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THE ETHNIC ARMENIAN MINORITY OF GEORGIA

Report by the «Yerkir» Union of Non-Governmental Organizations for
Repatriation and Settlement

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1. Statistical data on the Armenian population of Georgia

According to the 2002 official census, 4.372 thousand people reside in Georgia in which 248.9 thousand are ethnic Armenians (5.7%). The Armenians compactly reside in Akhaltskha, Akhalkalak and Ninotsminda districts of Samtskhe-Javakheti province of Georgia, where they account for 36.6% (16.9 thousand people), 94.3% (57.5 thousand), and 95.8% (32.9 thousand) of the population respectively. A significant number of Armenians reside in Aspindza and Borzhomi districts of Samtskhe-Javakheti province, 17.5% (2.3 thousand) and 9.6% (3.1 thousand) respectively. In general, the number of Armenians residing in Samtskhe-Javakheti province is 113.3 thousand (55%). In Kvemo-Kartli province, the Armenians are a majority in Tsalka district, 55% (11.5 thousand). A sizable Armenian population also resides in Bolnisi, Tetrtskaro and Marneuli districts of Kvemo-Kartli province, 5.8% (4.3 thousand), 10.4% (2.6 thousand) and 7.9% (9.3 thousand) respectively. In the capital, Tbilisi, 82.6 thousand Armenians reside (7.6%).¹

2. The demographic policy of the Georgian authorities

Article 27 of the **International Covenant on Civil and Political Rights**² states that “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.” This provision highlights the obligation of every signatory of the International Covenant to observe the most general rights of the minorities residing in its territory and to ensure relevant conditions for the execution of these rights. This article also contains the ensuing duty of each State Member to support and create conditions for the preservation and development of the minority’s identity and hence to refrain from any action intended for the enforced assimilation of the minority.

The provisions of article 1, paragraph 1 of the **UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities**³ (“States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity”) also urge the states to refrain from the policy of enforced assimilation of the minorities.

However, the actual policy continuously pursued by the Georgian authorities in this domain contradicts the above provisions.

Thus, in the mid-1990s, the implemented administrative changes resulted in the unification of all the districts of Samtskhe and Javakheti into one administrative/territorial unit, the Samtskhe-Javakheti region (province). The incorporation of Borzhomi district in Samtskhe-Javakheti province was not determined by geographical, historical or economic considerations, therefore the Armenians of Javakheti firmly believe that the purpose of the

¹ Statistical data from the official website of the Georgian Statistical Service (http://www.statistics.ge/_files/english/census/2002/Ethnic%20groups.pdf).

² Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 23 March 1976, in accordance with Article 49.

³ Adopted by General Assembly resolution 47/135 of December 18, 1992.

new administrative/territorial system introduced by the Georgian authorities is to reduce the percentage of the Armenian population in the region.⁴

The Georgian government has been making consistent steps to change the ethnic picture of the region in practice. Back in 1982-83, the first attempts to resettle Ajars from the mountainous areas of Ajara to the South-Western part of Akhalkalaki were made. In 1989-90, again, under the pretext of providing new housing in lieu of that lost as a result of natural disasters, a new resettlement of the Ajar began. The Georgian government allocated significant resources for the construction of settlements for the Ajars.⁵

In the mid-1990s, the Georgian “Merab Kostava” Fund and “The Javakheti Revival” organization started to actively purchase and grant the houses of the Russian Dukhobors who were leaving Ninotsminda district to the Georgian re-settlers.⁶

Numerous Georgian refugees and IDPs were resettled in Samtskhe-Javakheti from Abkhazia and South Ossetia as a result of the conflicts raging there. As of January 2001, the number of the latter is about 3000.⁷

The policy of populating the Armenian regions with settlers from Ajara and other districts of Georgia gained new momentum after the Rose Revolution. This process is particularly widespread in Tsalka district. According to official data, compared with 1989, the ethnic Georgian population in the district has grown 5 times, from 1,613 to 8,000. The Georgian government directly finances the resettlement.⁸

The number of the Armenian population both in places of compact residence and in Georgia in general is steadily declining. According to surveys, Armenians are 4-5 times more inclined to emigrate than Georgians and Azeris.⁹

This and other similar facts raise a broad wave of discontent in the Armenian population. Experts point out that many Armenians firmly believe that the government allows only two unsatisfactory alternatives: to emigrate or accept “Georgianisation”.¹⁰

3. Violation of the Armenian minority’s political rights

a. *Legislative regulation of the minorities’ rights*

In Georgia, the provisions of the **UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities**, particularly, article 1, paragraph 1 (“States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity”) and paragraph 2 (“States shall adopt appropriate legislative and other measures to achieve those ends”) are observed inadequately.

⁴ See: Минасян С. Этнические меньшинства Грузии: потенциал интеграции на примере армянского населения страны (Minasian, S., Ethnic Minorities of Georgia: Potential for Integration. A case study of the Country's Armenian Population) Yerevan, 2006, p. 118.

⁵ Ibid, p. 119.

⁶ Ibid, p. 120.

⁷ Ibid.

⁸ See: Jonathan Wheatley. Defusing Conflict in Tsalka District of Georgia: Migration, International Intervention and the Role of the State. ECMI (European Centre for Minority Issues) Working Paper #36 (http://www.ecmi.de/download/working_paper_36_en.pdf).

⁹ Georgia’s Armenian and Azeri Minorities, Crisis Group Europe Report N°178, 22 November, 2006, p. 3. (<http://www.crisisgroup.org/home/index.cfm?id=4517&l=1>).

¹⁰ Crisis Group Europe Report, p. 4.

Thus, the law on ethnic minorities has not yet been adopted. The Georgian parliament has not ratified the key international agreements on the protection of minorities' rights, particularly, **European Charter for Regional and Minority Languages** and **European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities**.

b. The Armenian minority's participation in political processes and state governance

The registration of political parties representing the interests of minorities or specific regions and participation of the latter in elections is prohibited by Georgian legislation. This contradicts the provisions of the **UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities**, article 2, paragraph 4 (“Persons belonging to minorities have the right to establish and maintain their own associations”), article 3, paragraph 1 (“Persons belonging to minorities may exercise their rights, including those set forth in the present Declaration, individually as well as in community with other members of their group, without any discrimination”) and the **International Covenant on Civil and Political Rights**, article 22, paragraph 1 (“Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests”).

