

**Alternative report of the International Association of Ossetian
Organizations “Renaissance”**

**«The problems of implementation of the Convention on elimination of all
forms of racial discrimination in Georgia»**

In its periodic report on compliance with the international Convention on elimination of all forms of racial discrimination Georgia positions itself as a country with diverse ethnic, cultural, linguistic and religious points of view. The Constitution ensures the rights of persons belonging to national minorities and prohibits discrimination, including discrimination based on ethnicity and religion. Whereas after the “Rose revolution” full integration of all national minorities in Georgia remains a permanent task for the present government.

Georgia is a party to many international agreements on human rights, which of course represents the positive side of its image. More important is as to what extent they fulfill their commitments.

In this report we would like to provide the information regarding some problems related to the implementation of the convention on elimination of all forms of racial discrimination; points of the convention which had been a problem for Georgia for many years, while in the reports they reflect only positive dynamics; problems, encountered by the national minorities in Georgia since the day it proclaimed itself as an independent state, as well as after ratification of the convention on elimination of all forms of racial discrimination.

In the draft resolution of the EU Committee of Ministers on the implementation of the Framework convention on protection of the national minorities in Georgia for 2010 it is mentioned, that the main problem faced by the authorities is to ensure the linguistic rights of the national minorities. Even though the Georgian authorities strive to provide education in Georgian language for the national minorities, these efforts are clearly not adequate to the existing needs.

It is a fact that participation of the national minorities in cultural, social, economic and socio-political spheres is limited. Certain concerns are caused by the fact that the position of national minorities is particularly influenced by increasing interconfessional tensions in Georgia.

There is a practice of tortures, unconditioned detentions and inhumane treatment by the law enforcement structures. The cases of excessive use of force, including those applied to the national minorities.

While joining the EC in 1999 Georgia undertook to adapt a law on repatriation of the Meskhete Turks within two years, which envisaged provision of Georgian citizenship, and to provide for their return in the subsequent ten years (i.e., by the end of 2011).

On 1 January 2008 a law "On repatriation of persons, forcibly displaced from Georgia in 1940s of the XX century" of 11 July 2007 came into effect in Georgia. It covers persons, displaced from Georgia on the basis of the resolution of the USSR State Committee of Defense dated from 31 July 1944, and their direct descendants on condition that they provide documents confirming displacement. The spouses and under-age children of the above mentioned persons have the right to use the regulations of the law only upon submission of appropriate application for acquisition of the status of repatriate by their relatives, who have the rights for that, and upon their approval. There is not any reference to ethnicity of the repatriate in the text of the law.

The law is declaratory in many aspects, it does not envisage real incentives and guarantees. The authorities take no specific liabilities for provision of housing, jobs or material assistance to the repatriates. The process of return is surrounded by a number of restrictions and bureaucratic conditions. First of all, it concerns a very strict timeframe – applications for the status of repatriate had to be initially submitted before 31 December 2008. Under the pressure of international organizations and Meskhete NGOs this term was prolonged three times, and the final date is before 1 May 2010.

The requirement to provide a package of notarized documents for repatriation to the Georgian embassy only in Georgian or English languages is difficult to comply with. Repatriation applicants also have to pass a test on knowledge of the Georgian language, history and the constitution of the country. And finally, they have to refuse from their current citizenship without guarantees of acquiring Georgian citizenship, which is provided individually by presidential decree.

In July 2010 the chairman of the Meskhete NGO "Vatan" S.M.Barbakadze, who came to Georgia to deal with the issues of repatriation, was arrested and put to prison on a fraud charge, clearly faked-up by the authorities. After the arrest of S.M.Barbakadze his son R.S.Barbakadze, as well as the leadership of "Vatan", addressed appeals to the UN High Commissioner on human rights N.Pillai and to the EC Commissioner for human rights T.Hammarberg, but this effort, as well as others, resulted in nothing. In January of 2011 S.M.Barbakadze was sentenced to 11 years of imprisonment and to a major fine.

The biggest national minority in Georgia is Azerbaijanis. Total number of ethnic Azerbaijanis in Georgia is approximately 300 thousand people.

The Georgian authorities carry out purposeful policy of discrimination with regard to Azerbaijanis. In the district of Kvemo Kartli they cut down the Azerbaijani sector in the

secondary schools in a systematic manner, while during job recruitments they give preference to ethnic Georgians. There also were incidents in December of 2004 and in March of 2006 there, which led to inter-ethnic tensions.

