination, changes in the ethnic and demographic map, a discriminatory approach to the distribution of land plots (the population of the region is mainly engaged in agriculture), limited representation in government. The majority of the population from the ethnic minorities of the region believe that they have no future in Georgia due to belonging to ethnic minorities.

8. The ethnic minorities of the Kvemo Kartli region mainly believe that a policy of veiled forms of discrimination is being conducted against them: in education, culture, and possible participation in public life. Some activists are of the opinion that there is a process of long-term "cultural and soft" squeezing of ethnic minorities from the Kvemo Kartli region, citing the example of the devastation of villages and villages in the Bolnisi and Dmanisi districts of the Kvemo Kartli region, which were mainly inhabited by the national minorities – Azerbaijanis, most of whom emigrated.

9. The CCHRM considers that with regard to the measures taken to maintain full and effective equality between persons belonging to national minorities and persons belonging to the titular population, the State does not make efforts in the field of education, culture, and participation in public life, in the sense laid

down in the International Convention on the Elimination of All Forms of Discrimination. forms of racial discrimination.

10. Regional and municipal authorities in Georgia do not themselves carry out and do not encourage activities that can be described as strengthening friendship and interethnic tolerance and intercultural communication. The authorities do not participate to the necessary extent in the process of positive representation of various ethnic groups, in initiating a dialogue of various ethnic organizations, with the very participation of the authorities. Isolated cases when ethnic minorities can be represented are at the celebration of the City Day in Tbilisi or at a single national holiday of a particular ethnic group.

11. The State does not base its activities on the fact that different ethnic groups should be represented and should be perceived by each other and the general public not as social competitors or a threat to security, but as carriers of peculiar ethnic cultures. The state does not form a sufficiently active acquaintance with the original traditional cultures of the country and awareness of common interests in the preservation of these cultures. The absence of this activity forms and promotes discriminatory practices on the part of the titular nation.

12. CCHRM notes the presence of powerful factors: many components of the internal veiled policy actively promote ethnic and religious xenophobia and intolerance. Intolerance is also increasing due to the asymmetric attitude of the state towards different faiths, the preference given to Orthodox Christianity, as well as the concern demonstrated by the state, vaguely understood as the "spiritual security" of the country.

### **Discrimination in the field of the right to education**

13. As noted by representatives of ethnic Azerbaijanis in the Kvemo Kartli region: "It is very important for us that the native language of an ethnic minority is recognized and considered as part of the linguistic and cultural heritage of Georgia. Today we have a need for the Georgian authorities to conduct an active and consistent policy in the field of education so that the right to education in their native language is protected."

14. Ethnic minorities of Georgia should not only have the right to identity, but also develop it, they should participate in cultural, social, economic, and socio-political life, thus integrating into the life of the entire society of Georgia.

15. This implies, first, the need to study the State language of Georgia, and at the same time, the availability of appropriate opportunities for teaching one's native language or in one's native language. Unfortunately, we see that there are tendencies to strengthen the teaching of the state language by reducing the teaching of the native language. Today, education is a tool for preserving identity, including outside the zones of significant or traditional residence of ethnic Azerbaijanis in Georgia. Education concerns not only the system of regular compulsory school education but also preschool and higher education.

16. Over the last decade, Georgia has begun to talk about education very narrowly — secondary and higher education. This attitude creates a lack of competitiveness among ethnic minorities. Such thinking makes ethnic minorities, in particular the Azerbaijani community of Georgia, very, very weak as communities, this affects the real lack of representation in many spheres of Georgia's socio-political life. The education process does not end only with the fact that a representative of an ethnic minority has graduated from school or university since the education process actually has to go on for life.

17. Today it can be stated that the education system in the native language of national minorities is gradually being destroyed, and this process has been going on for the last 20 years. Today, many problems in the field of education are laid with preschool education. In Georgia, several international norms and the Constitution are violated in this regard, including Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination.