In the present Georgian parliament out of 225 parliamentarians only 5 (2%) are ethnic Armenians. In Tbilisi “sakrebulo” (municipal council) there are no Armenians whatsoever.¹¹

Minorities are poorly represented in the central bodies of governance; their participation in local self-government bodies has been continuously dwindling. Since 1991, the highest post occupied by an ethnic Armenian has been the position of deputy minister of economy. As of October 2006, no Armenians work in the presidential administration and only two in the prime minister's office, at all the ministries taken together, only 7 Armenians worked (There are three Armenians in the Ministry of Interior, two in the Ministry of Economic Development and one each in the Ministry of Ecological Protection and the Ministry of Finances).¹²

Out of 26 staff members of the Samtskhe-Javakheti governor, only 3 (11%) are ethnic Armenians, whereas 55% of the population of the province is Armenian.¹³

Only 1 Armenian works in the administration of Akhaltskha, the region where Armenians account for 37% of the population. In Aspindza district where 17% of the population is ethnic Armenians, not a single Armenian works in the executive bodies. Moreover, in the administration of Tsalka district of Kvemo-Kartli province, only 1 Armenian works although the Armenians account for 55% of the population of the district.¹⁴

To date Samtskhe-Javakheti province has not had an ethnic Armenian governor although Armenians account for 55% of the population of the province. The ethnic Armenian deputy governor performs purely formal functions. Out of 82 employees of the Samtskhe-Javakheti tax inspection, only 16 are Armenians (19.5%)¹⁵

The Akhalkalak police chief is Armenian; however, ethnic Georgians are in charge of all the key posts, including the post of the deputy chief and the head of the criminal

¹¹ Ibid, p. 9.

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid, p10.

¹⁵ Ibid, p.10.

investigation department. There are no Armenian policemen in Tsalka and Aspindza districts, and not a single certified Armenian attorney in Samtskhe-Javakheti. Akhalkalak and Ninotsminda districts have each two Armenian judges but all the judges in Akhaltskha, Tsalka and Aspindza are ethnic Georgians. Out of 32 employees of the Samtskhe-Javakheti prosecutor’s office, only 6 (19%) are Armenians.¹⁶

Ethnic Georgians occupy key positions in the domain regulating property relations. Thus, in Akhalkalak the head of registration department, the head of public property privatization department at the public property management committee, the head of state register department for registration of property sale are ethnic Georgians.¹⁷

The above facts definitely prove that article 2, paragraph 2 (“Persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life.”) and paragraph 3 (“Persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation.”) of the **UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities** are violated in Georgia.

The above also demonstrates violation by Georgia of its commitments under the **International Convention on the Elimination of All Forms of Racial Discrimination**.¹⁸ According to article 5, paragraph “c” of the **Convention**, “...States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, color, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: ... (c) Political rights, in particular the right to participate in elections-to vote and to stand for election-on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service.”

c. The participation of the Armenian minority in electoral processes

The organization of electoral districts according to the law institutes a system whereby every single Georgian village in Akhalkalak district forms an individual electoral unit whereas to form the same electoral unit it takes 4-5 Armenian villages. Thus in Akhalkalak district, ethnic Georgian villages Ptena, Chunchkha and Kotelia (204, 218 and 298 voters respectively) are each separate electoral districts which elect one representative of the district municipality (sakrebulo); the predominantly Armenian town of Akhalkalak (7052 voters) and the 6 Armenian villages of Kartikam community (3246 voters) each elect one representative. On the whole, in Akhalkalak district 7 Georgian villages form 5 electoral districts, while 58 Armenian villages account for the remaining 17 electoral districts. Thus, there is 1 representative per 670 Georgians and 1 representative per 3382 Armenians.¹⁹

This distribution of electoral districts expressly contradicts article 25 of the **International Covenant on Civil and Political Rights** which provides the principle of

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Adopted and opened for signature and ratification by General Assembly resolution 2106 (XX) of 21 December 1965 entry into force 4 January 1969, in accordance with Article 19. According to article 1, paragraph 1 of the Convention: “the term “racial discrimination” shall mean any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.”

¹⁹ Ibid.

equal suffrage (“Every citizen shall have the right and the opportunity, ... (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors...”)

d. Centralization of power

As a result of the reforms held in 2004-05 in Georgia, the centralization of administrative documents and taxation functions on the level of the provincial capital also took place. Thus, the Armenians of Akhalkalak and Ninotsminda districts have to make a rather expensive journey to the regional center, Akhaltskha, to solve even the most insignificant administrative problems.

Thus, since October 2004, to register any agreement on the purchase of property, a letter from tax inspection is required which can be issued only in Akhaltskha. Some documents require even travel to Tbilisi.²⁰

Until 2005 an entrepreneurial or non-governmental organization could be registered in Akhalkalak and Ninotsminda, presently, this is done only in Akhaltskha. The passport division which was also moved to the provincial center was brought back to Akhalkalak after broad discontentment of the population.²¹

The importers of goods from Armenia to Akhalkalak or Ninotsminda now shall travel 150 km from the border checkpoint to Borzhomi for customs clearance.²²

The concentration of the local administrative functions in Akhaltskha essentially reduces the accessibility of the latter for the ethnic Armenians of Javakheti also because of linguistic restrictions, since most Javakheti Armenians do not master the Georgian language. International observers note, that such concentration of power at the regional level further worsens the situation, adding fuel to the Armenians’ demands for autonomy.²³

4. The violation of the Armenian minority’s language rights

a. In the sphere of administration

The language problem is the main source of frustration for the Armenian minority of Georgia, namely, the prohibition imposed by the Georgian authorities on the usage of the Armenian language in public life.

According to article 8 of the 1995 Constitution of Georgia, the state language of the country is Georgian, and in Abkhazia, the Abkhaz language, along with the Georgian. According to article 14 of the Administrative Code, “the official administrative language is Georgian. In Abkhazia, the additional administrative language is the Abkhazian.” If the application or other document is not in the state language, the applicant shall provide the translation of the document certified by notary.²⁴

According to the Law on Civil Service,²⁵ state governance in Georgia is executed in the Georgian language except Abkhazia where the Abkhaz language can be also used. The failure to master the Georgian language can cause the dismissal of the public servant. This law also provides that the persons intending to occupy state governance and local

²⁰ Ibid.