The Georgian leadership delays solution of the problem of funding of the Azerbaijani districts, which extremely negatively shows on economic and social development of the region. As a result of land re-allotment in Kvemo Kartli almost all areas suitable for agricultural cultivation were given to Georgian renters, and only minor part was allotted to local Azerbaijani residents.

Adoption by the Georgian parliament of the law "On cultural legacy", stipulating additional taxation of the residents of the historic part of Tbilisi, turned into infringement of the rights of ethnic Azerbaijanis. The Azerbaijani population of the city, the majority of which belongs to the poor layers, is concentrated right in that area. Representatives of the Azerbaijani community claim that certain efforts are aimed at extrusion of the Azerbaijanis from the capital using economic levers.

One of the latest anti-Azerbaijani provocations, which drew a wide response in the society, was a map posted on the official web-site of the Georgian state roster, where the Azerbaijani villages were given Georgian names. This refers to five villages of Marneuli region and 12 villages of Tsalka region, all of them being within the province of Kvemo Kartli (Borchali in Azerbaijanian). Since 90s of the last century as many as 38 settlements had been already renamed, and this process continues. This kind of actions of the Georgian leadership undoubtedly offend nationalistic feelings of the local population and do not contribute to their authority. The result is more frequent resettlement of the Azerbaijanis to Azerbaijan for a permanent place of residence.

Currently, according to official data, the Armenian community in Georgia consists of 246 thousand people. However, there is a high level of emigration of the Armenian population from Georgia to Russia, Greece, other countries of Europe, which in the first place is conditioned by difficult socio-economic situation and unemployment in the country. Already back in 1990s the most part of the Armenian intelligentsia and active people fled the country.

In compliance with the resolution of the Georgian government the "bilingual education" system came into effect, according to which the Armenian schoolchildren are taught all the school subjects in their native language only in primary classes, while further such subjects as chemistry, physics, math etc. are taught in Georgian language; the history of Armenia taught in Armenian language.

Armenian-populated district of Samtskhe-Dzhavakheti (Dzhavakh in Armenian) is in a disastrous socio-economic situation. About 40% of the population of the region is forced to go

to Russia during the winter periods to earn their living. They appoint predominantly Georgians to the administrative positions in the local governing bodies. In January of 2009 there was a tension of the situation registered there related to the director of the Armenian youth center "Akhaltikhe" G.Minasyan and the president of the charity organization "Charles Aznavour" S.Akopdzhanyan, who were arrested by the Georgian authorities on a charge of separatist activities and espionage. This action provoked unanimous condemnation from Armenian public organizations both in Georgia and in Armenia (including that on the parliamentary level). In June 2009 Georgian borderguards refused access for the deputy of the Armenian National Assembly, chairman of the expatriates' union "Dzhavakh" Sh.Torosyan. Due to the fact that there is no law "On religion" in the country, currently the Georgia's Armenian Apostolic Church has no official status. The situation with Armenian churches – Surb Gevorg (Norashen) and Echmiadzin in Tbilisi can be presented as negative examples. The Georgian Orthodox Church lays claims on them, as the issue of their belonging is not specified in any legal document, and they are not assigned to anything.

In 1990- 1992, according to various data, over hundred thousand Ossetians fled Georgia escaping ethnic cleansings. 9 villages of Gidzhareti gorge, villages Sakavre, Pitsesi and others in Gori and Kareli districts became completely depopulated.

According to the last population census of USSR, carried out in 1989, there were 126 thousand Ossetians in the Georgian SSR, excluding the South Ossetian Autonomous Region. On the other hand, according to the Georgian population census of 2002, there were only 36 thousand Ossetians living in Georgia. Most part of those people found refuge in Russian Federation, part of them found themselves in the status of refugees on the territory of the Republic of South Ossetia. Overwhelming part of them still remains displaced.

Till now tens of thousands of the descendants of those Ossetian refugees from South Ossetia, who managed to save their lives during the bloody massacre, committed by the troops of the Georgian Democratic Republic in June of 1920, live on the territory of the Republic of North Ossetia-Alania in RF. Their property is still not restored, the losses are not reimbursed, no assessment of the inflicted damage had been done; the Georgian publicity-aimed law on restitution of the property of the refugees, strictly criticized both by the UNHCR and the Venice commission, remained on the paper.

No Ossetian can win an action on the lost property in Georgian courts. The Georgian Law "On property restitution and rehabilitation of the victims of the Georgian-Ossetian conflict" does not work in reality, though adoption and implementation of this Law is a commitment of Georgia to the EC.