18. The reality is that bearing in mind the importance of preschool education in the native language, from this point of view, the educational system of Georgia has ceased to consider the language and culture of ethnic minorities of Georgia in places where Azerbaijanis live compactly. These are the settlements of Dmanisi, Bolnisi, Marneuli, Gardabani, Telavi, Sagarejo, Lagodekhi, Tsalka, Tetrtskaro, in which preschool institutions of ethnic Azerbaijanis in their native language have ceased to function over the past

15 years. Moreover, the number of remaining kindergartens in traditionally populated areas of national minorities is 3 times less than in Georgian settlements.

19. According to Human Rights activist Aigul Isayeva, the number of Azerbaijani schools operating in Georgia is decreasing every year, and various problems are getting worse. principals in many schools of national minorities plan to reduce the hours of teaching Azerbaijani language and literature from 5 to 3 hours. National minorities interpret this situation as discrimination. Aigul Isaeva: "Our national schools were massively closed, and their number decreased from 183 (1989) to 116 (2022). 79 out of 116 schools are Azerbaijani, the rest are sector-based, mixed (Azerbaijani-Georgian, Azerbaijani-Russian, etc.). For 10 years, teachers of the Azerbaijani language and literature have not been given the opportunity to participate in certification exams, they work for pennies. And now they are trying to reduce the hours of training from 5 hours to 3 hours." NGO leaders and members of the public appealed to the Georgian authorities<sup>1</sup> in protest against the reduction of native language teaching hours in schools. At the meeting, the heads of NGOs, as well as former members of the Parliament of Georgia, expressed their suggestions and opinions on this discriminatory process directed against an ethnic minority. Teachers from national schools stated the need to preserve the right to study their native language.

20. The heads of public organizations have adopted an appeal to the Prime Minister of Georgia, Mr. Irakli Garibashvili, the Minister of Education and Science of Georgia, Mikhail Chkhenkeli, the Minister of State for Reconciliation and Civil Equality Tea Akhvlediani, the Speaker of the Parliament of Georgia Shalva Papuashvili and the Chairman of the Committee on Education and Science of the Parliament of Georgia, Giorgi Amilakhvari regarding violations of the right to study their native language.

21. Activists from among national minorities consider this to be the root cause of injustice and inequality in the education of minorities, and it is necessary to mobilize resources and efforts in the time to eliminate this injustice.

### **The discriminatory situation in the regions of compact residence**

22. The events and processes of interethnic relations in Georgia in 2018-2022 began to clearly show the features of planned actions aimed at creating interethnic confrontation. Moreover, there are traces of possible interethnic tensions on the territory of Georgia in the Kvemo Kartli region, in the places of compact residence of national minorities. It becomes obvious that neither the state structures ensuring the rights and freedoms of national minorities nor the structures regulating, and monitoring rights and freedoms do not function at the proper preventive level.

23. The Azerbaijani community of Georgia has become another target for those who wish to destabilize Georgia. Elements of a multifaceted hybrid war, which have been actively introduced by the structures of third countries in Georgia over the past two years, especially in 2020 -2021:

- The Azerbaijani community began to be used more and more actively by the citizens of Georgia as an object of pressure on the neighboring country, in fact, as hostages for political claims.
- They began to undermine the peaceful situation on the Georgian-Azerbaijani border in the town of David Gareji. For blackmail and pressure against a neighboring country with a common ethnic identity, the Azerbaijani community of Georgia is used for political, economic, and even territorial concessions.
- The rights and freedoms of the Azerbaijani community of Georgia have become a bargaining chip for a number of political forces in Georgia, which are in fact instruments for this hybrid war in the Caucasus.

24. Several nationalist forces in Georgia, which have external control, through nationalist rhetoric, everyday discrimination, and attempts to violate interethnic stability in places of compact residence of ethnic Azerbaijanis, want to destroy the East-West energy and transport corridor, shatter and redistribute geopolitical stability in the region.