²¹ Ibid.

²² Ibid.

²³ Ibid, p.13.

²⁴ Minasian, S., p. 38.

²⁵ Adopted in 1998.

self-government posts shall master the Georgian language. The Organic Law on local self-government²⁶ stipulates that “the working and administrative language of the self-government bodies is the state language of Georgia”.²⁷

Even after the 1995 Constitution, Russian was generally used for communication and official documents in Kvemo-Kartli and Samtskhe-Javakheti, especially in Ninotsminda and Akhalkalak districts. It was tolerated in the regional capital Akhaltskha. Since the Rose Revolution, however, language laws have been more strictly enforced, and most ministries refuse documents in Russian.²⁸

In many state bodies the administrative language changed after ethnic Georgians were appointed. For instance, with ethnic Georgians now in senior positions in the Akhalkalak municipal registry, documentation is in Georgian. The same happened in the tax collection department. While continuing to file investigation documents in Russian, the prosecutor’s office in Akhalkalak produces final documents in Georgian.²⁹

Armenians say regional officials in Akhaltskha refuse applications not written in Georgian. As a result Armenians must increasingly use translators to apply to administrative bodies, understand official documents or read responses. Even reading the electricity bill becomes a challenge. The new language policies have a direct effect on minorities’ ability to protect their basic rights. For one, there is a lack of high-quality translation of Georgian laws; minorities have problems keeping up to date with changes in legislation. Petitions to law enforcement bodies must be in Georgian.³⁰

Recent reforms include professional testing of civil servants with the aim to create a merit-based civil service, all of whose members have a basic knowledge of Georgia, its laws, constitution and language. The tests assess language knowledge and have increased Armenian resentment. Minorities who do not know the state language fail the tests or are discouraged from sitting them in the first place. Prospective judges have to pass qualification exams organized by the High Council of Justice. Since 2005 only one Azeri and three Armenians have passed. According to the High Council, “a person who does not know the language of proceedings as a judge will not be able to conduct legal proceedings. Therefore, anyone who wants to take the exam should know the state language.” In the exam, given in March 2006, two non-Georgians passed. Lawyers were required to renew their licenses before June 1, 2006, and at least three, who could not pass exams in Georgian, were in effect stripped of licenses in Samtskhe-Javakheti.³¹

State employees have lost jobs after being unable to pass the exams in Georgian. For instance, qualification tests were held in June 2006 for the directors of the education ministry’s municipal resource centers. The Ninotsminda director failed due to insufficient Georgian language skills.³²

In Samtskhe-Javakheti, several Armenian professionals were dropped in favor of ethnic Georgians. This is likely to cause new problems, as these Georgians will be expected to interact with local citizens who do not speak the state language.³³

²⁶ Adopted in 2005.

²⁷ Ibid, p. 38-39.

²⁸ Crisis Group Europe Report, p. 4.

²⁹ Ibid, p. 24.

³⁰ Ibid, p. 25.

³¹ Ibid, p. 23.

³² Ibid, p. 24.

³³ Ibid.

Some non-Georgians interpret calls by the majority to study the language as hypocritical justification for assimilation policies. Experts point out that the Samtskhe-Javakheti Armenians believe that even those with excellent Georgian have little chance of jobs in policy-making and administrative bodies.³⁴

Experts also mention that the Armenians want better guarantees for use of their native language in public life, which is likewise important for integration. Many Georgian Armenians perceive the new language policies as discrimination. Akhalkalak groups have appealed to the parliament to make Armenian the second official language in Samtskhe-Javakheti.³⁵

Putting non-Georgian speakers at a disadvantage violates their political rights. The language laws make minorities feel increasingly disenfranchised, resulting in strong resistance among some Armenians to study Georgian. Georgians meanwhile “easily interpret Azerbaijanis and Armenians not speaking Georgian as a sign of disrespect and a lack of goodwill”, an unwillingness to contribute to national development and a display of disloyalty.³⁶

Imposing the non-alternative usage of the Georgian language in public administration and local self-government, Georgia essentially explicitly breaches article 25, paragraph “c” of the **International Covenant on Civil and Political Rights**: “Every citizen shall have the right and the opportunity, ... (c) To have access, on general terms of equality, to public service in his country.”

Consistently implementing this policy, Georgia also violates its obligations under the **International Convention on the Elimination of All Forms of Racial Discrimination** as provided in article 2, part 1, paragraph “c” according to which: “Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists.”

b. Education

According to the Law on general education,³⁷ “the language of instruction in general education institutions is Georgian, and in the Autonomous Province of Abkhazia, Georgian or the Abkhaz” at the same time, “the Georgian citizens whose mother tongue is not Georgian, are entitled to obtain full-fledged general education in their mother tongue.” Surely, this demonstrates that education in minority languages is not yet prohibited in Georgia, however, at the same time, the new law provides the transition of all these schools to new all-Georgian curricula according to which not later than by 2010-2011 the Georgian language and literature, Georgian history and geography, as well as other “social disciplines” must be taught only in Georgian.³⁸

Higher education is regulated by the Law on higher education.³⁹ This law provides that “the language of instruction of higher educational institutions is Georgian, in Abkhazia, also the Abkhazian”; although in the same article there is a rather vague passage: “instruction in other languages... is allowed, if this is provided by international agreements or approved by the Georgian ministry of education and science.” In addition, article 89

³⁴ Ibid, p. 22.

³⁵ Ibid.

³⁶ Ibid, p. 23.

³⁷ Adopted in 2005.

³⁸ Minasian, S., p. 35-56.