In 2011, as it was in 2010, 2009 and in 2008, the Georgian delegation brought to vote the draft resolution "On the status of the refugees and temporarily displaced people from Abkhazia and

South Ossetia” on the plenary conference of the 65 session of the UN General Assembly. It concerns the ethnic Georgians, who became displaced as a result of the attack of the Georgian army on South Ossetia. Different declarations were adopted in other international organizations as well, but none of them ever mentions many tens of thousands of Ossetian refugees, as if they don't exist at all.

How could it happen, that fifty delegations voted for the draft resolution, which has nothing to do with justice, refusing the rights for Ossetians and proclaiming them for the Georgians? Or there is one level of justice and guarantees for some nations and there is other, higher class level for the other selected ones.

However, even as far as the Georgian refugees are concerned the above mentioned resolution has nothing to do with real concern about the condition of these people. The aim of this Resolution is to declare about some rights of Georgia on the territories of other states. This kind of approach can contribute nothing but additional tensions to the current state of affairs.

In the situation when Georgia flatly refuses to sign the agreements on peace and non-use of force with South Ossetia and Abkhazia, that is, when real threat of a new aggression from the Georgian side persists, the issue of return of the refugees, who escaped the war, looks like an evident attempt to manipulate the fates of poor people, who became hostages of political interests of some people.

Ossetian population of Georgia, which was left sparse as it was after mass expulsion in 1991-1992, remains under discrimination; thus, most part of Ossetian schools were closed in Georgia, as it happened for instance, in the village of Bolkvi of Lagodekhi district of Georgia in 2006. In the village of Bolkvi of Lagodekhi district of Georgia, where the residents are Ossetians, the children found themselves in a difficult situation. Earlier there was an eight-year Russian school. Ossetian language was one of the disciplines.

School graduates could continue their education in the secondary school in the village of Areshperan, where the education was done in Russian language. This year the school in Areshperan was repaired. After the solemn opening ceremony of the newly repaired school with participation of the president of Georgia M.Saakashvili it was reformed into a Georgian school, while the school in Bolkvi was closed under the pretext of necessary repair. Only 7 out of 13 Bolkvi schoolteachers managed to find jobs in the Areshperan school. Their salaries were reduced from 150 to 70 Lari. However, the repair works were not even planned. The requests of the Ossetians received the following response: “Great funds were spent for repair of the Areshperan school, and if there will be a school in Bolkvi, then whom the Areshperan school was repaired for?” Due to the fact, that it is difficult for the children who had their education in Russian language and who do not speak Georgian language, to start education in Georgian language, most part of the 51 Ossetian children have no opportunity to get school education in

the language, which allows them to master school program. Left uneducated, they run the risk of sharing the fate of the "second sort" people. Difficult socio-humanitarian situation is aggravated by the fact, that it had been for a number of years now that there are no functioning kindergarten, medical point or sports ground in Bolkvi. Unfortunately, multiple appeals and complaints of the Ossetian population to the state institutions of Georgia bring no results. The efforts of the Georgian parliament deputy G.Kakalashvili, who was asked for help by the local residents, also had no success.

In 2007 at the request of Merab Gazzashvili, Chairman of the Union of Ossetian people in Georgia "Alanis", Ministry of Education of the Republic of South Ossetia handed over Ossetian language textbooks for Ossetian children living in Georgia. This issue was coordinated by Chair of "Alanis" with the Ministry of Education of Georgia and Directors of Georgian School. Still, Interior Ministry of Georgia in the town of Gory confiscated the textbooks. South Ossetia repeatedly addressed on this case to both Georgian authorities through the negotiation process format and to the then OSCE leadership (Spain) as well as to OSCE Ambassadors, but all these official channels ignored our appeals.

As regards functioning of international mechanisms on protection of rights of national minorities in Georgia, in 2005 the Georgian parliament ratified Framework Convention on Protection of National Minorities with several reservations clarifying its implementation. In particular, it was underlined that it was impossible to guarantee full application of the Convention until territorial integrity of Georgia was restored. Concerning support and development of languages of national minorities the Parliament noted that the state must give an opportunity to national minorities to learn the state language, but did not acknowledge state commitment to support and promote national minority languages. Currently the Georgian Parliament continues to delay ratification of European Charter on Regional Languages or national minority languages, which is strongly recommended to do by Council of Europe in the framework of establishing legal structure corresponding to European standards on human rights protection.