25. Several nationalist organizations, such as the "Georgian March", are in the foreground of the performers of these plans against the Azerbaijani community in Georgia. It is regrettable that for all the above actions,

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<sup>1</sup> [https://24news.ge/read/id/75284?fbclid=IwAR2vDaZA30oE3Xxy3ZZ\\_rk1m92AigdVK565bvn-0f7r0UxP4K9r61pfAYg0](https://24news.ge/read/id/75284?fbclid=IwAR2vDaZA30oE3Xxy3ZZ_rk1m92AigdVK565bvn-0f7r0UxP4K9r61pfAYg0)

the leading organizational forces are some representatives of the higher clergy of the Orthodox Diocese of Georgia. It is very sad to see how some representatives of the church are instigators of a potential interethnic conflict in the South Caucasus. On Sundays, sermons of the highest regional ranks of the Orthodox diocese in some churches are full of provocations against ethnic Azerbaijanis and the Muslim community.

26. The TV channel "Obiektivni", the political party "Alliance of Patriots of Georgia", numerous nationalist sites, and dozens of pages on social networks began to broadcast programs that are directly conductors of Nazi ideology, full of nationalist slogans directed against the Azerbaijani community of Georgia. This activity has no connection with freedom of speech. After each informational injection of these broadcasts, we have a wave of xenophobia and discriminatory statements against the Azerbaijanis of Georgia.

27. Inflating the potential of interethnic confrontation every year becomes an increasingly effective tool in the hands of those countries that intend to destroy interethnic harmony and peaceful coexistence in Georgia. There is an understanding of this among the progressive Georgian public, but so far they have not been able to form any public movement that could stop this right-wing radicalization and counteract this destructive force.

28. The topic of the Azerbaijani "occupation" in Georgia has become a leading fashionable propaganda novelty, which is actively introduced into the Georgian public consciousness by all those who intend to gain political dividends in the shortest possible time and fulfill orders from external players to destabilize and increase the level of interethnic conflict.

29. It is obvious that all this nationalist rhetoric in Georgia is moving towards a regressive shift in the field of protecting the rights and freedoms of national minorities. The activity of nationalist organizations, political parties, and non-governmental organizations in 2019-2022, which has the goal of destabilizing and undermining interethnic stability and thereby achieving certain political changes in the region, has increased many times over. The most desirable and expected agenda of these organizations are interethnic provocations and conflicts.

30. The situational analysis in Georgia gives reason to say that there is no proper attention from the official authorities, there is no more flexible and prompt response to discriminatory actions, and rhetoric contributing to the creation of interethnic tension, which in 2019-2022 can be observed in places of compact residence of ethnic minorities (meaning representatives of the Azerbaijani community). All the same, at the regional level, the proper implementation of international legislation is not being carried out, and the attention of international organizations in potentially sensitive regions and areas with a high potential for possible interethnic conflict is becoming weaker.

31. "...The community of the Azerbaijani national minority, which makes up a third of the population of the municipality of Sagarejo, near the capital of Georgia, Tbilisi, during the entire period of Georgia's independence, could not establish themselves and obtain their constitutional rights to land, water, security systems (emergency, fire). Ethnic minority Azerbaijanis live in 8 villages united in this community..." - human rights activist Tamta Mikeladze notes on his Facebook page: "Most of the population is engaged in animal husbandry, and one of the main problems is the lack of land resources needed for farmers. Most of the land near the village has been privatized by foreign investors and local interest groups, and local residents have been left without this main resource. They must rent land from large landlords, the price of which is so high that it does not even make sense to engage in farming, and most of them say that they have begun to think about stopping farming. The state, in addition to allowing the seizure of land and neglecting the interests of local peasants, also deprives them of the opportunity to use other lands through unfair institutional schemes. For example, it does not use the language of minorities at auctions and related procedures when renting land, which does not give them the opportunity to institutionally use these resources; There is no regulation of the price of leased land, which sets a minimum upper limit, and this gives landlords the opportunity to set uncertain and arbitrary prices. In most of these villages, there was no drinking or irrigation water. In the villages, they say that their villages are so withered from a lack of water that women cannot even raise poultry. The population must bring water to their homes by car to their families; there is no drinking water even in public schools. In such a large village, where about 24,000 people live, there is no infrastructure, and residents say that because of this they often have to take their patients to the Sagarejo center ... The local government in this region also does not offer services and