³⁹ Adopted in 2004.

establishes uniform entrance exams in Georgian in all the higher educational institutions accredited by the state and the 4 mandatory examination disciplines to enter these higher educational institutions, namely: the Georgian language and literature, general advancement, foreign language and mathematics.⁴⁰

The current normative and legislative framework in the domain of education raises concern and anxiety in the representatives of ethnic minorities and experts. Even those who believe that the introduction of the Georgian will concern only certain disciplines suspect that this can be the beginning of the transition to instruction entirely in Georgian. That is why it is patently clear that the Armenian speakers feel endangered for as long as the status of the Armenian as the language of instruction is not ensured.⁴¹

At the same time, it is quite likely that the Ministry of education will be consistently speeding up the introduction of the Georgian in the ethnic minority schools: “Whereas some sources point out that the above disciplines will be taught in Georgian starting in 2006, other sources insist that in some schools the instruction is already bilingual and the reforms are intended to teach all the disciplines in all the schools in Georgian. This will be tantamount to the eradication of education in the languages of minorities. Obviously, the population of Armenian-speaking and Azeri-speaking districts suspects that their respective languages will not be tolerated as a means of instruction.”⁴²

In 2004 the Minister of Science and Education, Alexander Lomaia, fuelled these fears when he said the primary language of instruction would become Georgian in all minority schools. He later explained this would be part of at least a ten-year process and minority languages and literature would be kept in the curricula.⁴³ The Parliamentary Committee on Education has reportedly stated that education in non-Georgian languages is “anti-constitutional.” According to the chairperson, the long-term aim should be complete transition to Georgian instruction.⁴⁴

The program of education reforms held in Georgia in 2006-2007, especially the school reform program, prescribes to conduct the exams during the competition of ethnic minority school principals in Georgian. As a result, many Armenian school principals in Javakheti refused to participate in the competition, others failed to pass the written test held in Georgian. Currently, the destiny of the Armenian school principals remains vague.⁴⁵

Some Armenian NGOs in Georgia consistently raise the issue of teaching Armenian history in Armenian schools. This demand is substantiated in the international legal norms protecting the interests of ethnic minorities, particularly, the **Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities**, article 4, paragraph 4, according to which: “States should, where appropriate, take measures in the field of education, in order to encourage knowledge of the history, traditions, language and culture of the minorities existing within their territory.” Until recently, the discipline, “Armenian history” has not been incorporated into the curricula. According to the Law on general education, schools can now add disciplines to the list of taught disciplines but only using the textbooks approved by the Education ministry. No textbook on Armenian history has been approved yet.⁴⁶

⁴⁰ Ibid, p. 56.

⁴¹ Korth, B., Stepanyan, A., Muskhelishvili, M., Language Policy in Georgia, p. 37.

⁴² Ibid, p.44-45.

⁴³ Crisis Group Europe Report, p. 27.

⁴⁴ Ibid.

⁴⁵ See by Aghavni Harutunian “There will be no Armenian principals in 2 Armenian schools in Tbilisi and in 4 Armenian sections at Russian schools,” the “Azg” daily, 29.06.2007 (<http://www.azg.am/?lang=AR&num=2007062915>).

⁴⁶ Crisis Group Europe Report, p. 27.

The above is also a violation of the **Convention on the Rights of the Child**,⁴⁷ article 28, paragraph “d”, part 1: “States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular: ... (d) Make educational and vocational information and guidance available and accessible to all children.”

The language ban also deprives the Armenian minority of the possibility to obtain higher education in the country of their citizenship, Georgia, especially, starting 2005 when the uniform national examination system was introduced in the Georgian language. In 2005, in Akhalkalak district, this exam was successfully passed by only two school graduates out of 69 applicants, and only 1 graduate out of 19 applicants in Ninotsminda district. In 2006, thanks to lowering the Georgian language threshold for the minority applicants and due to the permission to take the specialization exams in Russian the uniform state exam was passed by 31 Armenians from Samtskhe-Javakheti.⁴⁸ But in 2007 the situation again has worsened, in Akhalkalak district only two Armenians (out of 56 applicants) have passed the uniform state exam.⁴⁹

Unable to pass the uniform Georgian national exams, the proficient Armenian school graduates leave for Armenia to continue their education. Every year, 70 vacancies are allocated at the public higher educational institutions of Armenia for Javakheti Armenian school graduates at the expense of the state. Most students after graduation do not return to Georgia thus aggravating the demographic situation in the region and contributing to brain drain.⁵⁰ Some 1,500 ethnic Armenian students from Georgia, 95 per cent of them from Javakheti, are currently attending universities in Armenia.⁵¹

The Armenian minority also has not benefited from the establishment of the Akhalkalak branch of Tbilisi State University in 2002 whose declared purpose was to facilitate the learning of Georgian and the acquisition of higher education for the local Armenians. As it was mentioned above, as a result of the introduction of the uniform national exams in the Georgian language in 2005 only 2 Armenians were admitted; the remainder of vacancies were occupied by ethnic Georgians mostly from other provinces of Georgia. The fact that the ethnic Georgian students of the Akhalkalak branch were immediately provided with a free hostel, stipends and allowances from various Georgian NGOs also caused the resentment of the local Armenian population and especially among the youth. In June 2007, it was announced that the Akhalkalak branch of Tbilisi State University would be closed down because it was impossible to find local highly qualified cadre.⁵²

Renowned international experts believe that the efforts of the Georgian authorities to provide affordable higher education for the Armenian minority were insufficient. The establishment of a multi-lingual and multi-cultural university in Akhalkalak is proposed a solution. It is pointed out that the government of Armenia and European donors can contribute to this initiative professionally and financially.⁵³

⁴⁷ Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 entry into force 2 September 1990, in accordance with article 49.

⁴⁸ Ibid, p. 29.

⁴⁹ See: <http://javakhq.info/index.php?subaction=showfull&id=1189151340&archive=&start from=&ucat=7&>

⁵⁰ Ibid.

⁵¹ See: http://www.iwpr.net/?p=crs&s=f&o=337767&apc_state=henicrs200708

⁵² See: <http://javakhq.info/news/print.php?id=1182503359&archive=1187603339>

⁵³ For example, see the proposal of Denis Dafflon, “Managing Ethnic Diversity in Javakheti: Two European Models of Multilingual Tertiary Education”, ECMI Working Paper no. 25, February 2006 (http://www.ecmi.de/download/working_paper_25.pdf). This proposal is supported by Crisis Group in its report (Crisis Group Europe Report, pp. ii, 29).