communication to ethnic minorities in a language they understand. It can be said that Azerbaijanis are also not represented in this municipality...The budget of local self-government has reached 28-30 million in recent years. What does this village think, that a third of these resources are spent in these villages?!" The described situation, which was published by human rights activist Tamta Mikeladze, is widespread in all regions and municipalities of compact residence of ethnic minorities.

### **The struggle for the right to live in their native land**

32. The village of Musevani<sup>2</sup>, Kvemo Kartli region, populated by ethnic minorities, has declared a massive violation of their rights and freedoms. On September 13, 2022, residents held a protest and declared that their village was against the companies RMG GOLD and RMG Copper extracting minerals 800 meters from their village by quarrying and blasting. The participants signed a statement addressed to the President of the country, the Prime Minister, and the Parliament of Georgia. The population demands to stop the practice of discrimination. The companies "RMG GOLD" and "RMG Copper"<sup>3</sup> received licenses from the state for exploration and extraction of minerals in the municipalities of Bolnisi and Dmanisi, Kvemo Kartli region, until 2042. Even though the current licenses already cover hundreds of hectares of territory, the company wants to turn the territory of the village of Mushevani into a new mining site.

The company plans to use the license "Moshevani-2", issued by LLC "Caucasian Mining Group" in 2011, which it leased. RMG plans to use more than 11 hectares of the territory and extract gold and copper in an open way, for which it has already applied to the National Environmental Agency. Despite the repeated appeals of the residents of the village of Mushevan<sup>4</sup>, all their rights and freedoms were ignored. The population is massively squeezed out of their homes.

### **The potential of interethnic conflicts.**

33. The Georgian authorities do not promote the spirit of tolerance and dialogue between cultures and do not take effective measures to promote mutual respect.

The Public Defender<sup>5</sup> noted that there are statements by state officials in Georgia that encourage discrimination based on nationality. Public Defender: "The marginalization of ethnic minorities reduces their integration into the Georgian public and political space and increases the feeling that these groups do not represent an integral part of the country.

34. On May 16-17, 2021, there were mass clashes between ethnic groups in Dmanisi, the Azerbaijani minority, and eco migrants (the Georgian majority). More than 20 people were injured during the clashes. The Georgian authorities reacted to this incident in a very peculiar way. The State has not given a legal assessment of what happened. None of the participants was recognized as the injured party. Several<sup>6</sup> human rights defenders in Georgia believe that they should not consider the interethnic conflict in Dmanisi as a separate event. This conflict gives an idea of the level of effectiveness of the policy of civic integration in the country as a whole... It is important to consider the chain of conflicts between religious groups in the settlements of Nigvziane, Tsuntsgaro, Samtatsgaro, Chele, Mohesh, Adigene, Kobuleti, and Buknare, as well as the lack of experience in the systemic transformation of these conflicts on the part of the state. In the main part of the above-mentioned conflicts, the authorities refused to respond legally to specific facts of harassment and violence, which encouraged crimes motivated by intolerance and created risks of a recurrence of conflicts. The Government has settled some of the conflicts using informal mediation formats, but in no case has it worked to eliminate the causes of the conflict and restore trust and cooperation between

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<sup>2</sup> <https://www.facebook.com/socialjustice.org.ge/videos/1176276009586999/>

<sup>3</sup> [https://socialjustice.org.ge/ka/products/bolnisshi-sofel-mushevanis-mosakhleoba-tsiaghiseulis-ghia-tsesit-mopovebis-datsqebas-aprotestebis-da-khelisuflebas-mimartavs?fbclid=IwAR3JvEMZEA0\\_yV\\_usjFhXh\\_ejDOipWeUDJ6xp\\_5PHVWpihL15iYKQq2pCQ](https://socialjustice.org.ge/ka/products/bolnisshi-sofel-mushevanis-mosakhleoba-tsiaghiseulis-ghia-tsesit-mopovebis-datsqebas-aprotestebis-da-khelisuflebas-mimartavs?fbclid=IwAR3JvEMZEA0_yV_usjFhXh_ejDOipWeUDJ6xp_5PHVWpihL15iYKQq2pCQ)

<sup>4</sup> [https://socialjustice.org.ge/ka/products/bolnisshi-sofel-mushevanis-mosakhleoba-tsiaghiseulis-ghia-tsesit-mopovebis-datsqebas-aprotestebis-da-khelisuflebas-mimartavs?fbclid=IwAR3JvEMZEA0\\_yV\\_usjFhXh\\_ejDOipWeUDJ6xp\\_5PHVWpihL15iYKQq2pCQ](https://socialjustice.org.ge/ka/products/bolnisshi-sofel-mushevanis-mosakhleoba-tsiaghiseulis-ghia-tsesit-mopovebis-datsqebas-aprotestebis-da-khelisuflebas-mimartavs?fbclid=IwAR3JvEMZEA0_yV_usjFhXh_ejDOipWeUDJ6xp_5PHVWpihL15iYKQq2pCQ)

<sup>5</sup> <https://www.ombudsman.ge/res/docs/2022022413230220707.pdf>

<sup>6</sup> <https://socialjustice.org.ge/ka/products/dmanisis-konflikti-qofit-niadagze-datsqebuli-dapirispirebis-etnikuri-shtrikhebi?fbclid=IwAR39L7xmRElJAQIJTSNefjGlnTLLBVM6AaPmVRNeskyDNHUEqBF2pJeucR8>

communities that have experienced conflict. In addition, in several cases, there are signs of conflict preservation, as a rule, due to ignoring and silencing the rights, needs, and interests of ethnic minorities.

35. The discriminatory activities carried out by individual extremist organizations, as well as by some representatives of the church, as well as the lack of an adequate response to this by state structures, significantly undermine the level of confidence of national minorities in the fair and equal attitude of the authorities. The conflict in Dmanisi once again shows that "the integration policy is mainly formal and illusory in nature... According to studies conducted on these issues, minority acceptance is still weak among most of the titular nations. Most ethnic Georgians often perceive ethnic minorities as outsiders, problems, etc. According to the CRRC 2021 survey, 30% of the Georgian population believes that only ethnic Georgians should have Georgian citizenship, and 50% of the population believes that only Orthodox Christians can be citizens of the country...It should be emphasized that the failures of integration policy, the weak work of political parties in the regions, and rigid security paradigms prevent the formation of democratic politics at the local level and the emergence of local authentic leaders..."

## **8. Cultural and historical heritage of national minorities**

36. Georgia has legislated for minorities the right to enjoy cultural rights and full access to culture, strengthening and developing minority culture. But a really working mechanism of protection and preservation, access to culture by ethnic groups is enough. There are no minorities the feeling of proactive connivance and lack of political will on the part of the State does not justify the observed restriction of access to minority culture in the current situation. The real possibilities that conditions have been created for minorities to access, develop, to preserve features, traditions, and culture are close to a minimum.

37. The regional authorities in the Kvemo Kartli region, using provocations and pressure on local non-governmental and public organizations, have banned the national holiday "Elat", dedicated to the nomadic lifestyle of certain groups of ethnic Azerbaijanis. The holiday "Elat" was restored in 2009 (banned during the Soviet period) and since then has been celebrated annually on July 26 in Lake Armudlu, the Dmanisi district of the Kvemo Kartli region. On this national minority holiday, there was an opportunity where Azerbaijanis could present their culture. It is important to note that eco-migrants and residents from the ethnic majority also actively participated in this holiday and had nothing prejudicial against the holiday.