However, the government of Georgia ignores these proposals. Since 2005 the government of Armenia has regularly applied to the Georgian authorities with the proposal to establish a branch of Yerevan State University in Akhalkalak which was rejected. On August 17, 2007 the Minister of education of Armenia, Levon Mkrtchian put forward a new proposal to establish a joint Armenian-Georgian university in Javakheti which was also categorically rejected by his Georgian colleague Alexander Lomaia.⁵⁴

Denying the equal and non-discriminatory right to higher education to its Armenian citizens, Georgia breaches article 28, paragraph 1, part “c” of the **Convention on the Rights of the Child**: “States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular: ... (c) Make higher education accessible to all on the basis of capacity by every appropriate means.”⁵⁵

On the whole, the policy pursued in the domain of higher education with respect to the Armenian minority contradicts the following provisions: article 1, part 1, paragraph “a” of the **Convention against Discrimination in Education**⁵⁶ (“...the term “discrimination” includes any distinction, exclusion, limitation or preference which, being based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth, has the purpose or effect of nullifying or impairing equality of treatment in education and in particular: (a) Of depriving any person or group of persons of access to education of any type or at any level”); and paragraph “b” (“Of limiting any person or group of persons to education of an inferior standard”); article 3, paragraph “a” (“In order to eliminate and prevent discrimination..., the States Parties thereto undertake: (a) To abrogate any statutory provisions and any administrative instructions and to discontinue any administrative practices which involve discrimination in education”) and paragraph “b” (“To ensure, by legislation where necessary, that there is no discrimination in the admission of pupils to educational institutions”).

c. Judiciary

Again, the law on general jurisdiction courts provides that judicial procedure shall be conducted in the Georgian language, except in Abkhazia.

Armenian judges generally have a poor command of Georgian and difficulties complying with language requirements. They write in Georgian only the decisions they expect to be referred to higher courts or applied elsewhere in Georgia. Officials in Tbilisi and Akhaltskha refuse to consider any Akhalkalak or Ninotsminda court decisions in Russian (or Armenian).⁵⁷

The ambiguous language situation in the courts and the prosecutor’s office reportedly leads to long delays. Inefficiency, discrimination and the persistence of informal practices undermine the right of citizens to a fair trial.

The non-alternative usage of the Georgian in the Samtskhe-Javakheti trials causes mass corruption in the law enforcement bodies, arbitrariness and other violations. Experts state that the delays in trials and the lack of skilled translators from one language to another reduce the efficiency of law enforcement system and can even endanger the right

⁵⁴ See: <http://regnum.ru/news/georgia/874255.html>.

⁵⁵ Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989.

⁵⁶ Adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 14 December 1960

⁵⁷ Crisis Group Europe Report, p. 25.

of citizens to a fair trial. The legitimate right of the administrative bodies to reject documents only because they are not written in the state language can cause selective application of law and the ensuing selective application of enforcement. It is said that although the provincial governance bodies will always face the problem of finding proficient translators, the legitimization of acceptance of documents written in the minority languages from the subordinate levels would contribute to more stable and efficient administration (particularly in courts and the procuracy) and reduce the opportunity of abuse.⁵⁸

Various international studies constantly mention that strict monolingualism in the state sphere “is not compatible with the **European Charter for Regional or Minority Languages**, which Georgia pledged to ratify when it entered the Council of Europe in 1999” and causes de facto discrimination. Georgian officials have not heeded these recommendations, though the use of minority languages in accordance with European standards would not undermine the status of the official state language. In the OSCE area, 22 of 34 countries with one official language have given special status to other languages.⁵⁹

It is important to emphasize that according to the relevant provisions of article 14, part 3 of the **International Covenant on Civil and Political Rights**, Georgia has committed to ensure the following rights for every individual in its territory: “To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him.” (paragraph “a”) and “To have the free assistance of an interpreter if he cannot understand or speak the language used in court” (paragraph “f”).

5. Violation of the Armenian minority’s religious rights

According to the 1995 Constitution of Georgia, (Article 9) the state recognizes the exceptional role of the Georgian Orthodox Church in the history of the country. At the same time, total freedom of religion is declared and the independence of the church from the state. However, Georgia is the only post-Soviet country that has no individual law on religion or religious associations. It is to a great extent accounted for by the resistance of the Georgian Orthodox Church which is endowed by a special status and has a serious impact on the socio-political processes in the country.

The Georgian Orthodox Church enjoys significant privileges of which other religious associations are deprived, including in the field of privatization of property and taxation. The special status of the Georgian Orthodox Church is stipulated in the so-called “Concordat” (officially, the Constitutional Agreement between the State of Georgia and the Georgian Apostolic Autocephalous Orthodox Church) adopted on October 14, 2002.

At the same time, all the other religious associations in Georgia face serious problems even with their registration since the Law on Legal entities does not provide the registration of religious associations as legal entities.⁶⁰

On April 5, 2005, the Parliament amended article 1509 of the Civil Code of Georgia according to which religious associations were granted the right to be registered as private law non-profit legal entities. Nevertheless, the registration of some religious associations has been unresolved to-date since the Catholic Church, the Armenian Apostolic Church, the Lutheran Evangelical Church, Muslim and Jewish communities consider acting as a foundation or union unacceptable and reject the status of a legal entity under private law whereas the Georgian Orthodox Church is a public law legal entity. Hence, they demand

⁵⁸ See, for example: Wheatley J. The Status of Minority Languages in Georgia and the Relevance of Models from Other European States, p.12 (http://www.ecmi.de/download/working_paper_26.pdf).

⁵⁹ Crisis Group Europe Report, p. 26

⁶⁰ Minasian, S., p. 65-66.

either to adopt a special law on religious organizations or to sign an individual agreement with each religious community (as the Concordat).⁶¹

The report on this subject by the Human Rights Defender in the Parliament points out that: “According to the Constitutional Agreement between the State of Georgia and the Georgian Apostolic Autocephalous Orthodox Church” the Orthodox clergy is exempted from military service, the state respects the secrets of confession, recognizes church wedding, announces great church holidays days off, the state and the church cooperate in various domains of common interest, the church enjoys tax privileges, the state commits to partially compensate the damage inflicted to the church in the 19th-20th centuries, etc. The state grants these privileges only to the Georgian Orthodox Church. This effectively violates the fundamental principles of equality recognized in the Constitution (article 38) and international agreements. As long as the state does not grant the same privileges to the other Churches, the latter, finding themselves in unequal conditions, will be subjected to indirect discrimination with regard to the Georgian Orthodox Church.”⁶²

The problem of registration of religious associations in Georgia is closely connected with a number of property rights of traditional, non-orthodox religions, namely the Roman Catholic and Armenian Apostolic Churches which were deprived of most of their church premises and churches in the Soviet times. In the absence of a registered legal status, these churches can not get back a number of religious and historical monuments, even if the Georgian authorities can show political will and dare return these buildings to the former owners. Presently, the Georgian Diocese of the Armenian Apostolic Church raises the issue of the return of 4 churches, including Norashen Church in Tbilisi and St. Nshan Church in Akhaltskha.