38. Local and regional officials, actively neglecting the constitutional rights of their citizens, formulated the argument - "this is culture (Elat) It is not included in the culture of Georgia." Several community activists actively protested against the ban on the Elat holiday and its replacement with an incomprehensible and devoid of content for an ethnic minority holiday called Dmanisoba. The holiday "Elat" was replaced by "Dmanisoba" and deprived of the entire concept of a national minority holiday. According to the members of the Georgian Azerbaijani community, this day became the day of exclusion (squeezing) of Azerbaijani culture from the region, instilling a sense of second-classness to Georgian Azerbaijanis in Georgia and demonstrating the dominance of Georgian culture. Members of the community believe that by celebrating "Dmanisoba" instead of "Elat", the most important thing for national minorities was lost: "In fact, our holiday was simply renamed and given priority to Georgian culture... Previously, different cultures of Georgia were represented on Elat Bayram, which belongs to Georgia as a whole, and not specifically to the Georgian ethnic group, but now it (has become) only ethnically Georgian culture," says one of the activists.<sup>7</sup> "Why they changed the name and why they renamed it Dmanisoba is also unclear to me..." says an Azerbaijani respondent who comes to Dmanisi from Tbilisi every July 26 and celebrates "Elat" instead of "Dmanisoba". According to one of the activists, "Elat" was a problem for the authorities because of the unification of minorities: "They are afraid that minorities will somehow unite somewhere... and what are they afraid of? We all have the right to protect and represent our cultural heritage."

39. Despite numerous appeals to the municipal authorities asking for an explanation of the reasons for the ban on the Elat holiday, they remained unanswered and were completely ignored. The Municipality of Dmanisi still prohibits the holiday "Elat", without having any legal rights to it. Unfortunately, the regional authorities in the field of cultural policy neglect the rights and freedoms of the local population from among

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<sup>7</sup> <https://socialjustice.org.ge/ka/products/dmanisoba-gadatserili-dghesastsauli-da-kulturuli-dominatsiis-mekanizmi?fbclid=IwAR1vGaBSBSfuJsmMr2Fv7Wzfe0ZH9gcC3KJQY8R-w-9BuyKp2-rB9EPp9UY>

national minorities, which is generally interpreted as discrimination at the State level. Unfortunately, this kind of behavior not only prevents the integration of national minorities in Georgia, but also brings a sense of alienation, which is increasingly increasing. Moreover, the new holiday completely excludes the culture and traditions of ethnic minorities. Inventing and artificially imposing festivals and cultural events by the State in the regions where minorities live can be perceived as an attempt at ethnic domination and undermines social trust, tension, and self-identification of minorities with the state.

### **Discriminated toponyms of national minorities**

40. In the places of residence of ethnic Azerbaijanis (according to some sources – for more than 1000 years), there are toponyms of localities, settlements, villages, and rivers. These names and names reflect the history of these localities and ethnic minorities living there. Unfortunately, the Georgian authorities are following the path of changing these names to names in the Georgian language that are incomprehensible to the local population. The report<sup>8</sup> of the international organization ECMA (European Centre for Minority Issues) noted that Azerbaijani toponyms of district centers and villages were affected the most, where more than 60 toponyms were changed in four districts of Kvemo Kartli and Ninotsminda district, in Samtskhe-Javakheti.

41. All these processes are carried out to blur the history of the region, which is interpreted by ethnic minorities as discrimination and loss of identity of the inhabitants of the area. For example, this process is clearly visible in the Bolnisi area, these processes are underway in the Dmanis, Marneuli, Garbadan districts. Such a policy of the Georgian authorities is met negatively by the local population and becomes a reason for ethnic tension in the region. There were facts of aksakals (community leaders - elders respected in society) contacting the authorities on this issue, but, unfortunately, there was no reaction. Ethnic minorities, in particular ethnic Azerbaijanis, believe that the authorities are interested in changing the topographical names of the area and it was the authorities who created the conditions for this process. All this creates a distrustful relationship between the Georgian authorities (central and local) and ethnic minorities.