Lately, cases of desecration or damaging of Armenian churches have been registered in Georgia.⁶³

International human rights organizations and a number of governments regularly refer to the problems in the religious domain in Georgia, urging the authorities to solve the legitimate demands of the religious communities.⁶⁴

Georgia’s domestic policy aimed at the obstruction of the religious rights of the Armenian ethnic minority is in breach of the **Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief**.⁶⁵ Article 2 of the Declaration provides that: “No one shall be subject to discrimination by any State, institution, group of persons, or person on the grounds of religion or other belief” (part 1) and the expression “intolerance and discrimination based on religion or belief” means any distinction, exclusion, restriction or preference based on religion or belief and having as its purpose or as its effect nullification or impairment of the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis” (part 2), and in Article 4 provides, that “All States shall make all efforts to enact or rescind legislation where

⁶¹ Ibid, p. 67.

⁶² See in particular, “Disputed Churches,” the Greek Protests and the Mullah who Disappeared: a Report by the People’s Defender of Georgia // <http://www.regnum.ru/news/569444.html>, 07.01.2006.

⁶³ In Akhaltskha (Georgia) Unknown Persons Desecrated the Armenian Church, 16.05.2006 // (<http://www.regnum.ru/news/640941.html>).

⁶⁴ See in particular, Problems of Religious Freedom and Tolerance in Selected OSCE States. Report to the OSCE Supplementary Meeting on Freedom of Religion or Belief. International Helsinki Federation for Human Rights (IHF). Vienna, July 17-19, 2003, p.25; Annual Report of the United States Commission on International Religious Freedom. Washington, May 2005, p.87-90. Georgia. International Religious Freedom Report - 2005 // Released by the Bureau of Democracy, Human Rights, and Labor. US Department of State. Washington, November 8, 2005.

⁶⁵ Proclaimed by General Assembly resolution 36/55 of 25 November 1981.

necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs in this matter” (part 2).

It is important to emphasize that in terms of article 3 of the **Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief** (“Discrimination between human being on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations, and shall be condemned as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and enunciated in detail in the International Covenants on Human Rights, and as an obstacle to friendly and peaceful relations between nations.”) the international community links the stability of international and regional peace with the observance of religious human rights on non-discriminatory basis.

6. Ethnic identity related incidents in Georgia

2004

In September 2004, serious clashes took place in Ninotsminda district between the local Armenians and the Georgian national security officers of the district. Upon arrival to Ninotsminda, intoxicated Georgian officers provoked turmoil by insulting the national self-esteem of Armenians. The Ninotsminda police intervened trying to restrain the drunken Georgian officers. A brawl began and, thereafter, skirmishes, in which policemen of Armenian origin were wounded. Despite their resistance, the Georgian officers were arrested, however, in a short while, they were transferred to Akhaltskha and the local policemen under pressure from Tbilisi soon refused to testify on this incident and the case was closed.⁶⁶

On October 5, 2004, because of land allocation for the Ashotsk-Ninotsminda high voltage line, the former leader of Ninotsminda district R. Arzumanian was arrested on charges of abuse of official powers. The same day, R. Arzumanian was transferred to Akhaltskha where he was kept in custody for some time. The arrest of R. Arzumanian caused spontaneous protests in the district: the Armenian population seized a few Georgian monks and let them go only after the release of R. Arzumanian from custody. One of the pretexts of R. Arzumanian’s arrest was his resistance to the establishment of a penitentiary in the district and, accordingly, the deployment of Georgian internal troops to run this facility, as well as his disagreement with the establishment of an orphanage for the children from other regions of Georgia which could affect the demographic situation in the district and cause interethnic clashes.⁶⁷

2005

In may 2005, 14 Armenian conscripts who served in the Akhaltskha military unit were forced to leave the venue of service and return home because of the abuse and discrimination by the Georgian commanders and peers. As it surfaced later, with the tacit approval of the commanders, on the pretext of not knowing the Georgian language, they were regularly beaten and insulted. This incident was personally investigated by the Human Rights Defender of Georgia S. Subari, as a result of which the commander of the 3rd

⁶⁶ Minasian, S., p. 140.

⁶⁷ Ibid, 141.

mechanized brigade of the Georgian armed forces Nodar Inanidze and the commander of the 31st battalion of this brigade Zaza Chkheidze were discharged from service.⁶⁸

On May 9, 2005, a clash between the ethnic Georgians and Armenians took place in Tsalka district, which resulted in injuring more than 30 people. As a result of this and other incidents, the units of the Georgian internal troops were deployed in the district. The efficiency and impartiality of the Georgian military units is doubted by the local population in the context of the continuous clashes.⁶⁹

On June 27, 2005, at the Greek village of Holeank, the servicemen of the special unit of the Georgian internal troops stopped the car of Vladimir Nazaretian, 36, from the village of Kizilkilisa with other passengers and knowing the ethnic identity of the passengers prohibited them to pass through the village. The young people ignored the illegal order of the Georgian servicemen and the latter opened fire at the car inflicting heavy wounds to Vladimir Nazaretian. When dispersing the rally gathered on this occasion in Tsalka the servicemen brutally battered Haik Meltonian, member of the Georgian Parliament from Tsalka district.⁷⁰

2006

On March 9, 2006, a 15-member group of Ajar and Svan settlers made an armed assault on a few young Armenians in Tsalka town. G.Gevorkian, 23, was stabbed to death and died immediately. V. Saakian and K. Baloyan, heavily wounded, were hospitalized. According to the witnesses, in a short while, all the roads from the Armenian villages to Tsalka were blocked by the Georgian special troops. On March 10, 2006, about 300 people gathered to protest in front of the police building demanding to punish the perpetrators. According to Haik Meltonian, a member of the Georgian Parliament from Tsalka, about 100 people suffered when the special forces were dispersing the rally.⁷¹

Clashes regularly break out in Tsalka district between the local Armenians and Greeks on the one hand, and the Georgian settlers since the latter encroach on the houses of the people who live there and try to seize their property. The state authorities obviously close their eyes to these acts and describe inter-ethnic clashes as ordinary.

The tragic incidents in Tsalka district clearly demonstrate the danger of all the attempts to change the ethnic and demographic situation in a compact ethnic minority region in terms of provoking conflict situations. The settlement of Svans and Ajars in Tsalka district led to the clashes with Armenians and Greeks which served as a pretext for the deployment of special internal Georgian troops. In other words, there is an emergency situation in this region of Georgia; freedoms and rights are restricted. This aggravates the level of conflict which was the lowest at the commencement of the program for the settlement of ethnic Georgians in the early 1990s.⁷²

2007

Deputy director of Tbilisi State Armenian Theater Rafael Grigorian in his February 18 interview to the Georgian TV channel Rustavi-2 stated that he believed that the rights of ethnic Armenian in Georgia are violated and the evidences of historical Armenian presence in Georgia are eliminated. On the next day after the interview, on February 19 he was

⁶⁸ Georgian Commanders Punished for Pandering Beatings of Armenian Soldiers // PanARMENIAN.Net, 23.05.2005. (<http://www.panarmenian.net/news/eng/?nid=13423&date=2005-05-23>).

⁶⁹ Minasian, S., p. 141.

⁷⁰ Ibid.

⁷¹ Ibid, p. 147.

⁷² Ibid, p. 148.

summoned to the Georgian national security ministry where he was forced to provide written account of his thoughts expressed during the interview. In addition, pressure was exerted on the administration of the Armenian Theater by the Georgian ministry of culture; thereafter, the head of the theater declared that Rafael Grigorian was dismissed from the theater. He was forced to resign of his own accords and his resignation was accepted.

This incident caused some Armenian NGOs functioning in Georgia to express their discontent. On February 28 at the press-conference invited by Karen Elchyan, director of Armenian Cooperation Centre of Georgia, the latter also referred to the anti-Armenian propaganda unleashed in the Georgian press.⁷³

The above case is a blatant violation of **International Covenant on Civil and Political Rights**, Article 18 (“Everyone shall have the right to freedom of thought, conscience and religion”).

On April 2, on the Borzhomi-Akhaltskha highway in Samtskhe-Javakheti region, Akhaltskha district, a district patrol policeman of Georgian origin, Paata Chaghlshvili from AK-47 automatic rifle shot dead an Armenian Akhaltskha resident Misha Kirakosian, 28. According to the official Georgian sources, the policeman shot when Misha Kirakosian ignored the order to stop his motorcycle. However, the relatives of the murdered man insist that Misha Kirakosian did not breach any traffic rules. The policeman did not demand to stop, nor did he perform any warning actions.

That this was a crime committed out of ethnic hatred is also corroborated by the fact that according to the local Armenians the murderer used to know Misha Kirakosian.

A criminal case was initiated against the Georgian policeman Paata Chaghlshvili on charges of exceeding authority and willful murder.⁷⁴

7. Anti-Armenian attacks in the Georgian press

Although the Georgian legislation prohibits the propaganda of national, racial or religious hatred, anti-Armenian publications are rampant in the Georgian press.

Here are some examples of recent publications (autumn 2006 – spring 2007.)

“Our neighbors (Armenians) also are not repentant for the crimes committed in Abkhazia by the local Armenians who participated in the Bagramian battalion against the innocent Georgians. We have just seen the Abkhaz bloody war footage with the feasting Abkhaz and Confederates at the end. A group of Armenian fighters against the backdrop of the Armenian national flag was clearly seen. They celebrated the victory over the Georgians. This footag will remain as yet another evidence of Armenians’ betrayal.” (Boris Bokhua “Why Stones Are Thrown at the Only Georgian Church in Akhalkalak?” The “Asaval-Dasavali” November 2006, No. 46.)⁷⁵

“In the North West of Georgia (in Abkhazia) the aggressive manifestation of separatism has always been accompanied by the Armenians’ activism and bigotry... The Bagramian battalion was established on February 9, 1993. They treated the Georgians with particular cruelty. On September 27, 1993 and thereafter they shot innocent women and children in their homes with inexplicable pleasure and cynically screamed: ‘What was yours is now ours.’ ‘Abkhazia is our small Armenia.’ ‘Abkhazia is the southern border of Greater Armenia.’” (Sergi Saajaia, a member of the Georgian Union of Writers and a member of the

⁷³ See: http://www.armenia.ge/show_news?id=820.

⁷⁴ For more detail on the subject see various publications in press.

⁷⁵ See: http://www.armenia.ge/show_news?id=810

Abkhazian Academy of Sciences, “When Ambush is Raison D’Etre,” The “Sakartvelos Respublika,” November 9, 2006)⁷⁶

“Just as the Armenian clan failed to make Zhvania the President, it won’t undermine this project too (i.e., the construction of Kars-Tbilisi-Baku railway) and it won’t be able to carry out the treacherous designs of inciting the Armenians living in Georgia to uprising. This will no longer happen, gentlemen. ...Let the Armenians stay in their country.” The “Asaval-Dasavali” January 15-21, 2007, No. 3(644)⁷⁷

Passages from the article by Leila Kvirikashvili, “American Armenians Raise Money for Samtskhe-Javakheti”: “According to certain sources, once upon a time the Armenian Catholicos Vazgen supervised the financing schemes aimed at the apprehension of the Black Sea zone and expulsion of the Georgians from there. We all remember that the Armenian church, overtly or covertly, oftentimes under the disguise of charity attempts to ‘contribute’ to the conquest of our oldest province, South Georgia... Some time ago, the Green Movement established by Zurab Zhvania was financed by the Armenians and friendly Zionists... The Bagramian battalion in Abkhazia contributed to the blood bath of Georgians. This battalion funded by the Armenian fund and the Green Movement were created and equipped almost at the same time.” The “Asaval-Dasavali” February 19-25, 2007, No. 8(649).⁷⁸

Passages from the article by Pridon Dochia, “Following the Bloody Trail of the Armenian Battalion”: “Many historical facts prove that whenever Georgia was invaded, the Armenians sided with the enemy; when Georgia had the upper hand, they helped the latter. This Armenian policy has been pursued up to-date. The Armenians who struck the eye by singular brutality against the Georgians in Abkhazia are not going to apologize.” The Georgian Times, April 5-12, 2007.⁷⁹

Up to-date, none of the authors of these and similar articles has been punished and no sanctions were imposed on the newspapers.