42. Unfortunately, so far, no State structure designed to protect the rights and freedoms of ethnic minorities has made a single positive step towards assessing the consequences of such an action, nor any attempt to enable the rehabilitation and restoration of historical toponyms of ethnic minority settlements.

### **Discrimination in the field of religion**

43. Freedom of religion is guaranteed by the Constitution of Georgia, and persecution on religious grounds is prohibited. At the same time, the Constitution mentions that the basic law of the country recognizes the special role of the Georgian Orthodox Church and the relations between the State and the Church are regulated on the basis of a Concordat. The Concordat gives the dominant religious organization privileges that other organizations do not have. A few leading<sup>9</sup> organizations in Georgia note in their reports references to laws granting privileges to the Orthodox Church, such as the Tax Code exempting the church from taxes. In addition, the Law on State Property gives the dominant religious group the right to acquire non-agricultural State property by direct purchase from the State, while other religious organizations must comply with the relevant bidding conditions. And according to the law, the Orthodox Church can receive agricultural land for free, unlike other organizations. The reports note that so far, the Parliament has failed to implement the decisions of the Constitutional Court regarding these laws and to amend the relevant laws, and the Constitutional Court has declared these legislative acts unconstitutional due to violation of the principle of prohibition of discrimination. The Parliament was supposed to make amendments by December 31, 2018, but no legislative act was changed to reflect the decisions of the Constitutional Court. The report also emphasizes that the new Constitution does not change the approaches of the old Constitution and recognizes the special role of the Orthodox Church in the history of Georgia, which ultimately becomes a source of granting privileges based on the constitutional agreement, such as the immunity of the patriarch, exemption from military service, advisory role in the government, especially in matters of education.

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<sup>8</sup> <https://www.ecmi.de/publications/ecmi-research-papers/103-nomen-est-omen-naming-and-renaming-of-places-in-minority-inhabited-areas-in-georgia>

<sup>9</sup> <https://socialjustice.org.ge/ka/products/sakhelmtsifo-departmentis-angarishis-mimokhilva-2019-tsels-sakartveloshi-religiis-tavisuflebis-shesakheb>

44. The review of reports also notes that, although the law prohibits religious indoctrination and proselytism or forced assimilation in public schools, the Concordat allows the Orthodox Church to conduct religious education in public educational institutions and authorizes the State to allocate financial resources to religious organizations of the Orthodox Church.

45. Reports<sup>10</sup> indicate that religious organizations have repeatedly been victims of crimes motivated by religious intolerance. The Public Defender considered 19 such cases, which is 5 more than last year's data (14 cases in 2017). It is also noted that the quality of the investigation is improving, although not yet effective. It should be noted that all these cases concerned Jehovah's Witnesses.

46. Religious minorities very often face discriminatory practices when issuing building permits by municipalities. Although the legislation is neutral in this regard, practice clearly indicates unequal treatment and bias against the dominant religious group. In this regard, the role of the State Agency for Religious Affairs, which "without a legitimate purpose and legal basis" interferes with the activities of local self-government bodies, is also problematic.

47. The discriminatory nature of the construction permit procedure is also indicated by the Muslim community, which systematically faces similar problems in Kvemo Kartli, Adjara and Abkhazeti. The report describes in detail the time-consuming processes associated with the construction of a new mosque in Batumi. The case of the construction of a mosque in Mokhi (Samegrelo-Zemchi-Mtskheta-Mtianeti) also testifies to the discriminatory approaches to it by the dominant religious groups. It can take a long time to list the facts.

48. The Government continues to provide subsidies to four religious organizations as compensation for losses incurred during the Soviet era. This practice has been systematically criticized by non-governmental organizations, according to which the four selected denominations have an unfair advantage over other religious communities. During the year, the Orthodox Church receives 25 million lari, and the other four organizations received a total of 4.5 million lari.

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<sup>10</sup> <https://www.state.gov/reports/2018-report-on-international-religious-freedom/georgia/>