These and similar publications make numerous experts claim that there is no culture of tolerance in Georgia. A NATO Parliamentary Assembly report recently explained: “Georgia’s political culture and attitude towards its minorities is largely characterised by a relatively high and lingering level of ethnic nationalism... President Saakashvili’s talk of restoration of Georgia’s territorial integrity and sovereignty is sometimes also accompanied by nationalistic rhetoric, supported in some cases by a tacit alliance with the Georgian Orthodox Church, that has awakened worries of a nationalistic backlash among minority groups.”⁸⁰

The representatives of the Armenian NGOs of Georgia and the director of the Armenian Cooperation Center of Georgia Karen Elchian, express their anxiety over the anti-Armenian attitudes raging in the Georgian media.⁸¹

The anti-Armenian statements and publications in the Georgian media are in direct and express breach of the international principles and norms seeking the elimination of the intolerant atmosphere and inciting ethnic hatred. Thus, the **Declaration on Race and Racial Prejudice**,⁸² article 5, part 3 provides that “The mass media and those who control

⁷⁶ See: <http://www.apsny.ge/analytics/1165276405.php>.

⁷⁷ Translation from the Georgian into the Armenian, by Bagin news agency (<http://www.bagin.info>)

⁷⁸ Translation from the Georgian into the Armenian, by Bagin news agency (<http://www.bagin.info>)

⁷⁹ Translation from the Georgian into the Armenian, by Bagin news agency (<http://www.bagin.info>)

⁸⁰ Crisis Group Europe Report, p. 8.

⁸¹ See: http://www.armenia.ge/show_news?id=838

⁸² Adopted and proclaimed by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its twentieth session, on 27 November 1978

or serve them, as well as all organized groups within national communities, are urged-with due regard to the principles embodied in the Universal Declaration of Human Rights, particularly the principle of freedom of expression-to promote understanding, tolerance and friendship among individuals and groups and to contribute to the eradication of racism, racial discrimination and racial prejudice, in particular by refraining from presenting a stereotyped, partial, unilateral or tendentious picture of individuals and of various human groups. Communication between racial and ethnic groups must be a reciprocal process, enabling them to express themselves and to be fully heard without let or hindrance. The mass media should therefore be freely receptive to ideas of individuals and groups which facilitate such communication.”

Another international document adopted within the UN framework, the **Declaration on Fundamental Principles concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racism, *Apartheid* and Incitement to War**⁸³, Article 3, part 2 declares that: “In countering aggressive war, racialism, apartheid and other violations of human rights which are inter alia spawned by prejudice and ignorance, the mass media, by disseminating information on the aims, aspirations, cultures and needs of all peoples, contribute to eliminate ignorance and misunderstanding between peoples, to make nationals of a country sensitive to the needs and desires of others, to ensure the respect of the rights and dignity of all nations, all peoples and all individuals without distinction of race, sex, language, religion or nationality.”

We have to point out that some Georgian media outlets manifestly violate the abovementioned international norms.

⁸³ Proclaimed by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its twentieth session in Paris, on 28 November 1978

Conclusion

The Georgian authorities regularly declare their commitment to build a democratic and rule-of-law state. However, the real steps taken by the Georgian government explicitly violate the rights of the minorities residing in the country, including the Armenians, the rights which Georgia committed to protect under the international and UN agreements.

The political, civil, language, education and religious rights of the Armenian minority are breached. Thus, Armenians are not sufficiently represented either in central bodies, or even in Samtskhe-Javakheti province where they are a majority. Moreover, on the pretext of not knowing Georgian, the Armenian officials are dismissed from their posts thus reducing the Armenians’ participation in governance. The imposed non-alternative usage of Georgian in the public life of Samtskhe-Javakheti, and the policy of centralized decision making cause artificial obstacles for the communication of Armenian minority representatives with the administrative bodies. It significantly reduces their right to full-fledged participation in the country’s socio-economic life.

The non-alternative usage of the Georgian in the judicial procedure gives rise to mass corruption, arbitrariness and other phenomena. The Georgian authorities make consistent efforts to partially or entirely substitute the language of instruction in ethnic minority schools by Georgian. Artificial obstacles are created for the study of the discipline “Armenian history” in Armenian schools.

The representatives of the Armenian minority who dare raise their voice about the violations of the Armenian population’s rights and the current problems can be subjected to persecution and dismissed from their jobs.

As international experts mention, significant change of direction is required to avoid further conflict in minority areas. The state should implement its international commitments, particularly the **Framework Convention for the Protection of National Minorities**, allowing use of minority languages for government business in municipalities with large numbers of ethnic minority citizens. The Georgian state also needs to make comprehensive efforts to ensure that all minorities have the necessary opportunities to acquire fluency in the official language. Only by acting on both tracks will Georgia succeed in reducing tensions and increasing minority integration.⁸⁴

Paragraph 7 of the Report, “The Rights of the Representatives of National or Ethnic, Religious and Language Minorities” by the UN High Commissioner for Human Rights (E/CN.4/2004/75, published on February 24, 2007)⁸⁵ states in particular that: “The application of the rights of persons belonging to minorities has highlighted the need not only to understand and redress inequality but also to accommodate difference and diversity. Thus, States’ duties are to support and develop culture, traditions and customs, with the exception of specific practices that “are in violation of national law and contrary to international standards” (Declaration, art.4, para.2). Special measures to protect the existence and identity of minorities and the encouragement of favorable conditions for their protection should help the integration of minorities. Respect for their identity is vital to ensure that integration does not lead to forced assimilation into the dominant environment.”

⁸⁴ Crisis Group Europe Report, p. 30.

⁸⁵ The report was compiled by instruction of the UN Human Rights Commission. (www.unhchr.ch/pdf/chr60/75AV.pdf).